

1 H.447

2 Introduced by Representatives Emmons of Springfield, Bock of Chester, and

3 Morris of Springfield

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; municipal charters; Town of Springfield;

7 amendments

8 Statement of purpose of bill as introduced: This bill proposes to approve

9 amendments to the charter of the Town of Springfield to:

10 (1) authorize the Town to adopt ordinances relating to the cleaning and
11 repair of premises and the removal of waste and rubbish;

12 (2) authorize the Town to exercise any power or authority granted to
13 any other Vermont municipality through charter;

14 (3) limit the reconsideration or rescission of repealed ordinances;

15 (4) reorganize the ordinance adoption procedure, including composition
16 of the ordinance subcommittee;

17 (5) align the charter with the Public Records Act and the Open Meeting
18 Law;

19 (6) require the Selectboard to adopt an emergency preparedness plan
20 that shall go into effect upon the declaration of a state of emergency;

1 (7) reorganize Town offices, including the elimination of the offices of
2 lister, Weigher of Coal, Fence Viewer, and Grand Juror; the election of Library
3 Trustees; the appointment of the Town Constable; and a general reorganization
4 of the duties of the Office of Town Manager;

5 (8) amend the financial procedures of the Town, including the
6 establishment of the Budget Advisory Committee; the establishment of a
7 Finance Director; and the reorganization of Town procedures for the proposal,
8 finalization, and adoption of the department and annual budgets; and

9 (9) a comprehensive revision of charter language for technical
10 corrections.

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

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

14 Sec. 1. CHARTER AMENDMENT APPROVAL

15 The General Assembly approves the amendments to the charter of the Town
16 of Springfield as set forth in this act. The voters approved the proposals of
17 amendment on November 3, 2020.

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

19 CHAPTER 149. TOWN OF SPRINGFIELD

20 ~~***~~

1 ~~§ 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER~~

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

4 (b) Application of general laws:

5 (1) Except when modified by the provisions of this charter, or by any
6 regulation or ordinance of the Town, all statutes of the State of Vermont
7 relating to municipalities shall apply to the Town of Springfield.

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

11 § 3. POWERS OF THE TOWN

12 (a) The Town of Springfield shall have all the powers and functions
13 conferred upon ~~towns and villages~~ municipalities by the Constitution and
14 general laws of the State, ~~and shall also have~~ all implied powers necessary to
15 implement ~~such~~ those powers and functions, ~~and any additional powers~~
16 conferred by this charter that are consistent with the Constitution. All powers
17 and functions conferred or implied by the charter shall be in addition to the
18 powers and functions conferred upon the Town by laws now in force or
19 ~~hereinafter~~ later enacted.

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

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

3 (A) impairs the general appearance of the Town;

4 (B) is injurious to other property in the vicinity; or

5 (C) is a health hazard.

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

8 (3) To adopt, enact, enforce, and exercise any power or authority
9 granted to any other Vermont municipality in its existing charter or any future
10 charter amendment, provided that the power or authority is approved by a
11 Town vote.

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

14 * * *

15 § 5. ORDINANCES

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

19 ~~(b) Legislative body:~~

1 ~~(1) The Board of Selectmen Selectboard shall constitute the legislative,~~
2 body of the Town with the power, between Town meetings, to adopt, amend,
3 repeal, or enforce ordinances.

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

7 * * *

8 (B) The entire text ~~or an explanation of the nature and purpose of~~
9 ordinances subject to Town meeting action must be posted on the Town's
10 website and published in a newspaper or newspapers of general circulation as
11 may be directed or designated by the ~~Board of Selectmen~~ Selectboard, at least
12 30 calendar days before the meeting.

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

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

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

8 * * *

9 (G) Any ordinance to be passed by either Town meeting or the Board
10 of Selectmen Selectboard must be set forth in a uniform format as follows:

11 (i) Ordinances shall be numbered consecutively;

12 (ii) If the action is an amendment, it shall be referenced and
13 incorporated into the amended ordinance;

14 (iii) Ordinances shall be short titled and contain a statement of
15 purpose;

16 * * *

17 (3) Ordinances adopted, amended, or repealed by act of the Selectboard
18 or by town meeting shall not be subject to permissive referendum,
19 reconsideration, or rescission.

20 (c) Ordinance adoption procedure; other than zoning and subdivision
21 bylaws.

1 ~~(1) The selectmen Selectboard shall designate the category into which~~
2 ~~action on an ordinance shall fall.~~

3 ~~(2) There shall be five categories of action as follows:~~

4 ~~(A) New new legislation adoption or rejection;~~

5 ~~(B) Repeal repeal in total of existing legislation;~~

6 ~~(C) Major major amendment- changing the nature and substance of~~
7 ~~the original ordinance;~~

8 ~~(D) Minor minor amendment- minor adjustment in meaning,~~
9 ~~procedure or definition; and~~

10 ~~(E) Emergency emergency ordinance as defined herein in subsection~~
11 ~~(f) of this section; ;~~

12 ~~(F) Changes in the Town's zoning and subdivision bylaws.~~

13 ~~[Repealed.]~~

14 ~~(d) Procedure for drafting, adoption, rejection, major amendment, or repeal~~
15 ~~of ordinances; ;~~

16 ~~(1) Drafting;~~

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

20 ~~(B) If the Selectboard appoints an ordinance committee, ordinances~~
21 ~~of all categories, with the exception of emergency ordinances, shall be drafted~~

1 ~~by or submitted in draft form to an ordinance subcommittee consisting of~~
2 ~~no more than two Board of Selectmen members committee.~~

3 (2) Reporting out:.

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

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

12 * * *

13 (3) Introduction and first review:.

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

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

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

1 ~~(D) Upon completion of first review, a date for second review and~~
2 public hearing shall be fixed within ~~no~~ not less than 14, ~~but not~~ nor more than
3 ~~28~~ 40 calendar days from first review.

4 (4) Second review and public hearing:

5 (A) Notice of the date of the second review must be published ~~no~~
6 ~~later~~ not less than seven calendar days before the date of the second review
7 itself.

8 * * *

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

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

17 (6) Final Action: action.

18 (A) Upon completion of the second final review, the ~~Board of~~
19 ~~Selectmen~~ Selectboard shall act to adopt or reject the ordinance.

20 (B) Failure to act ~~in 14~~ within 40 calendar days of the final review,
21 ~~shall constitute a rejection.~~

1 ~~(7) Repeal: The repeal of any existing ordinance shall follow the~~
2 procedure prescribed herein for passage of an ordinance.

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

8 (f) ~~Emergency ordinances:~~

9 (1) ~~To meet a public emergency affecting life, health, property, or the~~
10 ~~public peace~~ Following a declaration of public emergency pursuant to section
11 10 of this charter, the Board of Selectmen Selectboard may adopt one or more
12 emergency ordinances.

13 * * *

14 (3) An emergency ordinance shall be exempt from the adoption
15 procedures required for ordinances generally. However, it must be submitted
16 in writing at a public meeting of the ~~Board of Selectmen~~ Selectboard in a form
17 consistent with other ordinances.

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

20 (5) An emergency ordinance may be adopted ~~or rejected, with or~~
21 ~~without amendment, at the meeting at which it is introduced, but an~~

1 ~~affirmative vote of four Board of Selectmen members is required for adoption~~
2 amended, or repealed upon a two-thirds vote, with at least three affirmative
3 votes.

4 * * *

5 (7) Any emergency ordinance shall automatically stand repealed on the
6 61st calendar day following adoption; ~~this shall not prevent reenactment of the~~
7 ~~ordinance if the emergency still exists~~ its effective date.

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

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

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

18 (h) Standard codes of technical regulations:.

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

1 ~~(2) The procedure and requirements governing such an adopting~~
2 ~~ordenance~~ the adoption of an ordinance concerning standard codes of technical
3 ~~regulations~~ shall be the same as prescribed for ordinances generally except that
4 the requirements of ~~this charter~~ for distribution and filing of copies of the
5 ordinance shall include the ~~adoption~~ ordinance itself, ~~but~~ and shall not only
6 include a citation to the entire set of technical regulations, and a copy of each
7 ~~adopted code of technical regulations shall be authenticated and recorded by~~
8 ~~the Town Clerk for distribution or for purchase at a reasonable price.~~

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

10 (1) Authentication and recording. The Town Clerk shall authenticate,
11 by signature, and recording, in full, all ordinances and resolutions adopted by
12 the ~~Board of Selectmen~~ Selectboard.

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

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

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

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

4 (3) Codification:

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

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

12 (j) Penalties:

13 (1) The ~~Selectmen~~ Selectboard may provide for and authorize within an
14 ordinance, penalties for the breach of any ordinance which that the general law
15 or this charter authorized.

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

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

4 § 6. OPEN MEETINGS; FREEDOM OF INFORMATION

5 ~~(a) Meeting, workshops, minutes, and records:~~

6 ~~(1) A meeting as defined by this charter shall mean any occasion when a~~
7 ~~public body, created pursuant to this charter, convenes a quorum for the~~
8 ~~purpose of voting and doing business, either in person or by~~
9 ~~telecommunication or video communication. If a meeting is by~~
10 ~~telecommunication or video communication, all provisions of 1 V.S.A. § 12~~
11 ~~shall be met.~~

12 ~~(2) A workshop shall be defined as the convening of any number of the~~
13 ~~voting members of a public body for free discussion of predetermined~~
14 ~~subjects, upon which no action shall be taken, but upon which a nonbinding~~
15 ~~consensus may be reached.~~

16 ~~(3) Only actions taken at meetings shall be official and binding.~~

17 ~~(4) Minutes shall be kept of all meetings, recording results of all votes~~
18 ~~and major subjects discussed, with a special effort to record comments by~~
19 ~~voting members.~~

20 ~~(5) No minutes shall be required at a workshop, but a public record of~~
21 ~~the workshop must be kept for two years.~~

1 ~~(b) Executive sessions:~~

2 ~~(1) Any public body, as herein constituted, may only convene an~~
3 ~~executive session at a meeting publicly warned, by a vote of two-thirds of the~~
4 ~~members.~~

5 ~~(2) A motion taken to go into executive session shall state the reason, in~~
6 ~~accordance with this section, but need not state the specific subject matter.~~

7 ~~(3) A body constituted under this charter may hold an executive session~~
8 ~~for one of the following reasons:~~

9 ~~(A) For the discussion or consideration of contracts, labor relations~~
10 ~~agreements with employees, arbitration, grievances, civil actions at law, or~~
11 ~~prosecutions by the State, where premature general public knowledge would~~
12 ~~clearly place the State, municipality, other public body, or person involved at a~~
13 ~~substantial disadvantage;~~

14 ~~(B) The negotiating or securing of real estate purchase options;~~

15 ~~(C) The appointment or employment or evaluation of a public officer~~
16 ~~or employee;~~

17 ~~(D) A disciplinary or dismissal action against a public officer or~~
18 ~~employee; but nothing in this act shall be construed to impair the right of such~~
19 ~~officer or employee to a public hearing if formal charges are brought;~~

20 ~~(E) A clear and imminent peril to the public safety;~~

1 ~~(F) Discussion or consideration of records or documents excepted~~
2 ~~from the access to public records provisions of 1 V.S.A. § 317(b). Discussion~~
3 ~~or consideration of the excepted record or document shall not itself permit an~~
4 ~~extension of the executive session to the general subject to which the record or~~
5 ~~document pertains.~~

6 ~~(G) Deliberations of a public body of the State or of any State agency~~
7 ~~or authority, or of political subdivisions thereof when considering a case which~~
8 ~~it is required by law, after hearing and evidence, to decide with finding of fact~~
9 ~~and conclusions of law.~~

10 ~~(4) The only binding action which may be taken in executive session~~
11 ~~shall be the securing of real estate or property purchase options.~~

12 ~~(5) The public body may admit persons to executive sessions whose~~
13 ~~presence it judges to be critical to deliberations.~~

14 ~~(e) Meetings; warning; agenda:~~

15 ~~(1) The regular meeting schedule of a public body shall be posted in the~~
16 ~~Town Clerk's office.~~

17 ~~(2) Workshops must be publicly announced.~~

18 ~~(3) Special meetings may be called upon 24 hour prior notice to the~~
19 ~~media.~~

1 ~~(4) Emergency meetings may be called without special notice, provided~~
2 ~~efforts to notify the media and all members, verbally or in writing, is~~
3 ~~documented.~~

4 ~~(5) All regular meetings, special meetings, and workshops shall have a~~
5 ~~printed agenda specifying subjects to be covered, subject to amendment in~~
6 ~~accordance with the bylaws or rules of the body.~~

7 ~~(d) Access to public records:~~

8 ~~(1) All public records, as defined by statute, shall be made available for~~
9 ~~public inspection during working hours, within a reasonable period. Efforts to~~
10 ~~produce records which require research or special efforts to pull from dead~~
11 ~~files, shall be required on a timetable with due consideration to the work load~~
12 ~~of the department, with the person making the request so notified.~~

13 ~~(2) The Board of Selectmen shall fix a fee for costs of recovering and~~
14 ~~reproduction of public records in consideration of their availability and effort~~
15 ~~involved in production and reproduction.~~

16 All public bodies of the Town shall comply with Vermont's Open Meeting
17 Law, 1 V.S.A. chapter 5, subchapter 2.

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

20 ~~(a) At a meeting, no elective or appointive officer, acting in an official~~
21 ~~capacity, or employee of the Town, while engaged in his or her duties, shall~~

1 ~~raise the issue of, place on the agenda, participate in a discussion of, or take~~
2 ~~part in a discussion concerning any business of the Town relating to his/her~~
3 ~~business or personal financial interests, or those of a spouse, be they direct or~~
4 ~~indirect, to the degree that said interests exceed those of taxpayers generally.~~

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

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

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

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

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

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

19 ~~(h) The Board of Selectmen may require public disclosure of assets or~~
20 ~~financial interest, in a form they may prescribe, of any elected or appointed~~
21 ~~official as part of an investigation into matters of conflict of interest, or for the~~

1 ~~purposes of general investigation. Failure to disclose or incomplete or~~
2 ~~falsified disclosure may be cause for removal as provided under subdivision~~
3 ~~23(b)(8), (B) of this charter.~~

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

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

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

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

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

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

19 (d) ~~All fees, charges, user fees, or fees for service shall be implemented by~~
20 ~~passage of a comprehensive fee ordinance which shall be placed on the Board~~

1 ~~of Selectmen agenda for review and/or update, every three years from its date~~
2 ~~of passage. [Repealed.]~~

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

6 § 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

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

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

12 § 10. EMERGENCY POWERS

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

17 (b) Condemnation, eminent domain: In the event of a declared public
18 emergency ~~which~~ that threatens life, property, the public health or welfare,
19 duly declared by ~~unanimous Board of Selectmen~~ Selectboard action at a duly
20 warned meeting warned in accordance with State statute, the ~~Board of~~

21 ~~Selectmen~~ Selectboard, by a minimum of three affirmative votes and not more

1 ~~than one dissenting vote, may exercise powers of eminent domain and~~
2 condemnation and take real property or personal property, after notice to the
3 owner and the fixing of fair compensation. An aggrieved party may appeal to
4 Superior Court.

5 (c) Civil preparedness: The Town Manager shall be the designated civil
6 preparedness ~~chair~~ chair and shall be duty bound to exercise the powers
7 afforded by statute, and any powers and functions outlined by the ~~Board of~~
8 ~~Selectmen~~ Selectboard in a declared emergency. On an annual basis, the
9 Selectboard shall adopt an emergency preparedness plan that shall go into
10 effect upon declaration of a public emergency.

11 § 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

12 (a) The procedures and process for charter amendment ~~herein~~ in subsection
13 (b) of this section may be initiated either by a ~~unanimous~~ vote of four
14 members of the Board of Selectmen Selectboard, or by a citizen initiative
15 (petition) ~~equal to~~ of at least five percent of the voters registered at the time
16 that the petition is submitted. On an annual basis, the Selectboard shall adopt
17 an emergency preparedness plan that shall go into effect upon declaration of a
18 public emergency.

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

20 (1) The ~~Board of Selectmen~~ Selectboard shall appoint a Charter Review
21 ~~Committee of not less than ten (10)~~ 11 members, which shall include two

1 ~~representatives from the Board of Selectmen, Selectboard and two~~
2 representatives from the administration, one of which must be the Town Clerk
3 and the community at large, with the majority from the community at large.

4 * * *

5 (3) ~~The Board of Selectmen~~ Selectboard shall determine if the proposed
6 amendments are a comprehensive revision, and shall determine the format of
7 the article. All provisions of 17 V.S.A. § 2645 that are not in conflict with this
8 charter shall be adhered to.

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

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

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

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

7 * * *

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

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

20 ~~§ 14. SEPARABILITY SEVERABILITY~~

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

6 § 21. FORM OF GOVERNMENT GOVERNMENTAL AUTHORITY

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

10 * * *

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

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

16 (7) charter amendments.

17 § 22. TOWN MEETING; ELECTIONS

18 (a) ~~Applicability of general laws: Except as otherwise herein limited,~~
19 ~~provisions of the general laws of the State related to voter qualification,~~
20 ~~warnings, methods of voting, duties of Town officers at Town meeting and~~
21 ~~elections, counting of votes, recount of votes, certification of results, and~~

1 ~~nominations of candidates, so far as they may be applicable, shall govern all~~
2 ~~municipal elections and all annual and special Town meetings. [Repealed.]~~

3 (b) Meetings and Elections:

4 (1) Annual Town meeting:

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

11 * *

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

15 (2) Special Town meetings:

16 (A) Special Town meetings may be called at any time for reasons as
17 prescribed by charter, by a majority vote of the ~~Board of Selectmen~~
18 Selectboard, or by the ~~deeree~~ call of the Town Clerk upon receipt of a petition
19 signed by ~~no~~ not less than five percent of the voters registered at the time the
20 ~~petition is submitted.~~

1 ~~(B) A special Town meeting, called in accordance with the above~~
2 section, shall be held within 60 calendar days from the date of the official call
3 to meeting.

4 (3) Warnings:

5 (A) Timetable and notice: Public notice of every annual or special
6 Town meeting, or Town election, shall be given by a warning posted in at least
7 five not less than four public places in the Town and on the Town's website, at
8 least not less than 30, but not more than 40 calendar days prior to the
9 meeting; and published in a newspaper or newspapers of general circulation in
10 the municipality as may be directed or designated by the ~~Board of Selectmen~~
11 Selectboard.

12 (B) Contents: The warning shall contain:

13 * * *

14 (ii) ~~Specific indications of separate~~ Separate articles which reflect
15 specifically indicating the business to be voted transacted, in the language to
16 be voted upon;

17 (iii) The signatures of a majority of the ~~Board of Selectmen~~
18 Selectboard.

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

20 (i) Articles may be placed on the warning by:

21 ~~(1) A majority vote of the Board of Selectmen~~ Selectboard,

1 * * *

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

5 (4) Power of selectmen Selectboard on Australian ballot decree:

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

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

14 (5) Presiding officials at Town meeting and elections:

15 * * *

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

20 (F) In the absence or disability of the Town Clerk, should it occur
21 ~~before an election, the Board of Civil Authority shall, upon notice,~~

1 ~~immediately meet and designate an Acting Clerk for the duration of the~~
2 election. Should ~~such~~ the absence or disability occur on election day, the
3 Board of Civil Authority members present at the election shall designate an
4 ~~on-site temporary officer~~ Acting Clerk to preside for the duration of the
5 election.

6 (6) Postponing or continuing of Town meetings:

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

11 (B) If a special Town meeting called by petition falls within
12 45 calendar days of a later subsequent special or annual Town meeting called
13 by petition, the ~~selectmen~~ Selectboard may warn the questions to be voted at
14 ~~such~~ the Town meeting for the later Town meeting, and may by resolution
15 rescind the call of the earlier meeting.

16 (7) Citizen initiatives; ~~revote; rescission~~ rescission of articles other than
17 election of officers:

18 (A) Any question voted at an annual or special Town meeting, except
19 ~~charter revision or amendment~~ the adoption, amendment, or repeal of
20 ~~ordinances or of the charter and the recall of elected officials,~~ may be

1 ~~submitted for revote or ~~reversion~~ rescission at a subsequent annual or special~~
2 Town meeting, subject to the limits contained herein.

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

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

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

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

15 * * *

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

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

5 (8) Tie votes:

6 (A) A tie vote, other than for an elected office, at any Town meeting
7 shall ~~be subject to require~~ an immediate recount. If the tie vote is affirmed, the
8 article or election shall be subject to immediate revote then the articles must be
9 revoted at a special Town meeting within the timetable prescribed by charter
10 60 calendar days.

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

13 (9) Nonproductive elections: In the event that a legal election fails to
14 produce a person to fill any elected Town office, the ~~Board of Selectmen~~
15 Selectboard shall, within 30 calendar days of the election, appoint a qualified
16 ~~individual~~ registered voter to serve in the position until the next annual Town
17 meeting at which an election will occur for the term of office or remaining
18 balance of the unexpired term, whichever is applicable.

19 ~~(10) Board of Civil Authority.~~

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

4 (2) Oath of office:

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

8 * * *

9 (3) Compensation:

10 (A) The manner of compensation for the ~~selectmen~~ Selectboard
11 members and the Moderator shall be fixed by the voters, and for all other
12 elective offices, by the ~~Board of Selectmen~~ Selectboard.

13 * * *

14 (4) Recall of elected officials:

15 (A) Any elected official may be removed from office as follows: A
16 petition signed by not less than 15 percent of the registered voters shall be
17 filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected
18 officer shall be removed from office. The date of signing by each voter shall
19 be indicated in the petition and such date shall not be earlier than 30 calendar
20 days prior to the filing of the petition. The ~~selectmen~~ Selectboard shall call a
21 ~~special Town meeting, to be held within 45 calendar days of receiving the~~

1 ~~petition, to vote on whether the elected officer shall be removed. The official~~
2 shall be removed only if at least as many registered voters of the Town vote as
3 voted in the election wherein the officer was elected, or at least one-third of
4 the registered voters of the Town vote, whichever is greater, and a majority of
5 the number of votes is cast for removal.

6 (B) If the Town votes for removal of an elected officer, the office
7 shall thereupon become vacant, and the ~~selectmen~~ Selectboard shall call a
8 special Town meeting, to be held within 45 calendar days of the vote for
9 removal, to fill the vacancy ~~until the term of the officer so removed expires for~~
10 the remainder of the unexpired term. The office shall remain vacant until the
11 next annual Town meeting if ~~such the~~ special Town meeting would fall within
12 75 calendar days prior to the annual Town meeting.

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

16 (6) Holding of more than one office:

17 (A) Elective offices: Nothing ~~herein in this section~~ shall be
18 interpreted as limiting any person from holding a State or federal elective
19 office at the same time ~~he/she~~ that person holds local office, provided ~~such the~~
20 service does not interfere or conflict with the proper attendance at meetings
21 ~~and execution of the duties of the office.~~

1 * * *

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

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

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

10 * * *

11 (8) Vacancy of elected office:

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

18 (B) The declaration of ~~a condition for forfeiture of office~~ vacancy
19 shall be made by ~~the unanimous~~ a majority vote of the ~~Board of Selectmen~~
20 Selectboard, or in the case of a ~~selectman~~ Selectboard member, by the other
21 ~~members of the Board of Selectmen, and shall be according to procedures~~

1 ~~established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may~~
2 ~~be appealed to the Superior Court as contested cases are appealed~~ Selectboard.

3 (c) Elected officers, duties, responsibilities, and conduct:

4 (1) ~~Board of Selectmen~~ Selectboard:

5 (A) Number and term: Unless altered by the procedures provided
6 ~~herein in this charter,~~ the policy making body for the Town shall be a five
7 member ~~Board of Selectmen~~ Selectboard, elected at large, on a nonpartisan
8 basis, to ~~rotating three year,~~ staggered three-year terms.

9 (B) Powers and duties: The ~~Board of Selectmen~~ Selectboard shall
10 discharge all duties conferred, imposed or implied, by statute or prescribed by
11 this charter for ~~boards of selectmen~~ selectboards, except as ~~herein~~ limited by
12 this charter, or specifically transferred to the Town Manager. Further, unless
13 stated in this charter, the powers and duties of any elected or appointed office
14 not created by this charter shall be conferred on the ~~Board of Selectmen~~
15 Selectboard. All committees of the ~~Board~~ Selectboard, and all citizen boards
16 and commissions shall be advisory in nature, unless a specific legal or policy
17 making function is otherwise provided by State law or ordinance and limited by
18 this charter. In this charter, the failure to mention a particular power shall not
19 serve to exclude it or be restrictive of the scope of powers ~~which that the~~
20 ~~Board of Selectmen~~ Selectboard would otherwise have.

1 ~~(C) Organization Election of the Board of Selectmen, Chairman,~~

2 ~~Chair and Vice Chairman Chair:~~

3 (i) ~~The Board of Selectmen~~ Selectboard shall have a Chairman
4 Chair who shall be elected annually by a majority vote of the five members.

5 (ii) ~~The Board~~ Selectboard shall, in a similar manner, choose a
6 Vice Chairman Chair to serve in the absence or disability of the Chairman
7 Chair.

8 (D) ~~Duties of the Chairman Chair:~~

9 (i) ~~The Chairman Chair~~ shall be the official head of the Town for
10 all ceremonial purposes.

11 (ii) ~~The Chairman Chair~~ shall preside at all meetings of the Board
12 of Selectmen Selectboard and may participate in all proceedings as a regular
13 member.

14 * * *

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

17 (i) Organizational meeting:

18 (I) Within seven calendar days after the annual Town meeting,
19 the Board of Selectmen, duly certified, Selectboard shall meet for the purpose
20 of taking the oath of office, organizing, electing a Chairman Chair and Vice

1 ~~Chairman Chair, and the adoption of adopting rules for the transaction of
2 business.~~

3 (II) The Town Clerk or designee shall preside at the
4 organizational meeting of the ~~Board of Selectmen~~ Selectboard prior to the
5 election of the ~~Board Chairman~~ Selectboard Chair.

6 (III) The ~~Board~~ Selectboard may transact any other business
7 required at that meeting.

8 (ii) Regular meetings:

9 (I) The ~~Board~~ Selectboard shall hold regular meetings at a
10 regular time, twice a month, with allowances for one monthly meeting during
11 the months of June, July, and August.

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

14 (iii) Agenda:

15 (I) ~~The Chairman or Vice Chairman shall, with the Town~~
16 ~~Manager, prepare a written agenda for each regular meeting of the Board of~~
17 ~~Selectmen. [Repealed.]~~

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

1 ~~(iv) Quorums; votes:~~

2 (I) Three members present shall constitute a quorum for any
3 ~~Board~~ Selectboard meeting except as provided otherwise by this charter.

4 (II) All voting shall be by individual roll call vote.

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

9 (v) ~~Clerk; minutes~~ Minutes:

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

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

15 (vi) Special meetings and workshops:

16 (†) Special meetings may be called at any time by the
17 ~~Chairman~~ Chair, or the Vice ~~Chairman~~ Chair in the absence of the ~~Chairman~~
18 Chair, or by written request, signed by three ~~Board~~ Selectboard members.

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

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

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

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

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

9 ~~(I) All meetings of the Board of Selectmen shall be open to the~~
10 ~~public, and shall comply with all the pertinent provisions of this charter.~~

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

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

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

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

5 (2) ~~Listers:~~

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

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

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

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

14 ~~[Repealed.]~~

15 (3) ~~Moderator:~~

16 * * *

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

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

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

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

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

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

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

13 ~~(F) A vacancy in the Office of Constable shall be filled by a majority~~
14 ~~vote of the Board of Selectmen.~~

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

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

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

1 ~~(5) Cemetery commissioners Commissioners:~~

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

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

7 ~~(C) The Cemetery Commission shall advise the Board of Selectmen~~
8 ~~Selectboard regarding the condition, operation, and maintenance of cemeteries,~~
9 ~~but shall in no way supervise administration of cemetery personnel.~~

10 ~~(D) The Town Clerk shall, under the direction of the cemetery~~
11 ~~commissioners Cemetery Commissioners, ensure that cemetery lots are~~
12 ~~properly laid out and that sale of lots is properly conducted.~~

13 ~~(E) The cemetery commissioners Cemetery Commissioners shall~~
14 ~~issue and update regulations regarding cemetery use, interment, and burial~~
15 ~~fees.~~

16 ~~(F) Vacancies Should a vacancy occur in the office of cemetery~~
17 ~~commissioner shall Cemetery Commissioner, it may be filled by a majority~~
18 ~~vote of the selectmen Selectboard, said the appointment to run until the next~~
19 ~~annual Town meeting at which an election can shall be warned to fill the any~~
20 ~~unexpired term.~~

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

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

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

11 * *

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

17 * * *

18 (F) ~~Vacancies on the trustees~~ Should a vacancy occur in the office of
19 trustee of public funds, shall it may be filled by a majority vote of the Board of
20 ~~Selectmen Selectboard, said the appointment to run until the next annual town~~

1 ~~meeting at which an election can shall be verned to fill the any unexpired~~
2 ~~term.~~

3 § 24. APPOINTED NONADMINISTRATIVE OFFICIALS

4 (a) General provisions applying to all appointed positions:

5 (1) The appointed positions ~~herein~~ in this section shall all be appointed
6 by a majority vote of the ~~Board of Selectmen~~ Selectboard.

7 (2) Terms of appointment shall begin immediately upon ~~Board of~~
8 ~~Selectmen~~ action and run for a period as specified ~~herein~~ in this section.

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

11 (4) Appointees may be afforded compensation or reimbursement for
12 expenses as determined by the ~~Board of Selectmen~~ Selectboard.

13 (5) ~~For the purposes of the administrative code, within one year after~~
14 ~~the adoption of this charter, all appointees, positions, boards, and commissions~~
15 ~~shall be required to submit a proposed ordinance to the Board of Selectmen~~
16 ~~outlining duties and responsibilities, which the Board of Selectmen shall~~
17 ~~amend and adopt. [Repealed.]~~

18 (6) To the highest degree possible, the ~~Board of Selectmen~~ Selectboard
19 shall strive for a balance of opinion on all appointive positions, boards, and
20 ~~commissions.~~

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

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

14 * * *

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

18 (b) Appointed positions:

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

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

2 ~~(B) Fence-viewers [Repealed.]~~

3 ~~* * *~~

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

5 ~~* * *~~

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

7 ~~* * *~~

8 ~~(K) Town Constable~~

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

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

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

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

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

20 (c) Appointed boards and commissions established by charter:

21 ~~(1) Planning Commission.~~

1 ~~(A) The Board of Selectmen Selectboard shall appoint the members~~
2 ~~of the Planning Commission in accordance with State statute. All members~~
3 ~~shall be registered voters of the Town.~~

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

6 ~~(2) Zoning Board of Adjustment Development Review Board:~~

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

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

12 ~~(3) Housing Authority:~~

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

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

18 ~~(C) The Housing Authority shall also advise the Board of Selectmen~~
19 ~~Selectboard on housing issues generally when so requested.~~

20 ~~(4) Airport Commission.~~

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

5 (B) The purpose of the Airport Commission shall be to advise the
6 ~~Board of Selectmen Selectboard~~ on airport-related matters.

7 * * *

8 (d) Boards, commission, and committees created by ~~Board of Selectmen~~
9 ~~Selectboard~~ action:

10 (1) The ~~Board of Selectmen Selectboard~~ may, at any time, in response
11 to a perceived need, create, by ordinance or resolution, a board, commission,
12 or committee.

13 * * *

14 (3) Any body created under this ~~section~~ subsection shall not have an
15 effective life of more than three years. At the end of that period the mandate
16 creating the committee shall terminate and the ~~Board of Selectmen Selectboard~~
17 shall be required to review the reason for the body's existence and may act to
18 reconstitute the body.

19 § 31. THE TOWN MANAGER

20 (a) Appointment: The ~~Board of Selectmen Selectboard~~ shall appoint, with
21 ~~no not fewer than four (4) affirmative votes, a the Town Manager.~~

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

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

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

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

1 ~~(f) Town Manager; evaluation: Before the Board of Selectmen, Selectboard~~
2 determines the subsequent annual compensation of the Town Manager, the
3 Board, Selectboard and manager shall be required to hold an evaluation session
4 in executive session, at which time the ~~manager~~ Town Manager shall present
5 management goals for the coming year based on ~~townwide~~ Town-wide goals
6 articulated by the ~~Board of Selectmen~~, Selectboard and shall be evaluated by
7 the ~~Board of Selectmen~~, Selectboard regarding performance in relation to such
8 the goals set out for the previous year, and the Selectboard may also employ
9 commonly used evaluation practices in the town management profession.

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

17 (h) Town Manager non-renewal or removal: The Town Manager
18 Manager's term of employment may be not renewed without explanation or
19 reason. The Town Manager may be removed at the discretion of for cause by
20 the Board of Selectmen Selectboard, with no written reasons presented to the
21 Town Manager and an opportunity for a public hearing before the Selectboard

1 ~~with not less than four affirmative votes, after the following procedure is~~

2 followed:

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

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

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

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

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

20 (6) Action by the Board of Selectmen Selectboard in the removal of
21 Town Manager shall be final.

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

4 (i) Acting Town Manager; vacancy in the office:

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

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

17 (3) An Acting Town Manager appointed to fill a declared vacancy in the
18 office shall have all the powers and perform all the duties of the Town
19 Manager and shall be compensated at a rate of pay ~~not inconsistent with the~~
20 ~~responsibilities of the position as determined by the Selectboard.~~ An Acting
21 ~~manager~~ Town Manager shall not serve for more than 180 calendar days unless

1 ~~the Selectboard determines there are extenuating circumstances that warrant an~~
2 ~~extension of that time period.~~

3 (4) In no case, shall a ~~Selectman~~ Selectboard member act as Town
4 Manager.

5 (j) ~~Responsibilities and authority~~ of the Town Manager ~~and authority:~~

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

11 (2) Limits to authority in general

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

14 * * *

15 (iii) Judicial or legislative functions of the ~~Board of Selectmen~~
16 Selectboard or other ~~legal bodies, boards, and commissions~~ Town public
17 bodies;

18 * * *

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

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

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

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

11 * * *

12 (C) To carry out the policies determined by the ~~Board of Selectmen~~
13 Selectboard and report to the ~~Board~~ Selectboard on their disposition;

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

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

19 (F) To keep the ~~Board of Selectmen~~ Selectboard informed as to the
20 future needs of the Town and make proper administrative provisions for long-
21 ~~term planning, in all areas within the scope of the duties of the~~ Town Manager.

1 ~~(C) To make such reports as the Board of Selectmen Selectboard~~
2 may require, or the Manager deems appropriate, or may be required by law or
3 ordinance regarding any and all functions under his/her the Town Manager's
4 supervision.

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

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

14 (J) To appoint, upon merit and fitness alone, and, when the Town
15 Manager deems necessary for the good of the service Town, suspend or
16 remove any subordinate official, employee, or agent under the Town
17 Manager's supervision as provided for in this charter. Notwithstanding
18 appeals of Town Manager decisions to the Selectboard, the Town Manager
19 shall have the exclusive authority to hold subordinate employees, officers, or
20 agents responsible for the faithful discharge of their duties. All such
21 ~~appointments may be without definite terms unless for provisional, temporary,~~

1 ~~or emergency service, in which case, terms shall not exceed the maximum~~
2 ~~periods prescribed by the personnel rules and regulations employee handbook.~~
3 ~~The Town Manager may authorize the head of a department, or of an office~~
4 ~~responsible to the Town Manager, to appoint and remove subordinates in such~~
5 ~~the office or department.~~

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

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

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

15 * * *

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

1 ~~(P) To ensure the preservation of the public peace, health, and safety~~
2 of persons and property, and see to the enforcement of this charter, and
3 ordinances, and to ensure the Town's compliance with State and federal laws
4 as applicable.

5 * * *

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

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

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

14 * * *

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

18 (4) Accountability, ~~noninterference~~, and appointive power: The Town
19 Manager shall be responsible to the ~~Board of Selectmen~~ Selectboard for the
20 proper and efficient administration of the departments under ~~his/her~~ the Town
21 Manager's charge as outlined above in this charter. ~~Neither the Board of~~

1 ~~Selectmen Selectboard, any individual member of the Board Selectboard, nor~~
2 any of its committees or committee members shall dictate the appointment or
3 discharge of any Town employee by the Town Manager, or in any manner
4 interfere with his/her the Town Manager's exercising of judgment in the
5 appointment and discharge of employees in the administration.

6 (5) Noninterference with administrative discretion and supervision:

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

16 § 32. ADMINISTRATIVE DEPARTMENTS

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

1 ~~(b) Department heads: Each Town department shall have a designated~~
2 department head appointed by the Town Manager who shall supervise and
3 control the department and employees ~~therein~~ of the department. The Town
4 Manager may, at any time, assume the duties of a department head.

5 * * *

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

10 § 33. ADMINISTRATIVE CODE

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

16 * * *

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

19 (4) A copy of the Town's financial and purchasing and procurement
20 regulations policies;

21

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

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

5 (b) Distribution and availability:

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

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

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

16 § 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
17 CHARTER

18 (a) Department of Assessment:

19 (1) There shall be a the Department of Assessment ~~to consist of a Chief~~
20 ~~Assessor, the elected listers, as prescribed by charter and State statute, and~~

1 ~~such assistants and support with any staff as may be recommended by the~~

2 ~~Town Manager and approved by the Board of Selectmen Selectboard.~~

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

6 * * *

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

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

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

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

3 (b) ~~Town Clerk, Grand Juror, Town Treasurer, Town Attorney:~~

4 (1) ~~The Board of Selectmen Selectboard shall appoint and remove, on~~
5 ~~the basis of qualifications and performance alone, a Town Clerk, Grand Juror,~~
6 ~~Town Treasurer, and Town Attorney.~~

7 * * *

8 (4) ~~The term of the Grand Juror shall not exceed three years. He/she~~
9 ~~shall be responsible for the prosecution of violations of local ordinances. The~~
10 ~~salary of the Grand Juror shall be fixed by the Board of Selectmen and he/she~~
11 ~~shall be responsible to the Board in the performance of his/her duties. The~~
12 ~~Grand Juror shall be duty bound to work in cooperation with the Town~~
13 ~~Manager and administrative service. The Grand Juror may recommend to the~~
14 ~~Board of Selectmen the appointment of staff who shall be part of the~~
15 ~~administrative service. [Repealed.]~~

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

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

4 (7) Compensation for the Town Clerk, Town Treasurer, and Town
5 Attorney shall be recommended by the Town Manager and approved by the
6 ~~Board of Selectmen~~ Selectboard. Any and all fees collected by the Town
7 Treasurer and Town Clerk, pursuant to statutory duties, shall accrue as General
8 Fund revenues to the Town.

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

12 (9) The ~~Board of Selectmen~~ Selectboard or the Town Manager may seek
13 legal services outside the offices of the Town Attorney whenever judged in the
14 best interests of the Town.

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

18 * * *

19 (12) In the absence or disability of the Town Clerk, Town Treasurer, or
20 ~~Town Attorney, the Board of Selectmen~~ Selectboard shall ensure that the

1 ~~functions are continued and shall have the power to appoint temporary~~
2 ~~substitutes.~~

3 ~~(c) Personnel system Human Resources Department:~~

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

7 ~~(2) Personnel Director Human Resources Manager:~~

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

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

17 ~~(3) Personnel merit system ordinance:~~

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

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

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

5 ~~(ii) A system of evaluation for fitness or merit for appointment~~
6 ~~and promotion;~~

7 ~~(iii) A system of discipline and removal for cause or unfitness for~~
8 ~~duty;~~

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

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

12 ~~(vi) Allowances for provisional and part time appointments;~~

13 ~~(vii) A program for in-service training and employee~~
14 ~~development;~~

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

17 ~~(ix) Provisions for relations with employee organizations and/or~~
18 ~~unions;~~

19 ~~(x) A uniform system regulating benefits, sick time, and~~
20 ~~vacations;~~

1 ~~(vi) Opportunities for employee input related to safety, the quality~~
2 ~~of the work environment, and increased productivity;~~

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

5 (4) ~~Personnel rules and regulations~~ Employee handbook:

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

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

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

15 (5) Town charter and collective bargaining agreements:

16 (A) ~~The Board of Selectmen may not commit the Town to any~~
17 ~~collective bargaining agreement which shall contradict, violate, or circumvent~~
18 ~~any provision of this charter or ordinances passed pursuant to this charter. The~~
19 ~~Selectboard shall have the sole authority to enter into collective bargaining~~
20 ~~agreements and may commit the Town to collective bargaining agreements~~

1 ~~that shall control over conflicting rules and regulations adopted pursuant to~~
2 ~~this charter.~~

3 (B) Board of Selectmen may commit the Town to bargaining
4 agreements which shall act as a substitute for rules and regulations
5 promulgated pursuant to this charter. [Repealed.]

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

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

12 * * *

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

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

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

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

17 § 41. FISCAL YEAR OF THE TOWN GOVERNMENT

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

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

1 TIMETABLE AND PREPARATION

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

7 (b) Statement by the ~~Board of Selectmen~~ Selectboard regarding budget
8 policy: Upon receipt of the Town Manager's timetable, the ~~Board of~~
9 ~~Selectmen~~ Selectboard shall issue an annual budget policy statement, outlining
10 the direction the Town Manager shall take in the drafting or assembly of the
11 budget document.

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

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

18 (1) Unified administrative request: The Town Manager shall, ~~upon~~ after
19 consultation with department heads, ~~draft a unified, proposed operating budget~~
20 ~~for submission~~ submit to the ~~Board of Selectmen~~, reflecting Selectboard a

1 ~~single budget request from the administration for each department all~~
2 ~~departments.~~

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

13 (3) Budget- contents, and format:

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

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

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

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

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

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

12 * * *

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

16 (e) Subsidiary budgets for utilities:

17 (1) For each utility or enterprise owned and operated by the Town, a
18 subsidiary budget shall be drafted in accordance with these guidelines, with the
19 process of review and approval to be dictated by the ~~Board of Selectmen~~
20 ~~Selectboard.~~

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

5 § 43. CAPITAL EXPENDITURE PROGRAM

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

10 (b) Contents:

11 (1) The capital expenditure program shall include:

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

13 * * *

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

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

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

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

4 § 44. CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS

5 (a) ~~The Board of Selectmen~~ Selectboard may raise and appropriate money
6 for the establishment of capital reserve or equipment reserve funds for the
7 financing of all or part of:

8 * * *

9 (3) ~~The size and regulation of capital reserve funds shall be determined~~
10 ~~by Board of Selectmen action~~ Other purposes to meet specific obligations and
11 needs of the Town so as to ensure efficient operations.

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

14 § 45. ~~SELECTMEN~~ SELECTBOARD ACTION ON THE BUDGET

15 ~~Board~~ Selectboard review and final action:

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

20 (2) Upon completion of its review, the ~~Board of Selectmen~~ Selectboard
21 ~~shall act to finalize its budget proposal.~~

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

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

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

8 § 46. SPECIAL APPROPRIATIONS

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

16 § 47. ~~CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET~~

17 ADVISORY COMMITTEE; BUDGET PROCESS

18 ~~Citizen participation plan; public notice:~~

19 ~~(1) Timetable: Before the sixth month of a fiscal year, the Board of~~
20 ~~Selectmen shall draft and adopt a citizen participation plan, which shall~~

1 ~~provide for a committee of not more than 18 citizens, for the upcoming budget~~
2 ~~cycle.~~

3 ~~(2) Contents:~~

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

7 ~~(B) The citizen participation plan must provide for, but shall not be~~
8 ~~limited to formal budget workshops before Town meeting; along with the~~
9 ~~publication of a budget summary in the Town report indicating budgeted and~~
10 ~~actual expenditures for the current year and proposed expenditures for the~~
11 ~~coming year.~~

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

18 § 48. APPROPRIATION- TOWN-BUDGET

19 (a) Gross appropriation fixed and levy:

20 (1) ~~The vote of Town meeting or other action finalizing the Town~~
21 ~~budget shall make a gross appropriation for the coming fiscal year. The Town~~

1 ~~meeting may not make any budget. No appropriation not recommended by the~~
2 ~~selectmen, may be voted unless such action was duly warned.~~

3 (2) As of the effective date of the budget, all amounts stated therein are
4 appropriated (for the specified agency's or department's purpose). Adoption
5 of the budget shall constitute appropriations of the amounts specified therein
6 from the funds indicated. This shall constitute an authorization to raise all
7 monies required.

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

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

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

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

4 (b) Overruns on gross appropriations, emergency appropriations:

5 (1) The gross appropriation may not be exceeded, except by consent of
6 the Board of Selectmen Selectboard, as herein limited by this subsection.

7 (2) In the event of an emergency situation officially declared by the
8 Board of Selectmen Selectboard, an amount not exceeding five percent of the
9 gross appropriation may be expended.

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

12 (c) Under expenditures, excess revenues:

13 (1) Under expenditures: If during the fiscal year, the Board
14 Selectboard, upon recommendation and certification of the Town Manager,
15 determines that there are funds available due to under expenditure of the funds
16 or revenue returns exceeding projections proposed in the budget, the Board
17 Selectboard may make supplemental appropriations for the fiscal year up to
18 the amount of such the excess, not to exceed five percent of the gross
19 appropriation.

20

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

6 (e) Transfers- alterations in the work program:

7 (1) The Town Manager may transfer, at any time, with a public report to
8 the ~~selectmen~~ Selectboard, an unencumbered appropriation balance, or portion,
9 between general classifications of expenditures within an office, department,
10 or agency.

11 (2) The ~~Board of Selectmen~~ Selectboard may transfer, by formal vote,
12 any unencumbered portion or balance of an appropriation from one department
13 or agency to another.

14 * * *

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

16 * * *

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

21 ~~§ 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET~~

1 ~~(a) Financial officer Finance Director:~~

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

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

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

12 ~~(b) Depository of Town funds; cash and fund management:~~

13 ~~(1) The Board of Selectmen Selectboard shall designate the depository~~
14 ~~of Town funds, and shall ensure the appropriate cash management by the Town~~
15 ~~Treasurer and administration.~~

16 ~~(2) The Board of Selectmen Selectboard may provide for such security~~
17 ~~to Town deposits as it may deem necessary except that personal surety bonds~~
18 ~~shall not be deemed proper security.~~

19 ~~(3) The officer responsible for each fund ~~management~~ shall issue a~~
20 ~~regular report of investments and yields to the manager Town Manager and the~~

1 ~~Board of Selectmen Selectboard at least annually and when requested by either~~
2 ~~the Town Manager or the Selectboard.~~

3 (c) ~~Independent audit; Town Auditor:~~

4 (1) ~~The Board of Selectmen Selectboard shall provide for an annual~~
5 ~~independent audit of all Town accounts and may require for any special audit it~~
6 ~~deems necessary.~~

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

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

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

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

17 (d) Authorization for expenditure of Town funds:

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

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

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

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

12 (e) ~~Budget~~ Financial reports, ~~books,~~ and records:

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

17 (2) All ~~books of account~~ accounting records, in relation to the receipt,
18 holding, or disbursement of money of the Town kept by any official of the
19 Town, shall be paid for by the Town, shall remain the property of the Town,
20 and shall be turned over to the Town Clerk whenever the keeper of the ~~books~~
21 ~~of account~~ accounting records retires from office. All ~~books~~ records

1 ~~pertaining to Town affairs kept by the Town Manager, Town Clerk, or other~~
2 elective or appointive officer of the Town shall be kept in the Town buildings
3 in their proper places and shall not be removed therefrom without an order of a
4 court or a vote of the ~~Board of Selectmen~~ Selectboard.

5 (f) Purchasing and procurement:

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

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

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

14 § 50. TRUST FUNDS

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

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

20 § 51. TAXATION AND COLLECTION

21 ~~(a) Authority for taxation.~~

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

3 ~~(2) The Board of Selectman shall be the tax authority for all Town and~~
4 ~~school functions and shall fix all rates of taxation as limited by charter and~~
5 ~~statute. [Repealed.]~~

6 (b) Responsibility for taxation and collection:

7 (1) The Town Treasurer shall be responsible for tax collection.

8 ~~(2) The Board of Selectmen shall designate the Collector of Delinquent~~
9 ~~Taxes. [Repealed.]~~

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

14 (c) Manner of collection:

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

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

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

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~~(e) Tax stabilization:~~

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

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

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

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

~~(f) Special assessments:~~

~~(1) The Board of Selectmen Selectboard shall have the authority to negotiate, or to impose by ordinance, reasonable special assessments or special use charges.~~

~~* * *~~

~~(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~~

1 ~~be classified as commercial, industrial, utilities (electric), utilities (other), or~~
2 ~~equipment, and shall be collectively classified as “special nonresidential~~
3 ~~property.” Special nonresidential property does not include property used for~~
4 ~~dwelling or farm purposes or accessory property which is subordinate to or~~
5 ~~customarily incidental to the main residential or farm use, such as garages and~~
6 ~~out buildings.~~

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

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

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

14 (3) ~~For purposes of calculating the property tax rate, the aggregate~~
15 ~~grand list value of special nonresidential property and inventory shall be the~~
16 ~~aggregate grand list value of such property and inventory as calculated below~~
17 ~~or the 1996 minimum grand list value, whichever is greater.~~

18 (4) ~~Beginning with the January 1, 1997 grand list, special nonresidential~~
19 ~~property and inventory shall be subject to a special tax. The special tax shall~~
20 ~~be imposed in any tax year in which the aggregate grand list value of special~~
21 ~~nonresidential property and inventory is less than the 1996 minimum grand list~~

1 ~~value. The special tax shall be in addition to taxes imposed on real and~~
2 ~~personal property generally. The special tax rate shall be sufficient to generate~~
3 ~~the tax revenues necessary to fully offset the decrease in tax revenues that~~
4 ~~would result from basing the property tax rate on the 1996 minimum grand list~~
5 ~~value rather than the actual aggregate grand list value of special nonresidential~~
6 ~~property and inventory.~~

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

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

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

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

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

12 (E) ~~Zero percent of the fair market value for the year 2001 and~~
13 ~~thereafter.~~

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

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

21 ~~§ 52. DEBT, AND BONDED DEBT FOR TOWN AND SCHOOL~~

1 IMPROVEMENTS

2 (a) Authorization for any long-term ~~bonded~~ debt shall be granted by the
3 voters at an annual or special Town meeting duly authorized for that purpose.

4 As used in this section, "long-term" means a period of indebtedness greater
5 than five years.

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

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

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

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

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.

* * *

(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 (b), the Town shall provide to the property owner and any 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 lienholders reasonable opportunity and resources 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.~~

* * *

~~(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 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 no~~ 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/or 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 threatens life, property, or the public health or welfare.

(b) Condemnation, eminent domain. In the event of a declared public emergency ~~which~~ 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.

* * *

(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 Board of Selectmen as to whether or not they are comprehensive in nature,~~ and shall be approved by ~~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.~~

* * *

§ 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 not~~ 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~~ 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.

* * *

(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.

* * *

(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; ~~reversion~~~~ 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 ~~reversion~~~~ rescission at a subsequent annual or special Town meeting, subject to the limits contained herein.

(B) Requests for ~~revote or ~~reversion~~~~ 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 for revote or ~~reversion~~ 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 ~~reversion~~ 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~~.

* * *

(G) Any question voted on or considered shall be subject to revote or ~~revisio~~ 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.

* * *

§ 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:

* * *

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

* * *

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

* * *

(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.*

* * *

(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.

** * **

(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.

** * **

(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;~~ 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.*

* * *

~~(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.*

* * *

~~(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.~~

~~(f) 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.~~

~~(H) 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.~~

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

~~(III) 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~~ 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 shall~~ 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'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.~~

~~(e) 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 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

1 ~~24 App. V.S.A. chapter 149, § 6 (open meetings; freedom of information) is~~
2 ~~repealed.~~

3 Sec. ~~4~~. EFFECTIVE DATE

4 This act shall take effect on passage.