

1 H.742

2 Introduced by Representatives Morgan, M. of Milton, Mattos of Milton,

3 Morgan, L. of Milton, and Palasik of Milton

4 Referred to Committee on

5 Date:

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

7 amendments

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

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

10 (1) clarify language and titles of miscellaneous Town governing bodies
11 and offices;

12 (2) authorize the Town of Milton to establish an independent police
13 force;

14 (3) require Town notices of meetings to be distributed electronically as
15 well as through traditional means;

16 (4) create the office of Town Manager and charge the office with the
17 proposal of town policies, subject to Selectboard approval; and

18 (5) clarify the process of redistricting and reapportionment for the Town
19 of Milton.

1 An act relating to approval of amendments to the charter of the Town of
2 Milton

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

4 Sec. 1. CHARTER AMENDMENT APPROVAL

5 The General Assembly approves the amendments to the charter of the Town
6 of Milton as set forth in this act. The voters approved the proposals of
7 amendment on March 2, 2021.

8 Sec. 2. 24 App. V.S.A. chapter 129 is amended to read:

9 CHAPTER 129. TOWN OF MILTON

10 Subchapter 1. Powers of the Town of Milton

11 § 101. CORPORATE EXISTENCE RETAINED

12 The inhabitants of the Town of Milton, within the limits as now established,
13 shall be a municipal corporate by the name of the Town of Milton, including
14 the area within the former incorporated Village of Milton, the geographical
15 boundaries of which are referenced in 1900 Acts and Resolves No. 183, §

16 Sec. 1.

17 * * *

18 § 103. POWERS OF THE TOWN AND SCHOOL DISTRICT

19 * * *

20 (b) Acquisition of property. The Town may acquire property within or
21 without its corporate limits for any Town or ~~school~~ School District purpose, in

1 fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or
2 condemnation, consistent with the Constitution and Laws of the State.

3 (c) Municipal forest lands. A Municipal Forest shall be established, and it
4 shall not be sold, leased, or otherwise disposed of unless so voted by
5 Australian ballot at a legally warned Town meeting. This forest land shall be
6 maintained by using proper forest and wildlife practices.

7 * * *

8 (e) Reservation of powers to the Town or School District. Nothing in this
9 charter shall be construed to in any way limit the powers and functions
10 conferred on the Town of Milton or School District and the Selectboard or
11 ~~school trustees~~ School Board of Trustees of said the Town and School District,
12 its elected and appointed officials by general or special enactments of State
13 Statutes, or regulations in force or effect ~~hereafter enacted~~ on or after the
14 effective date of this charter; and the powers and functions conferred by this
15 charter shall be cumulative and in addition to the provisions of such general or
16 special enactments unless this charter otherwise provides.

17 * * *

18 (g) Milton Fire Department. The Town of Milton may establish a system
19 of fire protection and may create and equip a Fire Department. The Town may
20 contract with a volunteer or nonmunicipal corporation to supply fire protection
21 services, the cost of which shall be included in the Town annual budget. The

1 Selectboard shall appoint a Fire Chief of the Department who shall have the
2 powers and duties of a chief engineer as provided in 20 V.S.A. ~~§ 2673~~
3 §§ 2671–2675, 20 V.S.A. chapter 175, and 24 V.S.A. § 1953.

4 * * *

5 (i) Milton Police Department. The Town of Milton may establish a system
6 of police protection and may create and equip a Police Department. The Town
7 may contract with a nonmunicipal corporation to supply police protection
8 services, the cost of which shall be included in the Town annual budget. The
9 Selectboard shall appoint a Police Chief of the Department. The Police
10 Department shall be provided and administered in accordance with the
11 requirements of 24 V.S.A. § 1931.

12 § 104. ORDINANCES

13 * * *

14 (b) Adoption by Selectboard.

15 (1) If the Selectboard desires to adopt a new ordinance or amend or
16 repeal an existing ordinance, they shall cause it to be entered in the official
17 record kept of their proceedings. The new or amended section of the
18 ordinance shall then be published in a the official newspaper ~~of general~~
19 ~~circulation in the Town~~ established by the Selectboard together with a notice
20 of the time and place of a public hearing to consider the ordinance change for

1 final passage, as well as electronically. Such publication to be on a day at least
2 one week and not more than two weeks prior to the date of hearing.

3 * * *

4 (3) After the public hearing, the Selectboard may adopt the ordinance
5 with or without amendment. If they amend the ordinance prior to passage,
6 they shall cause the amended ordinance to be entered in the official record of
7 their proceedings and shall also cause the entire section of the ordinance, as
8 amended and passed, to be published in a the official newspaper ~~of general~~
9 ~~circulation in the Town and~~ established by the Selectboard, posted in four or
10 more public places in the Town and electronically on a day not more than
11 14 days after adoption.

12 (4) Every ordinance shall become effective ~~40~~ 60 days after adoption
13 unless the Selectboard specify a longer period. If within ~~40~~ 60 days after
14 adoption a referendum petition is filed as in subsection (f) of this section, the
15 ordinance shall not become effective until after the question of repeal is voted.

16 (c) Initiative. Any lawful ordinance may be enacted by vote of the Town
17 as follows: A petition signed by not less than five percent of the registered
18 voters shall be filed with the Town Clerk requesting enactment of the
19 ordinance and accompanied by the text ~~thereof~~. The warning for the next
20 annual Town meeting shall include the text of the proposed ordinance and shall
21 provide for a “yes” or “no” vote by Australian Ballot.

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(e) Penalties; limitations.

~~(1) A fine in an amount not greater than \$500.00.~~

~~(2) Each week a violation continues shall constitute a separate offense.~~

~~(3) A violation of a Town ordinance shall be classified as a
misdemeanor or a rule violation in the same manner as it would be classified
by the general State statutes now or hereafter enacted and prosecuted
accordingly. The Town may maintain an action to enjoin the violation of any
ordinance or rule, but the election of the Town to proceed under this
subsection shall not prevent prosecution for the violation of the ordinance.~~

(1) A violation of a Town ordinance shall be classified as a
misdemeanor or a rule violation in the same manner as it would be classified
by the general State statutes on and after the effective date of this act enacted
and prosecuted accordingly. The Town may maintain an action to enjoin the
violation of any ordinance or rule, but the election of the Town to proceed
under this subsection shall not prevent prosecution for the violation of the
ordinance.

(2) A fine in an amount not greater than \$800.00.

(3) Each week a violation continues shall constitute a separate offense.

1 (f) Referendum.

2 (1) A Town ordinance may be repealed by vote of the Town as follows:

3 A petition requesting a vote on the question of repealing the ordinance shall be
4 signed by not less than five percent of the registered voters and shall be filed
5 with the Town Clerk within ~~40~~ 44 days following the date of adoption of the
6 ordinance by the Selectboard. The Selectboard shall call a special Town
7 meeting to be held within 60 days of the date of filing the petition to vote by
8 Australian ballot on whether or not the ordinance shall be repealed. The
9 warning shall include the text of the proposed ordinance and shall provide for
10 a “yes” or “no” vote by Australian Ballot.

11 * * *

12 Subchapter 2. Officers

13 * * *

14 § 202. ELECTIVE OFFICERS

15 (a) Officers. The officers elected at its annual meeting shall be:

16 (1) five selectpersons;

17 (2) Town Clerk;

18 (3) Town Treasurer;

19 (4) ~~Moderator~~;

20 ~~(5)~~ five library trustees;

21 ~~(6)~~(5) five school trustees; and

1 ~~(7)~~(6) ~~CWD~~ Champlain Water District (CWD) Representative.

2 (b) Candidate for office. No candidate for any office listed above that has
3 multiple open seats for an election shall campaign for more than one seat.
4 However, a candidate may campaign for multiple offices as allowed by law.

5 (c) Qualifications. All elected officers shall be chosen at large from the
6 legally qualified voters at a legally warned Town meeting using the Australian
7 ballot system. ~~Said~~ The elected officers shall hold office for the terms
8 ~~hereinafter specified~~ as set forth in section 203 and until their successors are
9 elected and qualified.

10 ~~(e)~~(d) Bonding. All officers shall be sworn before entering their duties and
11 all officers as described in 24 V.S.A. § 832 shall give a bond conditioned for
12 the faithful performance of their duties in an amount prescribed and approved
13 by the Selectboard.

14 ~~(d)~~(e) Termination.

15 (1) When an elected officer specified in subsection (a) of this section
16 resigns, becomes domiciled in another town, dies, or is removed by recall, ~~his~~
17 ~~or her~~ that office shall become vacant and the Selectboard, in the case of the
18 Town, and the school trustees, in the case of the school, shall appoint an
19 eligible person to fill the vacancy until the next legally warned ~~Town or school~~
20 Annual meeting. The person appointed shall serve until ~~his or her~~
21 ~~predecessor's~~ the vacant term expires.

1 (2) If more than one vacancy occurs on the Selectboard or Board of
2 School Trustees at the same time, then the respective board shall call a special
3 election to fill the vacancies, unless there are fewer than 90 days until the
4 Annual meeting.

5 § 203. TERMS OF ELECTED OFFICES

6 (a) Selectboard.

7 (1) Shall consist of five members. Three members of the ~~Board~~
8 Selectboard shall be elected each year; one for a three-year term and two
9 members for one-year terms. The two incumbent officers shall complete their
10 elected terms.

11 (2) Shall constitute the legislative body of the Town of Milton for all
12 purposes required of town legislative bodies or selectboards under the
13 Constitution and the laws of the State of Vermont.

14 * * *

15 ~~(d) The Moderator shall be elected for a one-year term.~~

16 ~~(e)~~(d) The Library Board shall consist of five trustees. Two trustees shall
17 be elected for a two-year term and three trustees shall be elected for a three-
18 year term.

19 ~~(f)~~(e) School trustees Board of Trustees.

1 (1) Shall consist of five members of whom three shall be elected for
2 three-year terms; one shall be elected for a two-year term; and one shall be
3 elected for a one-year term.

4 * * *

5 ~~(g)~~(f) Champlain Water District Representative (CWD) shall be elected for
6 a three-year term or as prescribed by the Champlain Water District charter.

7 § 204. DUTIES OF ELECTED OFFICERS

8 * * *

9 (7) The Town Treasurer shall perform such duties as prescribed in
10 16 V.S.A. § 426(a)-(c). ~~He or she~~ and shall keep financial records of receipts
11 coming into ~~his or her hands~~ the office and shall make those records available
12 to the School Board of School Directors Trustees when requested to do so.

13 (d) [Repealed.]

14 (e) ~~Town Moderator.~~

15 (1) ~~The Town Moderator shall perform all duties as required by the~~
16 ~~Vermont State statutes and this charter.~~

17 (2) ~~Robert's Rules of Order, Newly Revised shall be used to conduct all~~
18 ~~annual or special meetings.~~

19 (3) ~~In the absence of the Moderator, the Town Clerk shall call the~~
20 ~~meeting to order with the first order of business to elect a Moderator Pro Tem~~
21 ~~to fill the vacancy while it exists. [Repealed.]~~

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(h) The Library trustees shall perform all duties required by Vermont State statutes and this charter, except the Library Board shall follow the administrative code and policies identified in the preamble of the administrative code. Any changes or additions to policies identified in the preamble shall require an affirmative vote of the Selectboard and the Library Board ~~in order~~ to be applicable to the Library.

(i) School trustees ~~Board of Trustees~~. See subchapter 4 of this charter.

(j) Champlain Water District Representative (CWD). Will represent the Town of Milton on the Champlain Water District Board and will keep the Selectboard and the Town Manager advised of significant proceedings by the Champlain Water District Board, which affect quality, quantity, or cost of services.

Subchapter 3. Selectboard Powers and Duties

§ 301. ORGANIZATION

(a) ~~Forthwith after~~ After their election and qualification, the Selectboard shall organize and elect a Chair, a Vice Chair, and Clerk by a majority vote of the entire ~~Board~~ Selectboard.

(b) The Chair of the ~~Board or in his or her absence the Vice Chair or in his or her absence the Clerk~~ Selectboard shall preside at all meetings of the ~~Board~~

1 Selectboard and shall be recognized as the head of the Town government for
2 all ceremonial purposes.

3 (c) In the absence of the Chair, the Vice Chair shall assume all duties of the
4 Chair.

5 (d) In the absence of both the Chair and Vice Chair, the Clerk shall assume
6 all duties of the Chair.

7 § 302. MEETINGS

8 * * *

9 (c) The ~~Board~~ Selectboard shall conduct its business under Robert's Rules
10 of Order, Newly Revised.

11 (d) Three Selectboard members shall constitute a quorum. No action of the
12 ~~Board~~ Selectboard shall be valid or binding unless adopted by the affirmative
13 vote of at least three Selectboard members.

14 (e) All meetings of the ~~Board~~ Selectboard shall be open to the public,
15 unless by an affirmative vote of the majority of the ~~Board~~ Selectboard a
16 portion of the meeting is declared to be an executive session. Executive
17 sessions may be held in compliance with 1 V.S.A. § 313.

18 (f) Emergency meetings may be held without a 24-hour warning, provided
19 that some public notice is given as soon as possible before such meeting and
20 all members of the ~~Board~~ Selectboard are notified.

1 (g) The agenda of the Selectboard's meeting shall be available to the public
2 at least 24 hours prior to the meeting and posted in one or more physical
3 public places as well as electronically.

4 (1) Any member of the ~~Board~~ Selectboard may add items of business to
5 the written agenda prior to its posting.

6 (2) The ~~Board~~ Selectboard may add items of business to the agenda at
7 the commencement of the meeting and in open session. If action is taken on
8 an item added in this section, the action may be reconsidered at the next
9 scheduled ~~Board~~ Selectboard meeting. Additions in this section shall be kept
10 to a minimum.

11 § 303. RECORD OF PROCEEDINGS

12 (a) It shall be the duty of the Clerk of the Selectboard to ~~keep~~ review and
13 sign off on an official record of its proceedings that shall be open for public
14 inspection.

15 * * *

16 § 304. MANDATORY DUTIES

17 The Selectboard shall:

18 * * *

19 (6) with the advice, consultation, and consent of the School Board,
20 provide for an independent audit by a certified public accountant who shall
21 perform an annual audit of all Town departments, including the ~~proprietary~~

1 proprietary and fiduciary accounts in accordance with provisions of subsection
2 1002(d) of this charter.

3 § 305. PERMISSIVE DUTIES

4 The Selectboard may:

5 (1) appoint or create, change, or abolish offices and commissions
6 created by them as ~~they feel~~ deemed to be in the best ~~interest~~ interests of the
7 Town; and

8 (2) prescribe the duties of all offices and commissions created by them.

9 § 306. APPOINTED OFFICERS

10 (a) The Selectboard shall appoint:

11 (1) Planning Commission;

12 (2) ~~Zoning Board of Adjustment~~ Developmental Review Board (DRB);

13 (3) Cemetery Commission;

14 (4) Chittenden County Regional Planning Commission (CCRPC)

15 member;

16 (5) Chittenden Solid Waste District (CSWD) member; and

17 (6) Civil Defense Director.

18 (b) The Selectboard may appoint such additional officers, commissions, or
19 committees as they ~~feel~~ deem to be in the best ~~interest~~ interests of the Town,
20 including:

21 * * *

1 (d) When the term of any office set forth in subsection (a) or (b) of this
2 section expires or the office becomes vacant, the Selectboard shall cause to be
3 posted in four or more physical public places in the Town, as well as
4 electronically, a notice of the expiration of the term and vacancy.

5 * * *

6 (2) The Selectboard may readvertise any ~~expired~~ term or vacancy.

7 (e) The Selectboard shall appoint the following officers using the same
8 procedure specified in the Town's administrative code for employees or
9 vendors engaged by the Town on a contract basis.

10 (1) Zoning Administrator;;

11 (2) Health Officer;;

12 (3) Town Attorney;;

13 (4) Pound Keeper;;

14 (5) Planning Director.

15 (6) Town Moderator.

16 (A) The Town Moderator shall perform all duties as required by the
17 Vermont State statutes and this charter.

18 (B) Robert's Rules of Order, Newly Revised shall be used to conduct
19 all annual or special meetings.

1 (C) In the absence of the Town Moderator, the Town Clerk shall call
2 the meeting to order with the first order of business to elect a Moderator Pro
3 Tem to fill the vacancy while it exists.

4 (7) Town Assessor.

5 § 307. SIDEWALKS, STREETLIGHTS, AND SPECIAL ASSESSMENTS
6 OF THE FORMER INCORPORATED MILTON VILLAGE

7 In accordance with the Town and Village merger agreement of 2003, the
8 Town of Milton shall adhere to the following:

9 (a)(1) Sidewalks. The Town of Milton shall own, maintain, repair, and
10 plow all sidewalks formerly owned by the Village of Milton.

11 (b)(2) Streetlights. The Town of Milton shall own, maintain, and repair all
12 streetlights formerly owned, maintained, and repaired by the Village of Milton.

13 (c)(3) Service and special assessments. The Town of Milton shall not
14 reduce the level of service for sidewalks and streetlights formerly owned and
15 maintained by the Village of Milton. The Town shall not levy any special
16 assessments to construct new sidewalks or streetlights within the former
17 Village limits except upon an affirmative vote of three-fourths of those present
18 and voting at an annual or special Town meeting duly warned for that purpose.

19 (d)(4) Supermajority amendment of this section. No part of this section
20 may be amended or repealed except upon the affirmative vote of three-fourths

1 of those present and voting at an annual or special meeting duly warned for
2 that purpose.

3 Subchapter 4. School Board of Trustees Powers And and Duties

4 § 401. ORGANIZATION

5 (a) ~~Forthwith after~~ After their election and qualification, the ~~school trustees~~
6 School Board of Trustees shall organize and elect a Chair, a Vice Chair, and a
7 Clerk by a majority vote of the entire ~~Board~~ School Board of Trustees.

8 (b) The Chair of the ~~Board or, in his or her absence, the Vice Chair or, in~~
9 ~~his or her absence, the Clerk~~ School Board of Trustees shall preside at all
10 meetings of the ~~Board~~ School Board of Trustees and shall be recognized as the
11 head of the Town or School District for all ceremonial purposes.

12 (c) In the absence of the Chair, the Vice Chair shall assume all duties of the
13 Chair.

14 (d) In the absence of both the Chair and Vice Chair, the Clerk shall assume
15 all duties of the Chair.

16 § 402. MEETINGS

17 (a) As soon as possible after election of its officers, the ~~school trustees~~
18 School Board of Trustees shall fix the time and place of its regular meetings
19 and such meetings shall be held at least once a month.

1 (b) The ~~trustees~~ School Board of Trustees shall annually designate a paper
2 of general circulation to be used for publications as prescribed by 17 V.S.A.
3 § 2641(b).

4 (c) The ~~trustees~~ School Board of Trustees shall conduct their business
5 under Robert's Rules of Order, Newly Revised.

6 (d) Three ~~trustees~~ School Board of Trustees members shall constitute a
7 quorum. No action of the ~~Board~~ School Board of Trustees shall be valid or
8 binding unless adopted by the affirmative vote of at least three members.

9 (e) All meetings of the ~~Board~~ School Board of Trustees shall be open to the
10 public, unless by an affirmative vote of the majority of the ~~Board~~ School
11 Board of Trustees a portion of the meeting is declared to be an executive
12 session. Executive sessions may be held in compliance with 1 V.S.A. § 313.

13 (f) Emergency meetings may be held without a 24-hour warning, provided
14 that some public notice is given as soon as possible before such meeting and
15 all members of the ~~Board~~ School Board of Trustees are notified.

16 (g) The agenda of the ~~School Board's~~ School Board of Trustees meeting
17 shall be available to the public at least 24 hours prior to the meeting and posted
18 in one or more public places.

19 (1) Any member of the ~~Board~~ School Board of Trustees may add items
20 of business to the written agenda prior to its posting.

- 1 (1) appoint or create, change, and or abolish offices and commissions
2 created by them as they deem to be in the best interests of the School District;
3 and
4 (2) prescribe the duties of all offices and commissions created by them.

5 Subchapter 5. Town Manager

6 § 501. TOWN MANAGER APPOINTMENT AND TERM

7 The Town Manager shall be the Chief Administrative Officer of the Town.
8 ~~He or she~~ and shall be appointed by a majority of the Selectboard. The Town
9 Manager shall be selected with special reference to ~~his or her~~ training,
10 experience, education, and ability to perform the duties of ~~his or her~~ the office
11 and without reference to ~~his or her~~ any political position persuasion. ~~He or she~~
12 The Town Manager shall be appointed for an indefinite period and may be
13 removed at the discretion of the Selectboard. The Town Manager shall ~~not~~
14 neither simultaneously hold any elective office within the Town, nor ~~shall he~~
15 ~~or she~~ be employed by the Town in any capacity except as specified in the
16 charter. The Town Manager may concurrently hold statewide office with
17 approval of a majority of the Selectboard.

18 § 502. BOND

19 Before entering into the duties of ~~his or her~~ this office, the Town Manager
20 shall execute a bond in favor of the Town in such sum and with such surety as

1 may be determined by the ~~Board~~ Selectboard and the premium on ~~said~~ the
2 bond shall be paid by the Town.

3 § 503. RESPONSIBILITIES, POWERS, AND DUTIES

4 (a) In general, the Town Manager shall be accountable to the Selectboard.
5 ~~He or she~~ and shall have general supervision of the property and business
6 affairs of the Town and expenditures of all monies appropriated for Town
7 purposes subject to prior approval by the Selectboard. ~~He or she~~ The Town
8 Manager shall not supervise any elected Town officer in the conduct of such
9 officer's duties.

10 (b) In particular, the Town Manager shall have power and it shall be ~~his or~~
11 ~~her~~ the duty:

12 (1) To organize, operate, continue, or discontinue such departments as
13 the Selectboard may determine.

14 (2) To carry out the policies laid down by the ~~Board~~ Selectboard, to
15 keep the ~~Board~~ Selectboard informed of the financial condition and future
16 needs of the Town, and to make such reports as may be required by law or
17 requested by the ~~Board~~ Selectboard together with any other reports and
18 recommendations that ~~he or she may deem~~ are deemed advisable.

19 (3) To keep full and complete records of the actions of ~~his or her~~ the
20 office of Town Manager.

1 (4) To appoint, fix their compensation, and remove, upon merit and
2 fitness alone, any subordinate official, ~~employees, and agents under his or her~~
3 ~~control~~ employee, or agent supervised. Although the Town Manager may hold
4 subordinate officers and employees of the Town responsible for the faithful
5 discharge of their duties, the Town Manager shall remain ultimately
6 responsible to the ~~Board~~ Selectboard for all administrative actions ~~under his or~~
7 ~~her jurisdiction~~ taken.

8 (5) To be present at all regular meetings of the Selectboard except when
9 excused by the ~~Board~~ Selectboard and to have the right to attend all other
10 meetings of said ~~Board~~ the Selectboard and committees thereof, except when
11 ~~his or her~~ removal or suspension is being discussed.

12 (6) To keep the Selectboard fully advised as to the needs of the Town
13 within the scope of the Town Manager's duties and annually to furnish to them
14 a five-year projection of capital improvements for the Town.

15 (7) To examine or cause to be examined, with or without notice, the
16 affairs of any department ~~under his or her control~~ controlled or the conduct of
17 any officer or employee thereof. For that purpose, ~~he or she~~ the Town
18 Manager shall have access to all books and papers of such departments for the
19 information necessary ~~for the to conduct a proper performance of his or her~~
20 duties examination.

21 * * *

1 (12) To perform such other duties that may be required of ~~him or her~~ the
2 office by vote of the Selectboard by law or by ordinance consistent with this
3 charter.

4 * * *

5 (14) The Town Manager or ~~his or her~~ designee shall be the Collector of
6 Delinquent Taxes.

7 § 504. NONINTERFERENCE WITH ADMINISTRATION

8 (a) The Selectboard, its members, and committees shall not deal with Town
9 administrative officers and employees who are subject to the direction and
10 supervision of the Town Manager. They shall deal solely through the Town
11 Manager and shall not give orders to any such administrative officers or
12 employees, either publicly or privately.

13 (b) Neither the ~~Board~~ Selectboard nor any of its members or committees
14 shall in any manner dictate the appointment or removal of any Town
15 administrative officer or employee whom the Manager is empowered to
16 appoint. They may, however, express its views fully and freely and discuss
17 with the Town Manager, in open or executive session consistent with the law,
18 anything pertaining to the appointment and removal of such officers and
19 employees.

1 § 505. FILLING OF A VACANCY

2 Any vacancy in the Office of Town Manager shall be filled as soon as
3 practicable by the Selectboard and, in pending such appointment or in case of
4 the Town Manager's absence or disability, the ~~Board~~ Selectboard may
5 designate some person to perform the duties of the Office. In no case shall a
6 member of the Selectboard assume the duties of Town Manager.

7 * * *

8 § 507. ADMINISTRATIVE CODE

9 (a) The Town Manager shall prepare and submit to the Selectboard a
10 proposal for an Administrative Code of the Town of Milton. For the purpose
11 of preparing and updating the Administrative Code, the Town Manager may
12 have the assistance of the Town Attorney and shall have the authority to
13 request a committee of citizens to assist in the preparation of the proposal.
14 The proposal shall be a comprehensive code of administrative organization and
15 procedure for the Town and, at a minimum, shall include the following:

16 * * *

17 (b) The Administrative Code, when accepted by the Selectboard, shall be
18 considered a valid extension of the policies set forth in this charter and ~~may~~
19 shall be reviewed and revised by the Selectboard biennially and upon the
20 adoption of a revised Town Charter.

~~§ 508. SELECTBOARD POLICY~~

~~The Town Manager shall prepare and submit to the Selectboard proposals for Selectboard policies. The Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of any proposals. Policies shall be general application to the Town, shall be in writing, codified, and made available to the public. Policies shall be adopted by the Selectboard at regular or special Selectboard meetings. The Selectboard shall give notice of its intent to adopt a policy stating the substance of the proposed policy at least 10 days prior to its adoption. Policies shall be reviewed and readopted biennially.~~

§ 508. SELECTBOARD POLICY

The Town Manager shall prepare and submit to the Selectboard proposals for Selectboard policies. The Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of any proposals. Policies shall be generally applicable to Town government and shall be in writing, codified, and made available to the public. Policies shall be adopted by the Selectboard at regular or special Selectboard meetings. The Selectboard shall give notice of its intent to adopt a policy stating the substance of the proposed policy at least 10 days prior to its adoption.

1 § 601. SCHOOL SUPERINTENDENT APPOINTMENT AND TERM

2 The School Superintendent shall be the Chief Executive Officer of the
3 School District. ~~He or she~~ and shall be appointed by a majority vote of the
4 School Board of Trustees. The Superintendent shall be selected with special
5 reference to ~~his or her~~ training, experience, education, and ability to perform
6 the duties of this office and without reference to ~~his or her~~ any political
7 position persuasion. The Superintendent shall be employed by written contract
8 for a term not to exceed three years nor less than one year. The Superintendent
9 may be dismissed by the ~~school trustees~~ School Board of Trustees for cause as
10 specified in the contract of employment. The Superintendent shall ~~not~~ neither
11 simultaneously hold any elective office within the School District, nor shall ~~he~~
12 ~~or she~~ be employed by the School District in any capacity except as specified
13 in this charter. The Superintendent may concurrently hold statewide office
14 with approval of a majority of the School Board of Trustees.

15 § 602. BOND

16 Before entering into the duties of this office, the Superintendent shall
17 execute a bond in favor of the School District in such sum and with such
18 surety as may be determined by the School Board of Trustees and the premium
19 on ~~said~~ the bond shall be paid by the School District.

20 § 603. RESPONSIBILITIES, POWERS, AND DUTIES

1 (a) In general, the Superintendent shall be accountable to the School
2 Board. ~~He or she~~ of Trustees and shall have general supervision of the
3 property and business affairs of the School District and expenditure of all
4 monies appropriated for school purposes subject to the policies of the School
5 Board of Trustees. ~~He or she~~ The Superintendent shall not supervise any
6 elected School District officer in the conduct of such officer's duties.

7 (b) In particular, in addition to other duties specifically assigned by law,
8 the Superintendent shall be the chief executive officer for the School Board of
9 Trustees and on behalf of the School Board of Trustees shall:

10 (1) carry out the policies adopted by the School Board of Trustees
11 relating to the educational or business affairs of the School District;

12 (2) identify the educational goals and objectives of the School District
13 and prepare plans to achieve those goals and objectives for adoption by the
14 School Board of Trustees;

15 (3) recommend that the School Board of Trustees employ or dismiss
16 persons as in ~~his or her~~ the Superintendent's judgment is necessary to carry out
17 the ~~word~~ work of the School District;

18 (4) furnish the Secretary of Education such data and information as ~~he~~
19 ~~or she may require~~ that is required;

20 (5) approve all textbooks, learning materials, equipment, and supplies;

1 (6) attend all regular meetings of the School Board of Trustees except
2 when excused by the School Board of Trustees and to have the right to attend
3 all other meetings of said the School Board of Trustees and committees thereof
4 except when ~~his or her~~ removal or dismissal is being discussed;

5 (7) furnish the School Board of Trustees with a five-year projection of
6 capital improvements;

7 (8) participate in the discussion of matters before the School Board of
8 Trustees and its committees but not the right to vote;

9 (9) perform such other duties that may be required ~~of him or her~~ by vote
10 of the School Board of Trustees by law or by policy consistent with this
11 charter; and

12 (10) to be responsible for keeping such books and accounts of
13 disbursements for all school accounts as prescribed by policy of the School
14 Board of Trustees.

15 § 604. NONINTERFERENCE WITH ADMINISTRATION

16 The School Board of Trustees, its members, and committees shall not deal
17 with School District administrative officers and employees who are subject to
18 the direction and supervision of the Superintendent. They shall deal through
19 the Superintendent and shall not give orders to any such administrative officers
20 or employees publicly or privately.

21 § 605. FILLING OF A VACANCY

1 Any vacancy in the office of Superintendent shall be filled as soon as
2 practicable by the School Board of Trustees. Pending such appointment, or in
3 the case of the Superintendent’s absence or disability, the School Board of
4 Trustees may designate some person to perform the duties of the office. In no
5 case shall a member of the School Board of Trustees assume the duties of the
6 Superintendent.

7 § 606. COMPENSATION

8 The compensation of the Superintendent shall be set by vote of the School
9 Board of Trustees. As used in this section, the term “compensation” includes
10 salary, additional benefits, time for sick leave, and vacation and expense
11 allowances.

12 § 607. SCHOOL BOARD OF TRUSTEES POLICY

13 The Superintendent shall prepare and submit to the School Board of
14 Trustees proposals for School Board of Trustees policies. The Superintendent
15 may have the assistance of the School Attorney and shall have the authority to
16 request a committee of citizens to assist in the preparation of any proposals.
17 Policies shall be general application to the School District, shall be in writing,
18 codified, and made available to the public. Policies shall be adopted by the
19 School Board of Trustees at regular or special School Board of Trustees
20 meetings. The School Board of Trustees shall give notice of its intent to adopt

1 a Board policy stating the substance of the proposed policy at least 10 days
2 prior to its adoption. ~~Policies shall be reviewed and readopted biennially.~~

3 Subchapter 7. Town and School District Officials' Conduct

4 * * *

5 § 702. CHARTER COMPLIANCE COMMITTEE

6 (a) A Charter Compliance Committee of three members shall be created to
7 hear allegations from the general public or citizens who feel an elected or
8 appointed board or commission or an elected or appointed official has,
9 ~~unknowingly~~, violated the charter. The general public or citizen must first give
10 the elected or appointed board or commission or the elected or appointed
11 official an opportunity to correct the alleged violation.

12 (b) The Town Manager and the Superintendent of Schools shall be exempt
13 from this section. A violation of the charter by the Town Manager will be
14 brought to the attention of the Selectboard. A violation by the Superintendent
15 will be brought to the attention of the School Board of Trustees. If the
16 violation is not corrected in a timely manner, the general public or citizen may
17 take action against the appropriate board.

18 (c) ~~Biannually~~ Biennially, the elected justices of the peace for the Town of
19 Milton ~~will shall~~ elect ~~three~~ five of its members to the Charter Compliance
20 Committee.

21 * * *

1 (g) The Charter Compliance Committee shall verify the validity of the
2 allegation. If it is found that a violation of the charter has occurred, the
3 Charter Compliance Committee shall publicly notify the board ~~or,~~
4 commission, or public official.

5 (h) The board, commission, or public official ~~should~~ shall have an
6 opportunity to correct the violation in a timely manner, not to exceed 60 days.

7 (i) If the board, commission, or public official does not correct the
8 violation ~~in a timely manner~~, the Charter Compliance Committee shall award
9 one of the following:

10 (1) Reprimand (official, board, or commission will be told to abide by
11 the charter).

12 (2) Public sanction (Public will be made aware of the violation along
13 with the facts and findings).

14 (j) Any officer elected under section 202, or appointed official under
15 section 306, of this charter may be removed from office as follows: A legal
16 petition stating specific cause as cited by the petitioner signed by not less than
17 15 percent of the registered voters shall be filed with the Town Clerk
18 requesting a vote on whether the elected official shall be removed from the
19 office. The Selectboard, in the case of the Town, and the ~~school board~~ School
20 Board of Trustees, in the case of the School District, shall call a special Town
21 or ~~school~~ School District meeting to be held within 45 days of receiving the

1 petition, to vote on whether the elected officer shall be removed. The officer
2 shall be removed only if at least one-third of the registered voters of the Town
3 vote and a majority of that number vote for removal.

4 § 703. CODE OF ETHICS

5 (a) No elected or appointed board or commission member has any legal
6 powers or authority unless acting at a duly warned board meeting or acting for
7 the board after it formally grants power to act on its behalf.

8 * * *

9 (e) Any board or commission member shall listen to legal counsel and
10 constructive criticism to protect the Town and ~~school-system~~ School District
11 from liability.

12 * * *

13 (g) Any board or commission member or elected or appointed official shall
14 use the chain of command and avoid making commitments or promises that
15 compromise the Town and ~~school-system~~ School District.

16 (h) Any board or commission member or elected or appointed official shall
17 listen to the recommendations of other board or commission members or
18 elected or appointed officials and staff before making decisions and provide
19 advice and counsel to improve the Town and ~~school-system~~ School District.

20 Subchapter 8. Town Meeting

21 * * *

1 § 803. ELIGIBLE VOTERS

2 A method for the identification and designation of the eligible voters in
3 Town or ~~school~~ School District meetings shall be established by the Board of
4 Civil Authority. The Town Clerk, Selectboard members, and Justices of the
5 Peace shall constitute the Board of Civil Authority.

6 § 804. POLLING PLACES

7 In any annual or special Town or ~~school~~ School District meeting for the
8 purpose of the election of officers and the voting on all questions to be decided
9 by Australian ballot, such polling places as needed shall be established by the
10 Board of Civil Authority.

11 § 805. COMBINING OF TOWN AND SCHOOL MEETINGS

12 (a) The Selectboard or ~~school trustees~~ School Board of Trustees may
13 postpone the vote on any question to be voted at a special Town or ~~school~~
14 School District meeting to the annual meeting if such special meeting falls
15 within 90 days of the annual meeting.

16 (b) If a special Town or ~~school~~ School District meeting falls within 45 days
17 of a sister Town meeting called by petition, the Selectboard or ~~school trustees~~
18 School Board of Trustees may warn the questions to be voted for the later
19 Town or ~~school~~ School District meeting and may, by resolution, rescind the
20 call of the earlier meeting.

21 § 806. VOTING QUESTIONS BY AUSTRALIAN BALLOT

1 (a) The Selectboard or ~~school trustees~~ School Board of Trustees shall cause
2 all questions to be voted by Australian ballot at any properly warned annual or
3 special Town or ~~school~~ School District meeting called on their motion or by
4 petition.

5 * * *

6 ~~§ 907. REAPPORTIONMENT AND REDISTRICTING~~

7 (a) State Representatives for the Town of Milton shall be reapportioned and
8 redistricted on the basis of population during the biennial session after the
9 taking of each decennial census of the United States, or after a census taken for
10 the purpose of such reapportionment under the authority of the State of
11 Vermont.

12 (b) A five-member committee consisting of the Chair of the Board of Civil
13 Authority, Town Clerk, and three Justices of the Peace shall be established to
14 reapportion and redistrict the State Representatives of the Town of Milton
15 when such action is required by law.

16 Subchapter 9. Zoning and Planning

17 * * *

18 § 903. MINUTES

19 (a) Copies of the minutes of the ~~Zoning Board of Adjustment~~ Development
20 Review Board (DRB) and the Milton Planning Commission, or portions

1 ~~thereof~~ of the minutes, shall be made available to any members of the public
2 upon request of the Town Clerk and at cost.

3 (b) Copies of the minutes of the ~~Zoning Board of Adjustment~~ DRB and the
4 Planning Commission shall be filed and kept in the Town Clerk's office in
5 separate books provided for that purpose.

6 § 904. ZONING ADMINISTRATOR

7 The Zoning Administrator shall be appointed in accordance with 24 V.S.A.
8 § ~~4442~~ 4448. Upon appointment, the Zoning Administrator shall be under the
9 direction of the Town Manager for faithful performance of ~~his or her~~ the
10 Zoning Administrator's duties as prescribed in the Vermont statutes and this
11 charter.

12 * * *

13 Subchapter 10. Budgets and Taxation

14 § 1001. FISCAL YEAR

15 The fiscal year shall commence on the first day of July and end on the last
16 day of June of the following calendar year, unless the Town or ~~school~~ School
17 District at their annual meeting shall determine otherwise.

18 § 1002. PREPARATION AND SUBMISSION OF GENERAL BUDGET

19 (a) At least 120 days before the date of the regular annual Town and ~~school~~
20 School District meeting, each department or commission head shall submit to
21 the Town Manager, in the case of the Town, and the Superintendent of the

1 ~~schools~~ School District, in the case of the ~~school~~ School District, a proposed
2 budget for their review and revision. Not less than 60 days prior to the annual
3 meeting, each department or commission head shall submit a written report to
4 the Town Manager or Superintendent of ~~Schools~~ the School District to be
5 included in the Town or ~~school~~ School District report.

6 (b) The Town Manager, in the case of the Town, and the Superintendent, in
7 the case of the ~~schools~~ School District, at least 60 days before the date of the
8 regular annual meeting, shall submit to the Selectboard or ~~school trustees~~
9 School Board of Trustees a budget that, except as required by law or this
10 charter, shall be in such form as the Town Manager or Superintendent deems
11 desirable and the Selectboard or ~~school trustees~~ School Board of Trustees may
12 require. The budget shall contain:

13 * * *

14 (3) Other. Such other information as may be required by the
15 Selectboard or ~~school trustees~~ School Board of Trustees.

16 (c) The Selectboard's or ~~school trustees'~~ Budget School Board of Trustees'
17 budget, in its final form, and the warning for the annual meeting shall be
18 printed under the direction of the Town Manager, in the case of the Town, and
19 the Superintendent of ~~Schools~~ the School District, in the case of the ~~school~~
20 School District, and shall be made available at least 10 days prior to the annual
21 meeting.

1 (d) The annual audit of Town and School District shall be published at
2 least 60 days prior to the annual town meeting and included in the Annual
3 Town Report.

4 § 1003. PREPARATION AND SUBMISSION OF THE CAPITAL BUDGET

5 (a) At least 120 days before the date of the regular annual Town and ~~school~~
6 School District meeting, each department or commission head shall submit to
7 the Town Manager, in the case of the Town, and the Superintendent of the
8 ~~Schools~~ School District, in the case of the ~~school~~ School District, a proposed
9 budget for their review and revision.

10 (b) The Town Manager, in the case of the Town, and the Superintendent, in
11 the case of the ~~school~~ School District, at least 60 days before the date of the
12 regular annual meeting, shall submit to the Selectboard or ~~school trustees~~
13 School Board of Trustees a budget that, except as required by law or this
14 charter, shall be in such form as the Town Manager or Superintendent deems
15 desirable and the Selectboard or ~~school trustees~~ School Board of Trustees may
16 require. The capital budget shall contain:

17 * * *

18 (3) Other. Such other information as may be required by the
19 Selectboard or ~~school trustees~~ School Board of Trustees.

20 (c) Capital ~~plan~~ Improvement Plan. A ~~capital plan~~ Capital Improvement
21 Plan shall be implemented for the collection of impact fees. This plan shall be

1 implemented by the creation of a Town ordinance adopted by the Selectboard
2 to include School District capital improvements.

3 (1) The ~~capital plan~~ Capital Improvement Plan shall show anticipated
4 capital expenditures, financing, and tax requirements for the next five fiscal
5 years.

6 (2) In the event a ~~capital plan~~ Capital Improvement Plan is implemented
7 and impact fees are collected, the most current fiscal year of the ~~capital plan~~
8 Capital Improvement Plan shall become the capital budget to be submitted to
9 the voters.

10 (3) In the event a ~~capital plan~~ Capital Improvement Plan is implemented
11 and impact fees are collected, subsections ~~903~~ (a) and (b) of this ~~charter~~
12 section shall be followed to create year five of the capital plan.

13 § 1004. SAVINGS CLAUSE

14 Failure to perform any of the duties specified in section ~~902~~ 1002 or ~~903~~
15 1003 of this charter or failure to perform any such duties within the time limits
16 ~~above specified in section 202, 805, 1002, or 1003 of this charter~~ shall not
17 invalidate any action taken at a properly warned annual meeting.

18 § 1005. APPROPRIATIONS

19 The Town and ~~Town~~ School District shall vote to adopt a budget that shall
20 include the proposed expenditures by each department, in case of the Town,

1 and by State guidelines, in the case of the School District, for the coming fiscal
2 year.

3 * * *

4 § 1007. BUDGET LIMITATIONS- BORROWING

5 * * *

6 (b) The Town, through the Selectboard, and the School, through the ~~school~~
7 ~~trustees~~ School Board of Trustees, may borrow money in anticipation of taxes.
8 The total amount so borrowed shall not exceed the largest cumulative deficit
9 plus the next month's expenses for the fiscal year.

10 (c) In case of emergency, the Selectboard or ~~school trustees~~ School Board
11 of Trustees may borrow money in the name of the Town or the ~~school~~ School
12 District. The emergency borrowing in any year shall not exceed five percent
13 of the total amount voted at the annual meeting for the Town or ~~school~~ School
14 District budget. If the Town or ~~school~~ School District fails to adopt a budget,
15 the emergency borrowing shall not exceed five percent of the amount that the
16 previous year's tax rate would raise.

17 (d) Notes and orders for anticipated and emergency borrowing shall mature
18 ~~ne~~ not more than one year from the date of issuance and shall not thereafter be
19 renewed unless the Town or ~~school~~ School District so votes.

1 (e) The amount, terms, and conditions of all borrowing except as specified
2 in subsections (a), (b), and (c) of this section shall be by vote of the Town or
3 ~~school~~ School District.

4 § 1008. TRANSFERS OF APPROPRIATIONS

5 The Town Manager, in the case of the Town, and the Superintendent, in the
6 case of the ~~school~~ School District, may at any time transfer an unencumbered
7 appropriation, balance, or portion thereof between general classifications or
8 expenditures within an office, department, or agency. The Selectboard or
9 ~~school trustees~~ School Board of Trustees may, by resolution, transfer any
10 unencumbered appropriation balance or portion thereof within their respected
11 budgets. Notwithstanding the above, no unexpended balance in any
12 appropriation not included in the Selectboard's or the ~~school trustees'~~ School
13 Board of Trustees' budget shall be transferred or used for any other purpose.

14 § 1009. TAXATION

15 Town and School Tax Collection.

16 ~~(a)~~(1) Commencing on July 1 in all subsequent years, taxes on real and
17 personal property may be paid and shall be accepted in three equal installments
18 payable on the following dates: September 15, February 15, and due in full on
19 May 15.

20 ~~(b)~~(2) A penalty of eight percent shall be assessed on all delinquent taxes
21 on the day following the due date of May 15. Interest of one percent per

1 month shall be assessed on all outstanding balances beginning 30 days from
2 the due date.

3 § 1010. INVESTMENTS

4 The Town and ~~school~~ School District may invest its money in savings
5 accounts, money market funds, certificates of deposits, U.S. Treasury notes,
6 repurchase agreements, and any other investment to the extent at the time not
7 prohibited by applicable laws.

8 * * *

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.