

H.491

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

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

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

Sec. 1. CHARTER AMENDMENT APPROVAL; CREATION OF CITY

As set forth in this act, the General Assembly creates the City of Essex Junction and approves the adoption of the charter of the City of Essex Junction. The voters of the Village of Essex Junction approved the creation of the City and the adoption of the City charter on November 2, 2021.

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

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

CHAPTER 4. CITY OF ESSEX JUNCTION

Subchapter 1. Incorporation and Powers of the City

§ 101. CORPORATE EXISTENCE RETAINED

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

§ 102. GENERAL POWERS; LAW

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the City of Essex Junction, all provisions of the

statutes of this State applicable to municipal corporations shall apply to the City of Essex Junction.

§ 103. SPECIFIC POWERS

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

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

(c) The City of Essex Junction may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation

and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.

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

(e) The City of Essex Junction may establish and maintain an electric power system and regulate power line installations; provided, however, that the City shall have no authority under this charter that conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency. The City of Essex Junction may also establish a telecommunications system and an enterprise to deliver internet or broadband services.

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

§ 104. RESERVATION OF POWERS

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the City of Essex Junction and the City Council by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be

cumulative and in addition to the provisions of such general or special enactments.

§ 105. FORM OF GOVERNMENT

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

Subchapter 2. Governance Structure

§ 201. POWERS AND DUTIES OF GOVERNING BODY

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

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

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

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

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

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

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

§ 202. GOVERNING BODY; COMPOSITION AND TERMS OF OFFICE

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

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

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

§ 203. VACANCY IN OFFICE

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

§ 204. ELECTION OF GOVERNING BODY OFFICERS

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

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

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

(d) In the event that a Councilor is no longer a resident of the City prior to the expiration of the Councilor's term, the Councilor's office shall be deemed

vacant. The Council may appoint a person to fill the vacant office until a successor can be elected at the next annual election.

§ 205. COMPENSATION

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

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

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

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

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

(c) Interference with administration. Except for the purpose of inquiries and investigations under subdivision 201(b)(4) of this charter, the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 207. GOVERNING BODY; MEETINGS

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

§ 208. SPECIAL CITY MEETINGS

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

§ 209. COUNCIL MEETINGS; PROCEDURE

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

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

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

(d) All meetings of the Council shall be open to the public unless, by an affirmative vote of the majority of the members present, the Council shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont's Open Meeting Law.

§ 210. APPOINTMENTS

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

§ 211. ADDITIONAL GOVERNING BODY PROVISIONS

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

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

Subchapter 3. Other Elected Offices

§ 301. BROWNELL LIBRARY TRUSTEES

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

§ 302. MODERATOR

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

Subchapter 4. City Meetings

§ 401. CITY MEETINGS AND ELECTIONS

(a) The voters shall at each annual meeting vote to set the date of the next annual meeting, at which time the voters shall vote for the election of officers,

the voting on the City budget, and any other business included in the warnings for the meetings.

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

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

Subchapter 5. Ordinances

§ 501. ADOPTION OF ORDINANCES

Ordinances shall be adopted in accordance with State law pursuant to 24 V.S.A. §§1972–1976, with the additional requirements noted in this subchapter.

§ 502. PUBLIC HEARING

(a) The Council shall hold a minimum of one public hearing prior to the adoption of any ordinance.

(b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be

introduced, and thereafter, all persons interested shall be given an opportunity to be heard.

(c) After the hearing, the Council may finally pass the ordinance with or without amendment, except that if the Council makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsections (a) and (b) of this section with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. The Council may finally pass the amended ordinance or again amend it subject to the same procedures as outlined herein.

§ 503. EFFECTIVE DATE

Every ordinance shall become effective upon passage unless otherwise specified.

§ 504. RESCISSION OF ORDINANCES

All ordinances shall be subject to rescission by a special or annual City meeting, as follows: If, within 44 days after final passage by the Council of any such ordinance, a petition signed by voters of the City not less in number than five percent of the qualified voters of the municipality is filed with the City Clerk requesting its reference to a special or annual City meeting, the Council shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the

manner provided by law in the calling of a special or annual City meeting.

Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual City meeting exceeds five percent in number of the qualified voters of the municipality.

§ 505. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL MEETING

(a) Voters of the City may at any time petition for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the City Clerk. The Council shall call a special City meeting (or include the ordinance as annual meeting business) to be held within 60 days after the date of the filing, unless prior to the meeting the ordinance shall be enacted by the Council. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting, provided that voters, constituting a majority of those voting thereon, shall have voted in the affirmative.

(b) The proposed ordinance shall be examined by the City Attorney before being submitted to the special City meeting. The City Attorney is authorized, subject to the approval of the Council, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy

in its text and references and clarity and precision in its phraseology, but the City Attorney shall not materially change its meaning and effect.

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

Subchapter 6. City Manager

§ 601. MANAGER; APPOINTMENT AND HIRING

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

§ 602. POWERS OF MANAGER

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

(b) The Manager shall appoint and, when the Manager deems it necessary for the good of the service, suspend or remove all City of Essex Junction employees, including the Treasurer, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter,

collective bargaining unit contracts, or personnel rules adopted pursuant to this charter. The Manager may authorize any employee who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency. There shall be no discrimination in employment, in accordance with applicable State and federal laws, including 21 V.S.A. § 495. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to ensure that the responsible administrative officer may secure efficient service.

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

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

(e) The Manager or a staff member designated by the Manager shall attend all Council meetings and shall have the right to take part in discussion and make recommendations but may not vote. The Council may meet in executive session without the Manager for discussion of the Manager's performance or if the Manager is the subject of an investigation pursuant to subdivision 201(b)(4) of this charter.

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

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

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

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

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

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

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

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

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

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

§ 603. MANAGER; REMOVAL; HEARING

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

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

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

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its

members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing, if the Manager has requested one.

§ 604. VACANCY IN OFFICE OF CITY MANAGER

The Manager, by letter filed with the City Clerk, may appoint a staff member to perform the Manager's duties in the event of the Manager's absence due to disability, incapacitation, or vacation unless the Manager has previously appointed a staff member as assistant manager or deputy manager, who would automatically assume the Manager's responsibilities in the Manager's absence. If the Manager fails to make such designations, the Council may by resolution appoint an officer or employee of the City to perform the duties of the Manager until the Manager is able to return to duty.

Subchapter 7. Boards and Commissions

§ 701. BOARD OF CIVIL AUTHORITY

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

§ 702. BOARD OF ABATEMENT OF TAXES

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

§ 703. PLANNING COMMISSION

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

§ 704. DEVELOPMENT REVIEW BOARD

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

§ 705. BROWNELL LIBRARY TRUSTEES

The Brownell Library Board of Library Trustees that holds office at the time of enactment of this charter shall serve until their terms are completed. Any existing policies of the Library Trustees at the time of the enactment of this charter shall become the policies of the new Brownell Library Board of Trustees. The five permanent, self-perpetuating Library Trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library Trustees shall have the authority to establish any new policy for the operation of the Library or repeal or replace any existing

policy and shall otherwise act in conformance with the Vermont statutes.

Notwithstanding the forgoing, the Library is required to follow all financial and personnel policies adopted by the City Council.

Subchapter 8. Administrative Departments

§ 801. PERSONNEL ADMINISTRATION AND BENEFITS

(a) The Manager or the Manager's appointee shall be the personnel director. The Manager shall maintain personnel rules and regulations protecting the interests of the City and of the employees. These rules and regulations must be approved by the Council and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when the employee is hired.

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

(c) No person in the service of the City shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on

account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

§ 802. REAL ESTATE ASSESSOR

There shall be either a real estate Assessor who is a certified real estate appraiser or an independent appraisal firm, headed by a certified real estate appraiser, appointed by the Manager that shall carry out the duties of assessor in the same manner and be subject to all of the same liabilities prescribed for listers under the law of the State of Vermont in assessing property within the City of Essex Junction and that shall establish the grand list thereof and shall return such list to the City Clerk within the time required by State statute.

§ 803. APPRAISAL OF PROPERTY

Appraisals shall be reviewed periodically and kept up to date.

§ 804. APPRAISAL OF BUSINESS PROPERTY FOR TAX PURPOSES

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

§ 805. PURPOSE

The purpose of appointing an Assessor is in lieu of the election of listers. The City shall be governed by, and each taxpayer shall have rights granted by,

the applicable State statutes concerning real and personal property taxation,
appeal therefrom, and other statutes concerning taxation.

Subchapter 9. Budget Process

§ 901. FISCAL YEAR

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

§ 902. ANNUAL MUNICIPAL BUDGET

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

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

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

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

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

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

§ 903. GOVERNING BODY'S ACTION ON BUDGET

The Council shall review and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Council. The Council shall fix the time and place for holding a public hearing for the budget and shall give public notice of the hearing.

§ 904. BUDGET MEETING; WARNING

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

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

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

§ 905. APPROPRIATION AND TRANSFERS

(a) An annual budget shall be adopted at the City Meeting by the vote of a majority of eligible voters by Australian ballot in accordance with section 401

of this charter. If, after the total budget has been appropriated, the Council finds additional appropriations necessary, the appropriations shall be made and reported at the next City Meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.

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

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

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

§ 906. AMOUNT TO BE RAISED BY TAXATION

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

Subchapter 10. Taxation

§ 1001. TAXES ON REAL PROPERTY

Taxes on real property shall be paid in equal installments on March 15 and September 15. The Council shall send notice to taxpayers not less than 30 days prior to when taxes are due.

§ 1002. PENALTY

An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section 1001 of this charter, and interest as authorized by Vermont statutes.

§ 1003. ASSESSMENT AND TAXATION AGREEMENT

The Council is authorized and empowered to negotiate and execute assessment and taxation agreements between the City and a taxpayer or taxpayers within the City of Essex Junction consistent with applicable requirements of the Vermont Constitution. This section shall not be construed to supersede any provision of State law relating to the education property tax.

Subchapter 11. Capital Improvements

§ 1101. CAPITAL PROGRAMS

(a) Preparation of capital program. The Manager shall prepare and submit to the Council a capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) a clear general summary of its contents;

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

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

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

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

Subchapter 12. Amendment of Charter and Initiatives

§ 1201. GOVERNING LAW

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

Subchapter 13. General Provisions

§ 1301. SAVINGS CLAUSE

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

§ 1302. SEVERABILITY

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

§ 1303. SUPERSEDING LANGUAGE

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

* * * Transitional Provisions * * *

Sec. 3. TRANSITIONAL PROVISION; ASSIGNMENT AND

ASSUMPTION OF VILLAGE ASSETS AND LIABILITIES

(a) All assets and obligations formerly owned or held by the Village not otherwise transferred shall hereby be assigned and assumed by the City of

Essex Junction upon the effective date of this act. This shall include all real property, easements, rights, and interests in land, buildings, and other improvements; vehicles, equipment, and other personal property; rents, and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.

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

Sec. 4. TRANSITION PERIOD

(a) The charter will become effective and the City of Essex Junction shall be established on the effective date of this act. The transition period shall begin on July 1, 2022, following approval of the charter by the Legislature, and end on or before July 1, 2023. During the transition period, the City of Essex Junction shall continue to receive and pay for consolidated services with the Town of Essex for assessing, clerk/treasurer, information technology, police, public works, and stormwater. The City Council shall set a tax rate and collect taxes to meet the obligations for the City's share of the Town of Essex municipal operations and all of the City of Essex Junction municipal

operations throughout the transition period, per the budgets approved by the voters of the Town of Essex and the Village of Essex Junction (now the City of Essex Junction) the previous March and April. The taxes collected by the City for the Town of Essex shall be paid to the Town of Essex in two equal installments on or before October 15 and April 15. At the end of the transition period, the City of Essex Junction shall be fully organized.

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

Sec. 5. TRANSITIONAL PROVISION; ORGANIZATIONAL MEETING

The first annual City Meeting shall occur on the date set forth by the voters at the most recent Village annual meeting, following approval of the charter. This shall be a meeting of the City of Essex Junction and shall be noticed and warned to all residents of the City of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other City business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business, the meeting shall adjourn. Voting on the budget and the election of councilors shall be by Australian

ballot and shall occur on the date set forth by the voters at the most recent Village annual meeting.

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

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

Sec. 7. TRANSITIONAL PROVISION; GOVERNING BODY

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

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

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

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

Sec. 8. TRANSITIONAL PROVISION; BUDGET AND
ADMINISTRATION

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

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

The City Council shall employ a City Manager. The City Manager shall plan and hire for the separation of all consolidated departments with the Town of Essex by the end of the transition period, unless contracts are signed stating

otherwise, in which case the contracts shall dictate the terms for the sharing of services between the City of Essex Junction and Town of Essex.

Sec. 10. TRANSITIONAL PROVISION; PLANNING AND
DEVELOPMENT

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

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

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

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

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

On the effective date of this charter, all ordinances and bylaws of the Village of Essex Junction shall become ordinances and bylaws of the new City

of Essex Junction. The City Council shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 5 of the charter. Whenever a power is granted by any such ordinance or bylaw to an officer or officers of the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the new City of Essex Junction.

Sec. 13. TRANSITIONAL PROVISION; PERSONNEL

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

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

Sec. 14. TRANSITIONAL PROVISION; FINANCES

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

effective date of this charter shall be payable to the Town of Essex. Upon the effective date of this charter, any City taxes due and delinquencies incurred shall be payable to the City.

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

Sec. 15. TRANSITIONAL PROVISION; FUTURE GOVERNANCE

COMMISSION

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

Sec. 16. JUSTICES OF THE PEACE; APPOINTMENT

The Governor may appoint up to 15 justices of the peace to serve in the City of Essex Junction, pursuant to 17 V.S.A. § 2623. The committees for the political parties of the justices of peace of the Town of Essex may submit recommendations for qualified justices of the peace to the Governor for consideration. The appointed justices of the peace shall serve until successors may be elected at the 2022 general election.

* * * Repeal of Village Charter * * *

Sec. 17. REPEAL

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

* * * Effective Date * * *

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2022.