

1 H.491

2 Introduced by Representatives Houghton of Essex and Dolan of Essex

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; City of Essex Junction;
6 adoption

7 Statement of purpose of bill as introduced: This bill proposes to:

8 (1) create the City of Essex Junction and approve the adoption of the
9 City charter;

10 (2) provide for the transition of the Village of Essex Junction to the City
11 of Essex Junction, including the City's contribution to consolidated services
12 with the Town of Essex; and

13 (3) repeal the charter of the Village of Essex Junction.

14 An act relating to the creation of the City of Essex Junction and the
15 adoption of the City charter

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

17 * * * Creation of City; Approval of Charter * * *

18 Sec. 1. CHARTER AMENDMENT APPROVAL; CREATION OF CITY

19 As set forth in this act, the General Assembly creates the City of Essex
20 Junction and approves the adoption of the charter of the City of Essex

1 Junction. The voters of the Village of Essex Junction approved the creation of
2 the City and the adoption of the City charter on November 2, 2021.

3 * * * Charter of the City of Essex Junction * * *

4 Sec. 2. 24 App. V.S.A. chapter 4 is added to read:

5 CHAPTER 4. CITY OF ESSEX JUNCTION

6 Subchapter 1. Incorporation and Powers of the City

7 § 101. CORPORATE EXISTENCE RETAINED

8 Notwithstanding the provisions of any other municipal charter, the
9 inhabitants of the Village of Essex Junction, within its corporate limits, shall
10 be a municipal corporation by the name of the City of Essex Junction.

11 § 102. GENERAL POWERS; LAW

12 Except as modified by the provisions of this charter, or by any lawful
13 regulation or ordinance of the City of Essex Junction, all provisions of the
14 statutes of this State applicable to municipal corporations shall apply to the
15 City of Essex Junction.

16 § 103. SPECIFIC POWERS

17 (a) The City of Essex Junction shall have all the powers granted to cities
18 and municipal corporations by the Constitution and laws of this State together
19 with all the implied powers necessary to carry into execution all the powers
20 granted, and it may enact ordinances not inconsistent with the Constitution and
21 laws of the State of Vermont or with this charter.

1 (b) The City of Essex Junction may acquire real and personal property
2 within or without its corporate limits for any municipal purpose, including
3 storm water collection and disposal; waste water collection and disposal; solid
4 waste collection and disposal; provision of public water supply; provision of
5 public parks and recreation facilities; provision of municipal facilities for
6 office, fire protection, and police protection; provision of public libraries;
7 provision of public parking areas; provision of sidewalks, bicycle paths, and
8 green strips; provision of public roadways; provision of public view zones and
9 open spaces; and such other purposes as are addressed under the general laws
10 of the State of Vermont.

11 (c) The City of Essex Junction may acquire such property in fee simple or
12 any lesser interest or estate, by purchase, gift, devise, lease, or condemnation
13 and may sell, lease, mortgage, hold, manage, and control such property as its
14 interest may require.

15 (d) The City of Essex Junction may exercise any of its powers or perform
16 any of its functions and may participate in the financing thereof, jointly or in
17 cooperation, by contract or otherwise, with other Vermont municipalities, the
18 State of Vermont, any one or more subdivisions or agencies of the State or the
19 United States.

20 (e) The City of Essex Junction may establish and maintain an electric
21 power system and regulate power line installations; provided, however, that the

1 City shall have no authority under this charter that conflicts with that authority
2 granted to the Public Utilities Commission or any other state regulatory
3 agency. The City of Essex Junction may also establish a telecommunications
4 system and an enterprise to deliver internet or broadband services.

5 (f) In this charter, mention of a particular power shall not be construed to
6 be exclusive or to restrict the scope of the powers that the City of Essex
7 Junction would otherwise have if the particular power were not mentioned.

8 § 104. RESERVATION OF POWERS

9 Nothing in this charter shall be so construed as in any way to limit the
10 powers and functions conferred upon the City of Essex Junction and the City
11 Council by general or special enactments in force or effect or hereafter
12 enacted; and the powers and functions conferred by this charter shall be
13 cumulative and in addition to the provisions of such general or special
14 enactments.

15 § 105. FORM OF GOVERNMENT

16 The municipal government provided by this charter shall be known as
17 council-manager form of government. Pursuant to its provisions and subject
18 only to the limitations imposed by the State Constitution and by this charter, all
19 powers of the City of Essex Junction shall be vested in an elective City
20 Council, which shall enact ordinances, codes, and regulations, adopt budgets,
21 determine policies, and appoint the City Manager, who shall enforce the laws

1 and ordinances and administer the government of the City. All powers of the
2 City shall be exercised in the manner prescribed by this charter or prescribed
3 by ordinance.

4 Subchapter 2. Governance Structure

5 § 201. POWERS AND DUTIES OF GOVERNING BODY

6 (a) The members of the City of Essex Junction City Council shall constitute
7 the legislative body of the City of Essex Junction for all purposes required by
8 statute and, except as otherwise provided in this charter, shall have all the
9 powers and authority given to and perform all duties required of City
10 legislative bodies or Councils under the laws of the State of Vermont.

11 (b) Within the limitations of the foregoing, the City of Essex Junction
12 Council shall have the power to:

13 (1) Appoint and remove a City Manager and supervise, create, change,
14 and abolish offices, commissions, or departments other than the offices,
15 commissions, or departments established by this charter.

16 (2) Appoint the members of all boards, commissions, committees, or
17 similar bodies unless specifically provided otherwise by this charter.

18 (3) Provide for an independent audit by a certified public accountant.

19 (4) Inquire into the conduct of any officer, commission, or department
20 and investigate any and all municipal affairs.

1 (5) Exercise every other power that is not specifically set forth herein
2 but that is granted to Councils or legislative bodies by the statutes of the State
3 of Vermont.

4 § 202. GOVERNING BODY; COMPOSITION AND TERMS OF OFFICE

5 (a) There shall be a City Council consisting of five members.

6 (b) All members shall reside within the boundaries of the City of Essex
7 Junction to be elected by the qualified voters.

8 (c) The term of office of a City Councilor shall be three years, and terms
9 shall be staggered.

10 § 203. VACANCY IN OFFICE

11 In case of a vacancy of a Council seat, the vacancy shall be filled by the
12 City Council until the next annual election pursuant to subsection 204(c) of
13 this charter.

14 § 204. ELECTION OF GOVERNING BODY OFFICERS

15 (a) The terms of the officers shall commence on the first day of the month
16 following the month of election. At the first meeting of the month following
17 the annual City meeting, the Council shall organize and elect a President, Vice
18 President, and Clerk by a majority vote of the entire Council and shall file a
19 certificate of the election for record in the office of the City Clerk.

1 (b) The President of the Council, or in the President's absence the Vice
2 President, shall preside at all meetings of the Council and shall be recognized
3 as the head of the City government for all ceremonial purposes.

4 (c) In the event of death, resignation, or incapacity of any Council member,
5 the remaining members of the Council may appoint a person to fill that
6 position until the next annual election. Incapacity shall be determined by a
7 vote of the Council. Incapacity shall include the failure by any member of the
8 board to attend at least 50 percent of the meetings of the board in any calendar
9 year. At the next annual election, the vacancy shall be filled and the person so
10 elected shall serve for the remainder of the term of office. In the event the
11 Council is unable to agree upon an interim replacement until the next annual
12 City election, a special election shall be held forthwith to fill the position.

13 (d) Elected Councilors who move out of the City prior to the expiration of
14 their terms shall surrender their seats.

15 § 205. COMPENSATION

16 (a) Compensation paid to the Council members shall be set by the voters at
17 the annual meeting, with a minimum of \$1,500.00 a year each. Council
18 members' compensation must be set forth as a separate item in the annual
19 budget presented to the meeting. Council members may choose to forgo the
20 compensation or a portion of the compensation.

1 (b) The City Council shall fix the compensation of all appointees and the
2 City Manager. The Council shall review, approve, and ratify any collective
3 bargaining agreements, which may be negotiated or fixed by the Manager or
4 their designee.

5 § 206. CONFLICT OF INTEREST; PROHIBITIONS

6 (a) Holding other office. No Council member shall hold any City
7 employment during the term for which they were elected to the Council. A
8 Council member may be appointed to represent the City on other boards except
9 as pursuant to 17 V.S.A. § 2647. No former Council member shall hold any
10 compensated appointive municipal office or employment, except for poll
11 worker, until one year after the expiration of the term for which they were
12 elected to the legislative body.

13 (b) Appointments and removals. Neither the legislative body nor any of its
14 members shall in any manner dictate the appointment or removal of any
15 municipal administrative officers or employees whom the manager or any of
16 the manager's subordinates are empowered to appoint. The legislative body
17 may discuss with the Manager the appointment, performance, and removal of
18 such officers and employees in executive session.

19 (c) Interference with administration. Except for the purpose of inquiries
20 and investigations under subdivision 201(b)(4) of this charter, the legislative
21 body or its members shall deal with the municipal officers and employees who

1 are subject to the direction and supervision of the Manager solely through the
2 Manager, and neither the legislative body nor its members shall give orders to
3 any such officer or employee, either publicly or privately.

4 § 207. GOVERNING BODY; MEETINGS

5 As soon as possible after the election of the President and Vice President,
6 the Council shall fix the time and place of its regular meetings, and such
7 meetings shall be held at least once a month.

8 § 208. SPECIAL CITY MEETINGS

9 Special City meetings shall be called in the manner provided by the laws of
10 the State, and the voting on all questions shall be by the Australian ballot
11 system.

12 § 209. COUNCIL MEETINGS; PROCEDURE

13 (a) The Council shall determine its own rules and order of business.

14 (b) The presence of three members shall constitute a quorum. Three
15 affirmative votes shall be necessary to take binding Council action.

16 (c) In accordance with Vermont's Open Meeting Law, the Council shall
17 keep minutes of its proceedings. The journalized minutes shall be a public
18 record.

19 (d) All meetings of the Council shall be open to the public unless, by an
20 affirmative vote of the majority of the members present, the Council shall vote

1 that any particular session shall be an executive session or deliberative session
2 in accordance with Vermont's Open Meeting Law.

3 § 210. APPOINTMENTS

4 The Council shall have the power to appoint the members of all boards,
5 commissions, committees, or similar bodies unless specifically provided
6 otherwise by this charter. The terms of all appointments shall commence on
7 the day after the day of appointment unless the appointment is to fill a vacancy
8 in an office, in which case the term shall commence at the time of
9 appointment.

10 § 211. ADDITIONAL GOVERNING BODY PROVISIONS

11 (a) No claim for personal services shall be allowed to the officers elected at
12 the annual meeting, except when compensation for such services is provided
13 for under the provisions of this charter or by the general law.

14 (b) The Council may authorize the sale or lease of any real or personal
15 estate belonging to the City.

16 Subchapter 3. Other Elected Offices

17 § 301. BROWNELL LIBRARY TRUSTEES

18 There shall be a five-member Board of Library Trustees who shall be
19 elected to five-year terms using the Australian ballot system. Only qualified
20 voters of the City of Essex Junction shall be eligible to hold the office of
21 elected library trustee.

1 § 302. MODERATOR

2 The voters at the City Annual Meeting shall elect a Moderator who shall
3 preside at the next City Annual Meeting. The term of Moderator shall be one
4 year. Only qualified voters of the City of Essex Junction shall be eligible to
5 hold the office of Moderator.

6 Subchapter 4. City Meetings

7 § 401. CITY MEETINGS AND ELECTIONS

8 (a) The voters shall at each annual meeting vote to set the date of the next
9 annual meeting, at which time the voters shall vote for the election of officers,
10 the voting on the City budget, and any other business included in the warnings
11 for the meetings.

12 (b) Provisions of the laws of the State of Vermont relating to the
13 qualifications of electors, the manner of voting, the duties of elections officers,
14 and all other particulars respective to preparation for, conducting, and
15 management of elections, so far as they may be applicable, shall govern all
16 municipal elections, and all general and special meetings, except as otherwise
17 provided in this charter.

18 (c) The election of officers and the voting on all questions shall be by
19 Australian ballot system. The City Clerk and Board of Civil Authority shall
20 conduct elections in accordance with general laws of the State.

1 § 503. EFFECTIVE DATE

2 Every ordinance shall become effective upon passage unless otherwise
3 specified.

4 § 504. RESCISSION OF ORDINANCES

5 All ordinances shall be subject to rescission by a special or annual City
6 meeting, as follows: If, within 44 days after final passage by the Council of
7 any such ordinance, a petition signed by voters of the City not less in number
8 than five percent of the qualified voters of the municipality is filed with the
9 City Clerk requesting its reference to a special or annual City meeting, the
10 Council shall fix the time and place of the meeting, which shall be within
11 60 days after the filing of the petition, and notice thereof shall be given in the
12 manner provided by law in the calling of a special or annual City meeting.
13 Voting shall be by Australian ballot. An ordinance so referred shall remain in
14 effect upon the conclusion of the meeting unless a majority of those present
15 and voting against the ordinance at the special or annual City meeting exceeds
16 five percent in number of the qualified voters of the municipality.

17 § 505. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL

18 MEETING

19 (a) Voters of the City may at any time petition for the enactment of any
20 proposed lawful ordinance by filing the petition, including the text of the
21 ordinance, with the City Clerk. The Council shall call a special City meeting

1 (or include the ordinance as annual meeting business) to be held within 60 days
2 after the date of the filing, unless prior to the meeting the ordinance shall be
3 enacted by the Council. The warning for the meeting shall state the proposed
4 ordinance in full or in concise summary and shall provide for an Australian
5 ballot vote as to its enactment. The ordinance shall take effect on the 10th day
6 after the conclusion of the meeting, provided that voters, constituting a
7 majority of those voting thereon, shall have voted in the affirmative.

8 (b) The proposed ordinance shall be examined by the City Attorney before
9 being submitted to the special City meeting. The City Attorney is authorized,
10 subject to the approval of the Council, to correct the ordinance so as to avoid
11 repetitions, illegalities, and unconstitutional provisions and to ensure accuracy
12 in its text and references and clarity and precision in its phraseology, but the
13 City Attorney shall not materially change its meaning and effect.

14 (c) The provisions of this section shall not apply to any appointments of
15 officers, members of commissions, or boards made by the Council or to the
16 appointment or designation of Council, or to rules governing the procedure of
17 the Council.

18 Subchapter 6. City Manager

19 § 601. MANAGER; APPOINTMENT AND HIRING

20 The Council shall appoint a City Manager under and in accordance with
21 Vermont Statutes Annotated.

1 § 602. POWERS OF MANAGER

2 (a) The Manager shall be the chief administrative officer of the City of
3 Essex Junction. The Manager shall be responsible to the Council for the
4 administration of all City of Essex Junction affairs placed in the Manager's
5 charge by or under this charter. The Manager shall have the following powers
6 and duties in addition to those powers and duties delegated to municipal
7 managers under the Vermont statutes.

8 (b) The Manager shall appoint and, when the Manager deems it necessary
9 for the good of the service, suspend or remove all City of Essex Junction
10 employees, including the Treasurer, and other employees provided for by or
11 under this charter for cause, except as otherwise provided by law, this charter,
12 collective bargaining unit contracts, or personnel rules adopted pursuant to this
13 charter. The Manager may authorize any employee who is subject to the
14 Manager's direction and supervision to exercise these powers with respect to
15 subordinates in that employee's department, office, or agency. There shall be
16 no discrimination in employment, in accordance with applicable State and
17 federal laws, including 21 V.S.A. § 495. Appointments, lay-offs, suspensions,
18 promotions, demotions, and removals shall be made primarily on the basis of
19 training, experience, fitness, and performance of duties, in such manner as to
20 ensure that the responsible administrative officer may secure efficient service.

1 (c) The Manager, or designee, shall direct and supervise the administration
2 of all departments, offices, and agencies of the City of Essex Junction, except
3 as otherwise provided by this charter or by law.

4 (d) The Manager shall recommend hiring of a City Attorney with Council
5 approval and shall hire special attorneys as needed.

6 (e) The Manager or a staff member designated by the Manager shall attend
7 all Council meetings and shall have the right to take part in discussion and
8 make recommendations but may not vote. The Council may meet in executive
9 session without the Manager for discussion of the Manager's performance or if
10 the Manager is the subject of an investigation pursuant to subdivision
11 301(b)(4) of this charter.

12 (f) The Manager shall see that all laws, provisions of this charter, and acts
13 of the Council, subject to enforcement by the Manager or by officers subject to
14 the Manager's direction and supervision, are faithfully executed.

15 (g) The Manager shall prepare and submit the annual budget and capital
16 program to the Council.

17 (h) The Manager shall submit to the Council and make available to the
18 public a complete report on the finances and administrative activities of the
19 City of Essex Junction as of the end of each fiscal year.

1 (i) The Manager shall make such other reports as the Council may require
2 concerning the operations of the City of Essex Junction's departments, offices,
3 and agencies subject to the Manager's direction and supervision.

4 (j) The Manager shall keep the Council fully advised as to the financial
5 condition and future needs of the City of Essex Junction and make such
6 recommendations to the Council concerning the affairs of the City of Essex
7 Junction as the Manager deems desirable.

8 (k) The Manager shall be responsible for the enforcement of all City of
9 Essex Junction ordinances and laws.

10 (l) The Manager may when advisable or proper delegate to subordinate
11 officers and employees of the City of Essex Junction any duties conferred upon
12 the Manager by this charter, the Vermont statutes, or the Council members.

13 (m) The Manager shall perform such other duties as are specified in this
14 charter or in State law or as may be required by the Council.

15 (n) The Manager shall fix the compensation of City employees.

16 (o) The Manager shall recommend appointment of the City Clerk annually,
17 with Council approval.

18 § 603. MANAGER; REMOVAL; HEARING

19 The Council may remove the Manager from office for cause in accordance
20 with the following procedures:

1 (1) The Council shall adopt by affirmative vote of a majority of all its
2 members a preliminary resolution that must state the reasons for removal and
3 may suspend the Manager from duty for a period not to exceed 45 days.
4 Within three days after the vote, a copy of the resolution shall be delivered to
5 the Manager.

6 (2) Within five days after a copy of the resolution is delivered to the
7 Manager, the Manager may file with the Council a written request for a
8 hearing; the hearing shall be in a public or executive session by choice of the
9 Manager. This hearing shall be held at a special Council meeting not earlier
10 than 15 days nor later than 30 days after the request is filed. The Manager may
11 file with the Council a written reply not later than five days before the hearing.

12 (3) The Council may adopt a final resolution of removal, which may be
13 made effective immediately, by affirmative vote of a majority of all its
14 members at any time after five days from the date when a copy of the
15 preliminary resolution was delivered to the Manager, if the Manager has not
16 requested a public hearing, or at any time after the public hearing, if the
17 Manager has requested one.

18 § 604. VACANCY IN OFFICE OF CITY MANAGER

19 The Manager, by letter filed with the City Clerk, may appoint a staff
20 member to perform the Manager's duties in the event of the Manager's
21 absence due to disability, incapacitation, or vacation unless the Manager has

1 previously appointed a staff member as assistant manager or deputy manager,
2 who would automatically assume the Manager's responsibilities in the
3 Manager's absence. If the Manager fails to make such designations, the
4 Council may by resolution appoint an officer or employee of the City to
5 perform the duties of the Manager until the Manager is able to return to duty.

6 Subchapter 7. Boards and Commissions

7 § 701. BOARD OF CIVIL AUTHORITY

8 The Board of Civil Authority shall be defined by 17 VSA § 2103(5).

9 § 702. BOARD OF ABATEMENT OF TAXES

10 The Board of Civil Authority shall constitute a Board of Abatement as
11 provided by law. The Board of Abatement shall meet and discharge its duties
12 as required by the applicable statutory provisions.

13 § 703. PLANNING COMMISSION

14 There shall be a Planning Commission, and its powers, obligations, and
15 operation shall be under and in accordance with Vermont Statutes Annotated,
16 as amended, and members will be appointed by the City Council from among
17 the qualified voters of the City. Members of the Commission shall hold no
18 other City office. The City Council shall have the authority pursuant to
19 24 V.S.A. §4323(a) to set the terms of the Planning Commission members.

1 § 704. DEVELOPMENT REVIEW BOARD

2 A Development Review Board shall be established, and its powers,
3 obligations, and operation shall be under and in accordance with Vermont
4 Statutes Annotated, as amended, and members will be appointed by the City
5 Council for terms of three years from among the qualified voters of the City.

6 § 705. BROWNELL LIBRARY TRUSTEES

7 The Brownell Library Board of Library Trustees that holds office at the
8 time of enactment of this charter shall serve until their terms are completed.
9 Any existing policies of the Library Trustees at the time of the enactment of
10 this charter shall become the policies of the new Brownell Library Board of
11 Trustees. The five permanent, self-perpetuating Library Trustees shall
12 function in accordance with the terms of the Brownell Trust agreement dated
13 May 25, 1925. The Library Trustees shall have the authority to establish any
14 new policy for the operation of the Library or repeal or replace any existing
15 policy and shall otherwise act in conformance with the Vermont statutes.
16 Notwithstanding the forgoing, the Library is required to follow all financial
17 and personnel policies adopted by the City Council.

18 Subchapter 8. Administrative Departments

19 § 801. PERSONNEL ADMINISTRATION AND BENEFITS

20 (a) The Manager or the Manager's appointee shall be the personnel
21 director. The Manager shall maintain personnel rules and regulations

1 protecting the interests of the City and of the employees. These rules and
2 regulations must be approved by the Council and shall include the procedure
3 for amending them and for placing them into practice. Each employee shall
4 receive a copy of the rules and regulations when the employee is hired.

5 (b) The rules and regulations may deal with the following subjects or with
6 other similar matters of personnel administration: job classification, jobs to be
7 filled, tenure, retirement, pensions, leaves of absence, vacations, holidays,
8 hours and days of work, group insurance, salary plans, rules governing hiring,
9 temporary appointments, lay-off, reinstatement, promotion, transfer, demotion,
10 settlement of disputes, dismissal, probationary periods, permanent or
11 continuing status, in-service training, injury, employee records, and further
12 regulations concerning the hearing of appeals.

13 (c) No person in the service of the City shall either directly or indirectly
14 give, render, pay, or receive any service or other valuable thing for or on
15 account of or in connection with any appointment, proposed appointment,
16 promotion, or proposed promotion.

17 § 802. REAL ESTATE ASSESSOR

18 There shall be either a real estate Assessor who is a certified real estate
19 appraiser or an independent appraisal firm, headed by a certified real estate
20 appraiser, appointed by the Manager that shall carry out the duties of assessor
21 in the same manner and be subject to all of the same liabilities prescribed for

1 listers under the law of the State of Vermont in assessing property within the
2 City of Essex Junction and that shall establish the grand list thereof and shall
3 return such list to the City Clerk within the time required by State statute.

4 § 803. APPRAISAL OF PROPERTY

5 Appraisals shall be reviewed periodically and kept up to date.

6 § 804. APPRAISAL OF BUSINESS PROPERTY FOR TAX PURPOSES

7 Appraisal of business personal property shall be in accordance with the
8 provisions of 32 V.S.A. § 3618, as the same may from time to time be
9 amended, provided that all business personal property acquired by a taxpayer
10 after September 30, 1995, shall be exempt from tax.

11 § 805. PURPOSE

12 The purpose of appointing an Assessor is in lieu of the election of listers.
13 The City shall be governed by, and each taxpayer shall have rights granted by,
14 the applicable State statutes concerning real and personal property taxation,
15 appeal therefrom, and other statutes concerning taxation.

16 Subchapter 9. Budget Process

17 § 901. FISCAL YEAR

18 The fiscal year of the City shall begin on the first day of July and end on the
19 last day of June of each calendar year. The fiscal year shall constitute the
20 budget and accounting year as used in this charter.

1 § 902. ANNUAL MUNICIPAL BUDGET

2 With support from the finance department, the Manager shall submit to the
3 Council a budget for review before the annual City Meeting or at such previous
4 time as may be directed by the Council. The budget shall contain:

5 (1) an estimate of the financial condition of the City as of the end of the
6 fiscal year;

7 (2) an itemized statement of appropriations recommended for current
8 expenses, and for capital improvements, during the next fiscal year, with
9 comparative statements of appropriations and estimated expenditures for the
10 current fiscal year and actual appropriations and expenditures for the
11 immediate preceding fiscal year;

12 (3) an itemized statement of estimated revenues from all sources, other
13 than taxation, for the next fiscal year and comparative figures of tax and other
14 sources of revenue for the current and immediate preceding fiscal years;

15 (4) a capital budget for not fewer than the next five fiscal years, showing
16 anticipated capital expenditures, financing, and tax requirements; and

17 (5) such other information as may be required by the Council.

18 § 903. GOVERNING BODY'S ACTION ON BUDGET

19 The Council shall review and approve the recommended budget with or
20 without change. The budget shall be published not later than two weeks after
21 its preliminary adoption by the Council. The Council shall fix the time and

1 place for holding a public hearing for the budget and shall give public notice of
2 the hearing.

3 § 904. BUDGET MEETING; WARNING

4 (a) The Council shall hold at least one public hearing at least 30 days prior
5 to the annual meeting to present and explain its proposed budget and shall give
6 a public notice of such hearing.

7 (b) The Manager shall, not less than 30 days prior to the annual meeting,
8 make available the Council's recommended budget and the final warning of
9 the pending annual meeting.

10 (c) The annual City report shall be made available to the legal voters of the
11 City not later than 10 days prior to the annual meeting.

12 § 905. APPROPRIATION AND TRANSFERS

13 (a) An annual budget shall be adopted at the City Meeting by the vote of a
14 majority of eligible voters by Australian ballot in accordance with section 401
15 of this charter. If, after the total budget has been appropriated, the Council
16 finds additional appropriations necessary, the appropriations shall be made and
17 reported at the next City Meeting as a specific item. The appropriations shall
18 only be made in special circumstances or situations of an emergency nature.
19 No specific explanation need be given for any normal annual operating
20 expense in any office, department, or agency that may be increased over the

1 budget amount by an amount not more than 10 percent of the office's,
2 department's, or agency's budget.

3 (b) From the effective date of the budget, the amounts stated therein, as
4 approved by the voters, become appropriated to the several agencies and
5 purposes therein named.

6 (c) The Manager may at any time transfer an unencumbered appropriation
7 balance or portion thereof between general classifications of expenditures
8 within an office, department, or agency. At the request of the Manager, the
9 Council may, by resolution, transfer any unencumbered appropriation balance
10 or portion thereof within the Council budget from one department, office, or
11 agency to another.

12 (d) Notwithstanding the above, no unexpended balance in any
13 appropriation not included in the Council budget shall be transferred or used
14 for any other purpose.

15 § 906. AMOUNT TO BE RAISED BY TAXATION

16 Upon passage of the budget by the voters, the amounts stated therein as the
17 amount to be raised by taxes shall constitute a determination of the amount of
18 the levy for the purposes of the City in the corresponding tax year, and the
19 Council shall levy such taxes on the grand list as prepared by the assessor for
20 the corresponding tax year.

1 (b) Contents. The capital program shall include:

2 (1) a clear general summary of its contents;

3 (2) a list of all capital improvements that are proposed to be undertaken
4 during not fewer than the next five fiscal years, with appropriate supporting
5 information as to the necessity for such improvements;

6 (3) cost estimates, method of financing, and recommended time
7 schedules for each such improvement; and

8 (4) the estimated annual cost of operating and maintaining the facilities
9 to be constructed or acquired.

10 (c) Revision. The information required by this section may be revised and
11 extended each year with regard to capital improvements still pending or in
12 process of construction or acquisition.

13 Subchapter 12. Amendment of Charter and Initiatives

14 § 1201. GOVERNING LAW

15 This charter may be amended in accordance with the procedure provided for
16 by State statutes for amendment of municipal charters.

17 Subchapter 13. General Provisions

18 § 1301. SAVINGS CLAUSE

19 Repeal or modification of this charter shall not affect the validity of a
20 previously enacted ordinance, resolution, or bylaw.

1 § 1302. SEVERABILITY

2 The provisions of this charter are declared to be severable. If any
3 provisions of this charter are for any reason invalid, such invalidity shall not
4 affect the remaining provisions, which can be given effect without the invalid
5 provision.

6 § 1303. SUPERSEDING LANGUAGE

7 The City of Essex Junction shall be formed notwithstanding the following
8 language (“Notwithstanding the provisions of any other municipal charters,
9 territory within the corporate limits [of the Town of Essex] shall not be
10 annexed to or become a part of any other municipal corporation except by
11 annexation procedures as set forth in the statutes of the State of Vermont.”)
12 contained in chapter 117, section 101 of this title.

13 * * * Transitional Provisions * * *

14 Sec. 3. TRANSITIONAL PROVISION; ASSIGNMENT AND

15 ASSUMPTION OF VILLAGE ASSETS AND LIABILITIES

16 (a) All assets and obligations formerly owned or held by the Village not
17 otherwise transferred shall hereby be assigned and assumed by the City of
18 Essex Junction upon the effective date of this act. This shall include all real
19 property, easements, rights, and interests in land, buildings, and other
20 improvements; vehicles, equipment, and other personal property; rents, and
21 charges, together with lien rights and enforcement powers; moneys, rights of

1 action in legal or administrative proceedings; insurance policies; documents
2 and records; debts, claims, bonded indebtedness; without any further act, deed,
3 or instrument being necessary.

4 (b) All contracts, agreements, trusts, and other binding written documents
5 obligating the Village shall remain in effect on the effective date of this act,
6 and the City of Essex Junction shall assume all the responsibilities formerly
7 belonging to the Village unless previously allocated or otherwise specified.

8 Sec. 4. TRANSITION PERIOD

9 (a) The charter will become effective and the City of Essex Junction shall
10 be established on the effective date of this act. The transition period shall
11 begin on July 1, 2022, following approval of the charter by the Legislature, and
12 end on or before July 1, 2023. During the transition period, the City of Essex
13 Junction shall continue to receive and pay for consolidated services with the
14 Town of Essex for administration, assessing, clerk/treasurer, finance,
15 information technology, police, public works, and stormwater. The City
16 Council shall set a tax rate and collect taxes to meet the obligations for the
17 City's share of the Town of Essex municipal operations and all of the City of
18 Essex Junction municipal operations throughout the transition period, per the
19 budgets approved by the voters of the Town of Essex and the Village of Essex
20 Junction (now the City of Essex Junction) the previous March and April. The
21 taxes collected by the City for the Town of Essex shall be paid to the Town of

1 Essex in two equal installments on or before October 15 and April 15. At the
2 end of the transition period, the City of Essex Junction shall be fully organized.

3 (b) Nothing in this section shall affect or limit other provisions in this
4 subchapter or in other subchapters, which serve a transitional purpose and
5 which by their own provisions continue beyond the transitional period. In such
6 cases, transitional provisions intended to extend beyond the transitional period
7 shall be governed by specific sunset terms.

8 Sec. 5. TRANSITIONAL PROVISION; ORGANIZATIONAL MEETING

9 The first annual City Meeting shall occur on the date set forth by the voters
10 at the most recent Village annual meeting, following approval of the charter.

11 This shall be a meeting of the City of Essex Junction and shall be noticed and
12 warned to all residents of the City of Essex Junction. This meeting shall be for
13 the purpose of presenting and discussing the budget only. Other City business
14 may also be presented and discussed but not voted on. After presentation and
15 discussion of the budget and any other business, the meeting shall adjourn.

16 Voting on the budget and the election of councilors shall be by Australian
17 ballot and shall occur on the date set forth by the voters at the most recent
18 Village annual meeting.

1 Sec. 6. TRANSITIONAL PROVISION; VILLAGE CENTER AND
2 NEIGHBORHOOD DEVELOPMENT AREA DESIGNATIONS

3 The Village Center District and Neighborhood Development Area, as
4 designated in the Essex Junction Land Development Code, shall continue in
5 the new City for the purpose of continuing the downtown revitalization efforts
6 as outlined in the Village's Comprehensive Plan, and shall retain any and all
7 State designations for the purposes of redevelopment in force at the time of
8 adoption of the charter or until such designations are withdrawn or amended as
9 per routine statutory process.

10 Sec. 7. TRANSITIONAL PROVISION; GOVERNING BODY

11 (a) When the charter becomes effective and the City of Essex Junction is
12 established on July 1, 2022, following approval of the charter by the
13 Legislature, all members of the Village Board of Trustees shall become
14 members of the City Council and shall continue to serve in their capacities and
15 shall serve out their elected terms. The president, vice president, and clerk of
16 the Council shall continue to serve in their capacities until the board
17 reorganizes pursuant to chapter 4, subsection 204(a) of this charter.

18 (b) The Councilors shall warn and hold meetings as appropriate. The
19 Councilors shall address all details and issues relating to the transition from the
20 Village of Essex Junction to the City of Essex Junction.

1 (c) The Council shall review, consider, and adopt all regulations,
2 ordinances, and plans from the former Village of Essex Junction as its own.

3 (d) The City Council, with the assistance of the City Manager and staff,
4 shall propose and warn in the manner pursuant to the charter, the first annual
5 budget of the new City of Essex Junction for consideration by the voters at the
6 first annual meeting.

7 Sec. 8. TRANSITIONAL PROVISION; BUDGET AND
8 ADMINISTRATION

9 Following the approval of the charter by the Legislature, the City Manager
10 will propose a budget for the City for the next fiscal year that addresses proper
11 service levels, contractual obligations, capital projects, and debt, and that
12 reflects any changes related to the incorporation of the City of Essex Junction.

13 Sec. 9. TRANSITIONAL PROVISION; SEPARATION OF CITY AND
14 TOWN DEPARTMENTS

15 The City Council shall employ a City Manager. The City Manager shall
16 plan and hire for the separation of all consolidated departments with the Town
17 of Essex by the end of the transition period, unless contracts are signed stating
18 otherwise, in which case the contracts shall dictate the terms for the sharing of
19 services between the City of Essex Junction and Town of Essex.

1 Sec. 10. TRANSITIONAL PROVISION; PLANNING AND
2 DEVELOPMENT

3 (a) On the effective date of this charter, the former Village plan, the former
4 Village's zoning bylaws and Land Development Code, and any Village
5 Ordinances shall remain in effect until amended or revised by the new City
6 Council.

7 (b) From the effective date of this charter, the Village of Essex Junction
8 Planning Commission and the Village of Essex Junction Zoning Board of
9 Adjustment shall become the Planning Commission and the Development
10 Review Board of the City of Essex Junction, respectively.

11 Sec. 11. TRANSITIONAL PROVISION; APPOINTED COMMISSION
12 AND COMMITTEE MEMBERS

13 All current Trustee appointed commission and committee members shall
14 serve out the remainders of their terms, and new positions shall be filled upon
15 the existing schedules and as they become available.

16 Sec. 12. TRANSITIONAL PROVISION; UNIFICATION AND ADOPTION
17 OF ORDINANCES, BYLAWS, AND RULES

18 On the effective date of this charter, all ordinances and bylaws of the
19 Village of Essex Junction shall become ordinances and bylaws of the new City
20 of Essex Junction. The City Council shall be fully authorized to amend or
21 repeal any ordinance according to the provisions of subchapter 5 of the charter.

1 Whenever a power is granted by any such ordinance or bylaw to an officer or
2 officers of the Village of Essex Junction, such power is conferred upon the
3 appropriate officer or officers of the new City of Essex Junction.

4 Sec. 13. TRANSITIONAL PROVISION; PERSONNEL

5 (a) On the effective date of this charter, all employees of the Village of
6 Essex Junction shall become employees of The City of Essex Junction and any
7 and all employment contracts of the Village shall be assumed by the City
8 unless otherwise terminated, reexecuted, or renegotiated. Any and all
9 personnel policies and regulations adopted by the Village shall become
10 policies and regulations of the City of Essex Junction until further repealed,
11 amended, or restated.

12 (b) The dates of hire with the Village of Essex Junction will be used as the
13 dates of hire for purposes related to benefits with the new City of Essex
14 Junction and all accrued benefits shall carry over.

15 Sec. 14. TRANSITIONAL PROVISION; FINANCES

16 (a) Upon the effective date of this charter, the City of Essex Junction shall
17 adopt any and all portions of the Town of Essex Grand List for properties
18 located within the borders of the City. Any and all property tax payments due
19 and delinquencies incurred for the Village of Essex Junction prior to the
20 effective date of this charter shall be payable to the Town of Essex. Upon the

1 effective date of this charter, any City taxes due and delinquencies incurred
2 shall be payable to the City.

3 (b) All existing contractual agreements, including but not limited to tax
4 stabilization agreements and any agreements related to the conveyance of real
5 property, within the Village of Essex Junction shall hereby be assigned to the
6 City of Essex Junction.

7 Sec. 15. TRANSITIONAL PROVISION; FUTURE GOVERNANCE

8 COMMISSION

9 Within three years after the approval of this charter by the Legislature, the
10 Council shall appoint a special commission to study governance considerations
11 such as, but not limited to, form of government, election of officials at-large or
12 through wards or districts, governing body composition, term of office, term
13 limits, and councilor compensation.

14 Sec. 16. REPEAL

15 24 App. V.S.A. chapter 221 (Village of Essex Junction charter) is repealed.

16 Sec. 17. EFFECTIVE DATE

17 This act shall take effect on July 1, 2022.