

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 491 entitled “An act relating to the creation of the City of Essex
4 Junction and the adoption of the City charter” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

15 CHAPTER 4. CITY OF ESSEX JUNCTION

16 Subchapter 1. Incorporation and Powers of the City

17 § 101. CORPORATE EXISTENCE RETAINED

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

1 § 102. GENERAL POWERS; LAW

2 Except as modified by the provisions of this charter, or by any lawful
3 regulation or ordinance of the City of Essex Junction, all provisions of the
4 statutes of this State applicable to municipal corporations shall apply to the
5 City of Essex Junction.

6 § 103. SPECIFIC POWERS

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

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

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

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

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

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

19 § 104. RESERVATION OF POWERS

20 Nothing in this charter shall be so construed as in any way to limit the
21 powers and functions conferred upon the City of Essex Junction and the City

1 Council by general or special enactments in force or effect or hereafter
2 enacted; and the powers and functions conferred by this charter shall be
3 cumulative and in addition to the provisions of such general or special
4 enactments.

5 § 105. FORM OF GOVERNMENT

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

15 Subchapter 2. Governance Structure

16 § 201. POWERS AND DUTIES OF GOVERNING BODY

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

1 (b) Within the limitations of the foregoing, the City of Essex Junction

2 Council shall have the power to:

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

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

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

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

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

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

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

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

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

1 § 203. VACANCY IN OFFICE

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

5 § 204. ELECTION OF GOVERNING BODY OFFICERS

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

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

14 (c) In the event of death, resignation, or incapacity of any Council member,
15 the remaining members of the Council may appoint a person to fill that
16 position until the next annual election. Incapacity shall be determined by a
17 vote of the Council. Incapacity shall include the failure by any member of the
18 board to attend at least 50 percent of the meetings of the board in any calendar
19 year. At the next annual election, the vacancy shall be filled and the person so
20 elected shall serve for the remainder of the term of office. In the event the

1 Council is unable to agree upon an interim replacement until the next annual
2 City election, a special election shall be held forthwith to fill the position.

3 (d) In the event that a Councilor is no longer a resident of the City prior to
4 the expiration of the Councilor's term, the Councilor's office shall be deemed
5 vacant. The Council may appoint a person to fill the vacant office until a
6 successor can be elected at the next annual election.

7 § 205. COMPENSATION

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

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

17 § 206. CONFLICT OF INTEREST; PROHIBITIONS

18 (a) Holding other office. No Council member shall hold any City
19 employment during the term for which they were elected to the Council. A
20 Council member may be appointed to represent the City on other boards except
21 as pursuant to 17 V.S.A. § 2647. No former Council member shall hold any

1 compensated appointive municipal office or employment, except for poll
2 worker, until one year after the expiration of the term for which they were
3 elected to the legislative body.

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

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

16 § 207. GOVERNING BODY; MEETINGS

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

1 § 208. SPECIAL CITY MEETINGS

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

5 § 209. COUNCIL MEETINGS; PROCEDURE

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

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

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

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

16 § 210. APPOINTMENTS

17 The Council shall have the power to appoint the members of all boards,
18 commissions, committees, or similar bodies unless specifically provided
19 otherwise by this charter. The terms of all appointments shall commence on
20 the day after the day of appointment unless the appointment is to fill a vacancy

1 in an office, in which case the term shall commence at the time of
2 appointment.

3 § 211. ADDITIONAL GOVERNING BODY PROVISIONS

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

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

9 Subchapter 3. Other Elected Offices

10 § 301. BROWNELL LIBRARY TRUSTEES

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

15 § 302. MODERATOR

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

1 Subchapter 4. City Meetings

2 § 401. CITY MEETINGS AND ELECTIONS

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

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

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

16 Subchapter 5. Ordinances

17 § 501. ADOPTION OF ORDINANCES

18 Ordinances shall be adopted in accordance with State law pursuant to
19 24 V.S.A. §§1972–1976, with the additional requirements noted in this
20 subchapter.

1 § 502. PUBLIC HEARING

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

4 (b) At the time and place so advertised, or at any time and place to which
5 the hearing may from time to time be adjourned, the ordinance shall be
6 introduced, and thereafter, all persons interested shall be given an opportunity
7 to be heard.

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

16 § 503. EFFECTIVE DATE

17 Every ordinance shall become effective upon passage unless otherwise
18 specified.

19 § 504. RESCISSION OF ORDINANCES

20 All ordinances shall be subject to rescission by a special or annual City
21 meeting, as follows: If, within 44 days after final passage by the Council of

1 any such ordinance, a petition signed by voters of the City not less in number
2 than five percent of the qualified voters of the municipality is filed with the
3 City Clerk requesting its reference to a special or annual City meeting, the
4 Council shall fix the time and place of the meeting, which shall be within
5 60 days after the filing of the petition, and notice thereof shall be given in the
6 manner provided by law in the calling of a special or annual City meeting.
7 Voting shall be by Australian ballot. An ordinance so referred shall remain in
8 effect upon the conclusion of the meeting unless a majority of those present
9 and voting against the ordinance at the special or annual City meeting exceeds
10 five percent in number of the qualified voters of the municipality.

11 § 505. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
12 MEETING

13 (a) Voters of the City may at any time petition for the enactment of any
14 proposed lawful ordinance by filing the petition, including the text of the
15 ordinance, with the City Clerk. The Council shall call a special City meeting
16 (or include the ordinance as annual meeting business) to be held within 60 days
17 after the date of the filing, unless prior to the meeting the ordinance shall be
18 enacted by the Council. The warning for the meeting shall state the proposed
19 ordinance in full or in concise summary and shall provide for an Australian
20 ballot vote as to its enactment. The ordinance shall take effect on the 10th day

1 after the conclusion of the meeting, provided that voters, constituting a
2 majority of those voting thereon, shall have voted in the affirmative.

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

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

13 Subchapter 6. City Manager

14 § 601. MANAGER; APPOINTMENT AND HIRING

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

17 § 602. POWERS OF MANAGER

18 (a) The Manager shall be the chief administrative officer of the City of
19 Essex Junction. The Manager shall be responsible to the Council for the
20 administration of all City of Essex Junction affairs placed in the Manager's
21 charge by or under this charter. The Manager shall have the following powers

1 and duties in addition to those powers and duties delegated to municipal
2 managers under the Vermont statutes.

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

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

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

1 (e) The Manager or a staff member designated by the Manager shall attend
2 all Council meetings and shall have the right to take part in discussion and
3 make recommendations but may not vote. The Council may meet in executive
4 session without the Manager for discussion of the Manager’s performance or if
5 the Manager is the subject of an investigation pursuant to subdivision
6 201(b)(4) of this charter.

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

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

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

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

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

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

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

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

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

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

11 § 603. MANAGER; REMOVAL; HEARING

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

14 (1) The Council shall adopt by affirmative vote of a majority of all its
15 members a preliminary resolution that must state the reasons for removal and
16 may suspend the Manager from duty for a period not to exceed 45 days.

17 Within three days after the vote, a copy of the resolution shall be delivered to
18 the Manager.

19 (2) Within five days after a copy of the resolution is delivered to the
20 Manager, the Manager may file with the Council a written request for a
21 hearing; the hearing shall be in a public or executive session by choice of the

1 Manager. This hearing shall be held at a special Council meeting not earlier
2 than 15 days nor later than 30 days after the request is filed. The Manager may
3 file with the Council a written reply not later than five days before the hearing.

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

10 § 604. VACANCY IN OFFICE OF CITY MANAGER

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

19 Subchapter 7. Boards and Commissions

20 § 701. BOARD OF CIVIL AUTHORITY

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

1 § 702. BOARD OF ABATEMENT OF TAXES

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

5 § 703. PLANNING COMMISSION

6 There shall be a Planning Commission, and its powers, obligations, and
7 operation shall be under and in accordance with Vermont Statutes Annotated,
8 as amended, and members will be appointed by the City Council from among
9 the qualified voters of the City. Members of the Commission shall hold no
10 other City office. The City Council shall have the authority pursuant to
11 24 V.S.A. §4323(a) to set the terms of the Planning Commission members.

12 § 704. DEVELOPMENT REVIEW BOARD

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

17 § 705. BROWNELL LIBRARY TRUSTEES

18 The Brownell Library Board of Library Trustees that holds office at the
19 time of enactment of this charter shall serve until their terms are completed.
20 Any existing policies of the Library Trustees at the time of the enactment of
21 this charter shall become the policies of the new Brownell Library Board of

1 Trustees. The five permanent, self-perpetuating Library Trustees shall
2 function in accordance with the terms of the Brownell Trust agreement dated
3 May 25, 1925. The Library Trustees shall have the authority to establish any
4 new policy for the operation of the Library or repeal or replace any existing
5 policy and shall otherwise act in conformance with the Vermont statutes.
6 Notwithstanding the forgoing, the Library is required to follow all financial
7 and personnel policies adopted by the City Council.

8 Subchapter 8. Administrative Departments

9 § 801. PERSONNEL ADMINISTRATION AND BENEFITS

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

16 (b) The rules and regulations may deal with the following subjects or with
17 other similar matters of personnel administration: job classification, jobs to be
18 filled, tenure, retirement, pensions, leaves of absence, vacations, holidays,
19 hours and days of work, group insurance, salary plans, rules governing hiring,
20 temporary appointments, lay-off, reinstatement, promotion, transfer, demotion,
21 settlement of disputes, dismissal, probationary periods, permanent or

1 continuing status, in-service training, injury, employee records, and further
2 regulations concerning the hearing of appeals.

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

7 § 802. REAL ESTATE ASSESSOR

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

15 § 803. APPRAISAL OF PROPERTY

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

17 § 804. APPRAISAL OF BUSINESS PROPERTY FOR TAX PURPOSES

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

1 § 805. PURPOSE

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

6 Subchapter 9. Budget Process

7 § 901. FISCAL YEAR

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

11 § 902. ANNUAL MUNICIPAL BUDGET

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

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

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

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

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

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

7 § 903. GOVERNING BODY’S ACTION ON BUDGET

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

13 § 904. BUDGET MEETING; WARNING

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

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

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

1 § 905. APPROPRIATION AND TRANSFERS

2 (a) An annual budget shall be adopted at the City Meeting by the vote of a
3 majority of eligible voters by Australian ballot in accordance with section 401
4 of this charter. If, after the total budget has been appropriated, the Council
5 finds additional appropriations necessary, the appropriations shall be made and
6 reported at the next City Meeting as a specific item. The appropriations shall
7 only be made in special circumstances or situations of an emergency nature.
8 No specific explanation need be given for any normal annual operating
9 expense in any office, department, or agency that may be increased over the
10 budget amount by an amount not more than 10 percent of the office's,
11 department's, or agency's budget.

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

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

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

4 § 906. AMOUNT TO BE RAISED BY TAXATION

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

10 Subchapter 10. Taxation

11 § 1001. TAXES ON REAL PROPERTY

12 Taxes on real property shall be paid in equal installments on March 15 and
13 September 15. The Council shall send notice to taxpayers not less than
14 30 days prior to when taxes are due.

15 § 1002. PENALTY

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

19 § 1003. ASSESSMENT AND TAXATION AGREEMENT

20 Notwithstanding section 906 of this charter or any other provision of this
21 charter and the requirements of the general laws of the State of Vermont, the

1 Council is authorized and empowered to negotiate and execute assessment and
2 taxation agreements between the City and a taxpayer or taxpayers within the
3 City of Essex Junction consistent with applicable requirements of the Vermont
4 Constitution.

5 Subchapter 11. Capital Improvements

6 § 1101. CAPITAL PROGRAMS

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

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

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

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

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

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

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

1 Subchapter 12. Amendment of Charter and Initiatives

2 § 1201. GOVERNING LAW

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

5 Subchapter 13. General Provisions

6 § 1301. SAVINGS CLAUSE

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

9 § 1302. SEVERABILITY

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

14 § 1303. SUPERSEDING LANGUAGE

15 The City of Essex Junction shall be formed notwithstanding the following
16 language (“Notwithstanding the provisions of any other municipal charters,
17 territory within the corporate limits [of the Town of Essex] shall not be
18 annexed to or become a part of any other municipal corporation except by
19 annexation procedures as set forth in the statutes of the State of Vermont.”)
20 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

1 Junction shall continue to receive and pay for consolidated services with the
2 Town of Essex for assessing, clerk/treasurer, information technology, police,
3 public works, and stormwater. The City Council shall set a tax rate and collect
4 taxes to meet the obligations for the City’s share of the Town of Essex
5 municipal operations and all of the City of Essex Junction municipal
6 operations throughout the transition period, per the budgets approved by the
7 voters of the Town of Essex and the Village of Essex Junction (now the City of
8 Essex Junction) the previous March and April. The taxes collected by the City
9 for the Town of Essex shall be paid to the Town of Essex in two equal
10 installments on or before October 15 and April 15. At the end of the transition
11 period, the City of Essex Junction shall be fully organized.

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

17 Sec. 5. TRANSITIONAL PROVISION; ORGANIZATIONAL MEETING

18 The first annual City Meeting shall occur on the date set forth by the voters
19 at the most recent Village annual meeting, following approval of the charter.
20 This shall be a meeting of the City of Essex Junction and shall be noticed and
21 warned to all residents of the City of Essex Junction. This meeting shall be for

1 the purpose of presenting and discussing the budget only. Other City business
2 may also be presented and discussed but not voted on. After presentation and
3 discussion of the budget and any other business, the meeting shall adjourn.
4 Voting on the budget and the election of councilors shall be by Australian
5 ballot and shall occur on the date set forth by the voters at the most recent
6 Village annual meeting.

7 Sec. 6. TRANSITIONAL PROVISION; VILLAGE CENTER AND

8 NEIGHBORHOOD DEVELOPMENT AREA DESIGNATIONS

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

16 Sec. 7. TRANSITIONAL PROVISION; GOVERNING BODY

17 (a) When the charter becomes effective and the City of Essex Junction is
18 established on July 1, 2022, following approval of the charter by the
19 Legislature, all members of the Village Board of Trustees shall become
20 members of the City Council and shall continue to serve in their capacities and
21 shall serve out their elected terms. The president, vice president, and clerk of

1 the Council shall continue to serve in their capacities until the board
2 reorganizes pursuant to chapter 4, subsection 204(a) of this charter.

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

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

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

12 Sec. 8. TRANSITIONAL PROVISION; BUDGET AND

13 ADMINISTRATION

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

18 Sec. 9. TRANSITIONAL PROVISION; SEPARATION OF CITY AND

19 TOWN DEPARTMENTS

20 The City Council shall employ a City Manager. The City Manager shall
21 plan and hire for the separation of all consolidated departments with the Town

1 of Essex by the end of the transition period, unless contracts are signed stating
2 otherwise, in which case the contracts shall dictate the terms for the sharing of
3 services between the City of Essex Junction and Town of Essex.

4 Sec. 10. TRANSITIONAL PROVISION; PLANNING AND
5 DEVELOPMENT

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

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

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

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

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

3 On the effective date of this charter, all ordinances and bylaws of the
4 Village of Essex Junction shall become ordinances and bylaws of the new City
5 of Essex Junction. The City Council shall be fully authorized to amend or
6 repeal any ordinance according to the provisions of subchapter 5 of the charter.
7 Whenever a power is granted by any such ordinance or bylaw to an officer or
8 officers of the Village of Essex Junction, such power is conferred upon the
9 appropriate officer or officers of the new City of Essex Junction.

10 Sec. 13. TRANSITIONAL PROVISION; PERSONNEL

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

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

1 Sec. 14. TRANSITIONAL PROVISION; FINANCES

2 (a) Upon the effective date of this charter, the City of Essex Junction shall
3 adopt any and all portions of the Town of Essex Grand List for properties
4 located within the borders of the City. Any and all property tax payments due
5 and delinquencies incurred for the Village of Essex Junction prior to the
6 effective date of this charter shall be payable to the Town of Essex. Upon the
7 effective date of this charter, any City taxes due and delinquencies incurred
8 shall be payable to the City.

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

13 Sec. 15. TRANSITIONAL PROVISION; FUTURE GOVERNANCE

14 COMMISSION

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

1 Sec. 16. JUSTICES OF THE PEACE; APPOINTMENT

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

8 * * * Repeal of Village Charter * * *

9 Sec. 17. REPEAL

10 24 App. V.S.A. chapter 221 (Village of Essex Junction charter) is repealed.

11 * * * Effective Date * * *

12 Sec. 18. EFFECTIVE DATE

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

14
15 (Committee vote: _____)

16 _____

17 Representative _____

18 FOR THE COMMITTEE