

1 H.447

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

4 Referred to Committee on

5 Date:

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

8 Statement of purpose of bill as introduced: This bill proposes to approve  
9 amendments to the charter of the Town of Springfield to:

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

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

14 (3) limit the reconsideration or rescission of repealed ordinances;

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

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

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



1 § 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER

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

4 (b) Application of general laws:

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

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

11 § 3. POWERS OF THE TOWN

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

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







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

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

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

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

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

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

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

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

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

16          (1) Drafting;

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

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

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

3 (2) Reporting out:

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

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

12 \* \* \*

13 (3) Introduction and first review:

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

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

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

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

4 (4) Second review and public hearing:

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

8 \* \* \*

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

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

17 (6) Final ~~Action:~~ action.

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

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



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

3 \* \* \*

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

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

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

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

17 (h) Standard codes of technical regulations:

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

20 (2) The procedure and requirements governing ~~such an adopting~~  
21 ~~ordinance~~ the adoption of an ordinance concerning standard codes of technical

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

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

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

11 (2) ~~Printing~~ Publication of ordinances and resolutions~~;~~.

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

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

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

21 (3) Codification~~;~~.

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

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

8           (j) Penalties:

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

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

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

19           § 6. OPEN MEETINGS; FREEDOM OF INFORMATION

20           (a) ~~Meetings, workshops, minutes, and records:~~

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

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

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

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

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

17           ~~(b) Executive sessions:~~

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

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

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

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

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

11          ~~(C) The appointment or employment or evaluation of a public officer~~  
12          ~~or employee;~~

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

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

17          ~~(F) Discussion or consideration of records or documents excepted~~  
18          ~~from the access to public records provisions of 1 V.S.A. § 317(b). Discussion~~  
19          ~~or consideration of the excepted record or document shall not itself permit an~~  
20          ~~extension of the executive session to the general subject to which the record or~~  
21          ~~document pertains;~~

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

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

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

9           ~~(c) Meetings; warning; agenda:~~

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

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

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

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

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

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

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

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

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

11          ~~§ 7. POTENTIAL OR ACTUAL CONFLICT OF INTEREST; PERSONAL~~  
12          ~~FINANCIAL INTEREST~~

13          ~~(a) At a meeting, no elective or appointive officer, acting in an official~~  
14          ~~capacity, or employee of the Town, while engaged in his or her duties, shall~~  
15          ~~raise the issue of, place on the agenda, participate in a discussion of, or take~~  
16          ~~part in a discussion concerning any business of the Town relating to his/her~~  
17          ~~business or personal financial interests, or those of a spouse, be they direct or~~  
18          ~~indirect, to the degree that said interests exceed those of taxpayers generally.~~

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

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

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

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

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

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

11 ~~(h) The Board of Selectmen may require public disclosure of assets or~~  
12 ~~financial interest, in a form they may prescribe, of any elected or appointed~~  
13 ~~official as part of an investigation into matters of conflict of interest, or for the~~  
14 ~~purposes of general investigation. Failure to disclose or incomplete or falsified~~  
15 ~~disclosure may be cause for removal as provided under subdivision~~  
16 ~~23(b)(8)(B) of this charter.~~

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

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

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

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

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

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

13 (d) ~~All fees, charges, user fees, or fees for service shall be implemented by~~  
14 ~~passage of a comprehensive fee ordinance which shall be placed on the Board~~  
15 ~~of Selectmen agenda for review and/or update, every three years from its date~~  
16 ~~of passage. [Repealed.]~~

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

1 § 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

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

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

7 § 10. EMERGENCY POWERS

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

12 (b) Condemnation, eminent domain: In the event of a declared public  
13 emergency ~~which~~ that threatens life, property, the public health or welfare,  
14 duly declared by ~~unanimous Board of Selectmen~~ Selectboard action at a ~~duly~~  
15 ~~warned~~ meeting warned in accordance with State statute, the ~~Board of~~  
16 ~~Selectmen~~ Selectboard, by a minimum of three affirmative votes and not more  
17 than one dissenting vote, may exercise powers of eminent domain and  
18 condemnation and take real property or personal property, after notice to the  
19 owner and the fixing of fair compensation. An aggrieved party may appeal to  
20 Superior Court.

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

7 § 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

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

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

16 (1) The ~~Board of Selectmen~~ Selectboard shall appoint a Charter Review  
17 Committee of not less than ~~ten (10)~~ 11 members, which shall include two  
18 representatives from the ~~Board of Selectmen~~, Selectboard and two  
19 representatives from the administration, one of which must be the Town Clerk  
20 and the community at large, with the majority from the community at large.

21 \* \* \*

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

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

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

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



1 ~~thereof of this charter or the application of such the~~ invalid portions to other  
2 persons or circumstances shall not be affected ~~thereby~~.

3 **§ 21. FORM OF GOVERNMENT GOVERNMENTAL AUTHORITY**

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

7 \* \* \*

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

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

13 (7) charter amendments.

14 **§ 22. TOWN MEETING; ELECTIONS**

15 ~~(a) Applicability of general laws: Except as otherwise herein limited,~~  
16 ~~provisions of the general laws of the State related to voter qualifications,~~  
17 ~~warnings, methods of voting, duties of Town officers at Town meeting and~~  
18 ~~elections, counting of votes, recount of votes, certification of results, and~~  
19 ~~nominations of candidates, so far as they may be applicable, shall govern all~~  
20 ~~municipal elections and all annual and special Town meetings. [Repealed.]~~

21 (b) Meetings and Elections:

1 (1) Annual Town meeting:

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

8 \* \* \*

9 (C) The date of the annual Town meeting may be changed by a vote  
10 of the citizens at ~~a~~ an annual or special Town meeting duly warned for that  
11 purpose.

12 (2) Special Town meetings:

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

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

21 (3) Warnings:

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

8 (B) Contents: The warning shall contain:

9 \* \* \*

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

13 (iii) The signatures of a majority of the ~~Board of Selectmen~~  
14 Selectboard.

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

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

17 (I) A majority vote of the ~~Board of Selectmen~~ Selectboard;

18 \* \* \*

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

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

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

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

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

11 \* \* \*

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

16 (F) In the absence ~~or disability~~ of the Town Clerk, should it occur  
17 before an election, the Board of Civil Authority shall, upon notice,  
18 immediately meet and designate an Acting Clerk for the duration of the  
19 election. Should ~~such~~ the absence or disability occur on election day, the  
20 Board of Civil Authority members present at the election shall designate an ~~on-~~  
21 ~~site temporary officer~~ Acting Clerk to preside for the duration of the election.

1 (6) Postponing or continuing of Town meetings:

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

6 (B) If a special Town meeting called by petition falls within  
7 45 calendar days of a later subsequent special or annual Town meeting called  
8 by petition, the ~~selectmen~~ Selectboard may warn the questions to be voted at  
9 such the Town meeting for the later Town meeting, and may by resolution  
10 rescind the call of the earlier meeting.

11 (7) Citizen initiatives; revote; ~~reversion~~ rescission of articles other than  
12 election of officers:

13 (A) Any question voted at an annual or special Town meeting, except  
14 charter revision or amendment the adoption, amendment, or repeal of  
15 ordinances or of the charter and the recall of elected officials, may be  
16 submitted for revote or ~~reversion~~ rescission at a subsequent annual or special  
17 Town meeting, subject to the limits contained herein.

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



1 ~~article or election shall be subject to immediate revote then the articles must be~~  
2 ~~revoted at a special Town meeting within the timetable prescribed by charter~~  
3 ~~60 calendar days.~~

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

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

12 (10) Board of Civil Authority:

13 (A) The Board of Civil Authority shall consist of the justices of the  
14 peace residing within the Town who shall be elected in accordance with State  
15 statute, the Town Clerk, and the ~~Board of Selectmen~~ Selectboard.

16 (B) At the first meeting following the first day of February of odd  
17 numbered years, the Board of Civil Authority shall elect a ~~Chairman~~ Chair and  
18 a Vice ~~Chairman~~ Chair from among its members.

19 \* \* \*

1 § 23. LOCAL ELECTED OFFICIALS

2 (a) Local elective offices to be filled by the registered voters of the Town  
3 of Springfield shall be only those articulated by this charter and shall include:

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

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

6 \* \* \*

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

8 \* \* \*

9 (b) Provisions related generally to all elected local offices:

10 (1) Term:

11 (A) Terms for elective offices shall begin officially at the point which  
12 when the Town Clerk and Board of Civil Authority certify election returns as  
13 final.

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

17 (2) Oath of office:

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

21 \* \* \*



1 removal, to fill the vacancy ~~until the term of the officer so removed expires for~~  
2 ~~the remainder of the unexpired term.~~ The office shall remain vacant until the  
3 next annual Town meeting if ~~such the special Town~~ meeting would fall within  
4 75 calendar days prior to the annual Town meeting.

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

8 (6) Holding of more than one office:

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

14 \* \* \*

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

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

19 (B) Should an elected holder of local office establish residence in  
20 some place other than ~~Springfield~~ the Town, the office shall be declared

1 immediately vacant by the ~~Board of the Selectmen~~ Selectboard and said  
2 vacancy shall be filled in accordance with the provisions of ~~the~~ this charter.

3 \* \* \*

4 (8) Vacancy of elected office:

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

11 (B) ~~The declaration of a condition for forfeiture of office vacancy~~  
12 ~~shall be made by the unanimous a majority vote of the Board of Selectmen~~  
13 ~~Selectboard, or in the case of a selectman Selectboard member, by the other~~  
14 ~~members of the Board of Selectmen, and shall be according to procedures~~  
15 ~~established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may~~  
16 ~~be appealed to the Superior Court as contested cases are appealed~~ Selectboard.

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

18 (1) Board of Selectmen Selectboard:

19 (A) Number and term: Unless altered by the procedures provided  
20 ~~herein~~ in this charter, the policy making body for the Town shall be a five

1 member ~~Board of Selectmen~~ Selectboard, elected at large, on a nonpartisan  
2 basis, to ~~rotating three year~~, staggered three-year terms.

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

15 (C) ~~Organization Election~~ of the ~~Board of Selectmen, Chairman,~~  
16 Chair and Vice Chairman Chair:

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

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

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

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

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

7 \* \* \*

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

10 (i) Organizational meeting:

11 (I) Within seven calendar days after the annual Town meeting,  
12 the ~~Board of Selectmen, duly certified,~~ Selectboard shall meet for the purpose  
13 of taking the oath of office, organizing, electing a ~~Chairman~~ Chair and Vice  
14 ~~Chairman~~ Chair, and ~~the adoption of~~ adopting rules for the transaction of  
15 business.

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

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

21 (ii) Regular meetings:

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

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

6 (iii) Agenda:

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

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

14 (iv) Quorums; votes:

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

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

18 (III) No action of the ~~Board~~ Selectboard shall be valid or  
19 ~~binding unless acted upon by the affirmative vote of three or more members of~~  
20 ~~the board a majority of the members present unless otherwise provided for by~~  
21 ~~this charter.~~

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

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

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

7 (vi) Special meetings and workshops:

8 (I) ~~Special meetings may be called at any time by the Chairman~~  
9 Chair, or the Vice ~~Chairman~~ Chair in the absence of the ~~Chairman~~ Chair, or by  
10 written request, signed by three ~~Board~~ Selectboard members.

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

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

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

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

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

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

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

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

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

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

17 ~~(2) Listers:~~

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

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

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

3 ~~(D) Vacancies on the Board of Listers shall be filled by a majority~~  
4 ~~vote of the Board of Selectmen, said appointment to run until the next annual~~  
5 ~~Town meeting at which an election can be warned to fill the unexpired term.~~  
6 ~~[Repealed.]~~

7 (3) Moderator:

8 \* \* \*

9 (B) Should a vacancy occur in the office of Moderator, it shall may  
10 be filled by a majority vote of the Board of Selectmen for the Selectboard, the  
11 appointment to run until the next annual Town meeting at which an election  
12 shall be warned to fill any unexpired term.

13 (4) ~~Town Constable~~ Library Trustees:

14 ~~(A) There shall be elected a Town Constable, who shall serve a one-~~  
15 ~~year term.~~

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

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

1 ~~(D) The constables shall have powers of service equal to a deputy~~  
2 ~~sheriff under Vermont Statutes.~~

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

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

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

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

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

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

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

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

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

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

7           (E) The ~~cemetery commissioners~~ Cemetery Commissioners shall  
8           issue and update regulations regarding cemetery use, interment, and burial  
9           fees.

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

15          (6) Trustees of public funds: Public funds are funds received from  
16          private outside sources for specific long-term purposes and are maintained  
17          separately from the general operating fund. The Town has a fiduciary  
18          responsibility to maintain these funds in accordance with any restrictions  
19          placed on the funds at the time the funds were received.

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



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

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

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

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

13 (7) Although operating independently, all appointive boards and  
14 commissions shall be required to cooperate with the ~~Board of Selectmen~~  
15 Selectboard in the exercise of their duties in the pursuit of the public good.  
16 They shall be required to file an annual report for inclusion in the Town report,  
17 ~~and also to file any other reports requested by the Board of Selectmen~~  
18 Selectboard, and be in attendance at attend any meeting so requested by the  
19 Board of Selectmen Selectboard.

20 (8) If an appointed official misses three consecutive ~~regular~~ regularly  
21 scheduled meetings of the appointed body for reasons other than health or

1 ~~personal emergency, that office may be declared immediately vacant by the~~  
2 ~~Board of Selectmen, the chair of that board or commission shall report to the~~  
3 ~~Selectboard, who may then declare that position vacant. The official shall be~~  
4 ~~entitled to a hearing before the Board prior to a final determination.~~

5 \* \* \*

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

9 (b) Appointed positions:

10 (1) ~~The functions of the following positions are created by this charter,~~  
11 ~~their functions to be governed by the applicable State statute, as limited by~~  
12 ~~charter or ordinance:~~

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

14 (B) ~~Fence viewers [Repealed.]~~

15 \* \* \*

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

17 \* \* \*

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

19 \* \* \*

20 (K) ~~Town Constable~~

1                    (i) The Selectboard shall appoint the Town Constable, who shall  
2 serve a one-year term.

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

5                    (iii) The Constable shall be in attendance at all Town meetings  
6 and shall serve as sergeant at arms to assist the moderator as necessary in the  
7 maintenance of order.

8                    (iv) The Selectboard may assign additional responsibilities to the  
9 Constable as necessary or convenient.

10                   (v) A vacancy in the Office of the Constable shall be filled by a  
11 majority vote of the Selectboard.

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

13                    (1) Planning Commission:

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

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

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



1 (d) Boards, commissions, and committees created by ~~Board of Selectmen~~

2 Selectboard action:

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

6 \* \* \*

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

12 § 31. THE TOWN MANAGER

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

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

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

1           (d) Residency: The person appointed as Town Manager ~~need not be a~~  
2           resident of the Town or State at the time of appointment, but must assume  
3           residence within a period judged reasonable by the Board of Selectmen, but not  
4           to exceed six months must become a resident of Vermont within six months of  
5           appointment and may be required to become a resident of the Town within a  
6           period of time judged reasonable by the Selectboard at the time of  
7           appointment.

8           (e) ~~Conditions~~ Terms and conditions of employment; compensation: The  
9           conditions of employment and compensation shall be a matter to be determined  
10          at the time of appointment, and annually thereafter by the ~~Board of Selectmen~~  
11          ~~on the Manager's anniversary date~~ Selectboard on a date convenient for the  
12          annual budgeting process, after negotiations that may be held in executive  
13          session between the Town Manager (candidate) and the Selectmen  
14          Selectboard.

15          (f) Town Manager; evaluation: Before the ~~Board of Selectmen~~ Selectboard  
16          determines the subsequent annual compensation of the Town Manager, the  
17          ~~Board~~ Selectboard and manager shall be required to hold an evaluation session  
18          in executive session, at which time the manager Town Manager shall present  
19          management goals for the coming year based on ~~townwide~~ Town-wide goals  
20          articulated by the Board of Selectmen, Selectboard and shall be evaluated by  
21          the Board of Selectmen Selectboard regarding performance in relation to such

1 the goals set out for the previous year, and the Selectboard may also employ  
2 commonly used evaluation practices in the town management profession.

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

10 (h) Town Manager non-renewal or removal: The Town Manager  
11 Manager's term of employment may be not renewed without explanation or  
12 reason. The Town Manager may be removed at the discretion of for cause by  
13 the Board of Selectmen Selectboard, with no written reasons presented to the  
14 Town Manager and an opportunity for a public hearing before the Selectboard  
15 with not less than four affirmative votes, after the following procedure is  
16 followed:

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

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

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

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

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

14          (6) Action by the Board of Selectmen Selectboard in the removal of a  
15          Town Manager shall be final.

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

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

20                 (1) In the event that the Town Manager shall be absent from the Town  
21                 for a period exceeding two consecutive weeks, ~~he/she~~ the Town Manager shall

1 designate an Acting Town Manager, subject to the advice and consent of the  
2 Selectboard, who shall exercise the duties of Town Manager. ~~The Manager~~  
3 ~~may overrule the actions of the Acting Manager.~~

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

11 (3) An Acting Town Manager appointed to fill a declared vacancy in the  
12 office shall have all the powers and perform all the duties of the Town  
13 Manager and shall be compensated at a rate of ~~pay not inconsistent with the~~  
14 ~~responsibilities of the position~~ as determined by the Selectboard. An Acting  
15 ~~manager~~ Town Manager shall not serve for more than 180 calendar days unless  
16 the Selectboard determines there are extenuating circumstances that warrant an  
17 extension of that time period.

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

20 (j) Responsibilities and authority of the Town Manager and authority:





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

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

9           (J) To appoint, upon merit ~~and fitness alone~~; and, when the Town  
10 Manager deems necessary for the good of the service Town, suspend or  
11 remove any subordinate official, employee, or agent under the Town  
12 Manager's supervision as provided for in this charter. Notwithstanding  
13 appeals of Town Manager decisions to the Selectboard, the Town Manager  
14 shall have the exclusive authority to hold subordinate employees, officers, or  
15 agents responsible for the faithful discharge of their duties. All such  
16 appointments may be without definite terms unless for provisional, temporary,  
17 or emergency service, in which case, terms shall not exceed the maximum  
18 periods prescribed by the ~~personnel rules and regulations~~ employee handbook.  
19 The Town Manager may authorize the head of a department, or of an office  
20 responsible to the Town Manager, to appoint and remove subordinates in ~~such~~  
21 the office or department.

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

3 (L) To ~~fix the compensation of~~ make recommendations to the  
4 Selectboard as to the compensation for Town employees as provided in this  
5 charter.

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

10 \* \* \*

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

17 (P) To ensure the preservation of the public peace, health, and safety  
18 of persons and property, and see to the enforcement of this charter; and  
19 ordinances; and to ensure the Town's compliance with State and federal laws  
20 as applicable.

21 \* \* \*

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

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

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

9 \* \* \*

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

13 (4) Accountability, ~~noninterference~~, and appointive power: The Town  
14 Manager shall be responsible to the ~~Board of Selectmen~~ Selectboard for the  
15 proper and efficient administration of the departments under ~~his/her~~ the Town  
16 Manager's charge as outlined ~~above~~ in this charter. Neither the ~~Board of~~  
17 ~~Selectmen~~ Selectboard, any individual member of the ~~Board~~ Selectboard, nor  
18 any of its committees or committee members shall dictate the appointment or  
19 discharge of any Town employee by the Town Manager, or in any manner  
20 interfere with ~~his/her~~ the Town Manager's exercising of judgment in the  
21 appointment and discharge of employees in the administration.



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

5 § 33. ADMINISTRATIVE CODE

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

11 \* \* \*

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

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

16 \* \* \*

17 (6) Enabling Town legislation, ordinances, and resolutions for all Town  
18 boards, commissions, and committees public bodies, accompanying an updated  
19 list of all elected and appointed officers;

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

21 (b) Distribution and availability:



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

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

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

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

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

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

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\* \* \*

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

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

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

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

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

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

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

10 \* \* \*

11 (12) In the absence or disability of the Town Clerk, Town Treasurer, or  
12 Town Attorney, the ~~Board of Selectmen~~ Selectboard shall ensure that the  
13 functions are continued and shall have the power to appoint temporary  
14 substitutes.

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

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

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

20 (A) There shall be a ~~Personnel Director~~ Human Resources Manager  
21 who shall be responsible for the ongoing administration of the Town's

1 ~~personnel system~~ human resources system. The ~~Personnel Director~~ Human  
2 Resources Manager shall be the ~~Town Manager or his/her~~ Town Manager's  
3 designated agent, but must be a member of the ~~administrative service~~ Town  
4 administration.

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

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

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

12 (B) ~~The personnel ordinance shall enable the enactment of rules and~~  
13 ~~regulations which shall include the following provisions:~~

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

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

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

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

- 1 ~~(v) A system dictating hours of work and attendance policies;~~
- 2 ~~(vi) Allowances for provisional and part time appointments;~~
- 3 ~~(vii) A program for in-service training and employee~~
- 4 ~~development;~~
- 5 ~~(viii) A system for the hearing, processing, and resolution of~~
- 6 ~~employee grievances;~~
- 7 ~~(ix) Provisions for relations with employee organizations and/or~~
- 8 ~~unions;~~
- 9 ~~(x) A uniform system regulating benefits, sick time, and vacations;~~
- 10 ~~(xi) Opportunities for employee input related to safety, the quality~~
- 11 ~~of the work environment, and increased productivity;~~
- 12 ~~(xii) Other practices, procedures, and issues as may be necessary~~
- 13 ~~to the ongoing administration of the personnel system. [Repealed.]~~
- 14 (4) Personnel rules and regulations employee Employee handbook:
- 15 (A) The Personnel Director Human Resources Manager shall issue
- 16 and maintain in updated status a set of comprehensive rules and regulations an
- 17 employee handbook governing the ongoing administration of the Town
- 18 personnel human resources system.
- 19 (B) ~~The personnel rules shall be adopted and amended by a~~
- 20 ~~procedure established by the Board of Selectmen and shall carry the full force~~
- 21 ~~of law of this charter.~~



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

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

9 (E) Nothing ~~herein~~ shall limit the right of employees to participate in  
10 the elective process for State and federal offices, ~~except as otherwise stated in~~  
11 ~~this section.~~

12 (7) Surety bonds: Any Town officer and employee, as required by the  
13 ~~Board of Selectmen~~ ~~Selectboard~~, shall annually give surety bonds ~~or shall~~  
14 ~~purchase comparable coverage~~ to the satisfaction of the ~~Board of Selectmen~~  
15 ~~Selectboard~~ for the faithful discharge of ~~his/her~~ the officer or employee's  
16 duties. ~~In the event any officer or employee neglects to give a bond, is unable~~  
17 ~~to obtain a bond, or obtain comparable coverage as herein specified in this~~  
18 ~~section, after 10 calendar days' notice from the Board~~ ~~Selectboard~~ that ~~he/she~~  
19 ~~the officer or employee~~ is required to do so, ~~his/her~~ the officer or employee's  
20 office ~~or position~~ shall ~~thereupon~~ become vacant and the vacancy shall be  
21 filled as provided in this charter. ~~Each bond must be approved by the Town~~

1 ~~Attorney~~ All official bonds shall be corporate surety bonds, and the premiums  
2 thereon shall be paid by the Town. Such bonds shall be filed with the Town  
3 Clerk.

4 § 41. FISCAL YEAR OF THE TOWN GOVERNMENT

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

8 § 42. OPERATING TOWN MANAGER'S PROPOSED BUDGET

9 TIMETABLE AND PREPARATION

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

15 (b) Statement by the ~~Board of Selectmen~~ Selectboard regarding budget  
16 policy: Upon receipt of the Town Manager's timetable, the ~~Board of~~  
17 ~~Selectmen~~ Selectboard shall issue an annual budget policy statement, outlining  
18 the direction the Town Manager shall take in the drafting or assembly of the  
19 budget document.

20 (c) Departmental submissions: In following the timetable submitted to the  
21 ~~Board of Selectmen~~ Selectboard, all department heads, and elected or

1 appointed officials with budget responsibility shall submit ~~operating budget~~  
2 requests to the Town Manager in a ~~uniform~~ the format to be established by the  
3 Town Manager.

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

5 (1) Unified administrative request: The Town Manager shall, ~~upon after~~  
6 consultation with department heads, draft a unified, proposed operating budget  
7 for submission submit to the ~~Board of Selectmen, reflecting~~ Selectboard a  
8 single budget request from the administration for each department all  
9 departments.

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

20 (3) Budget- contents, and format:



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

4 (e) Subsidiary budgets for utilities:

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

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

13 § 43. CAPITAL EXPENDITURE PROGRAM

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

18 (b) Contents:

19 (1) The capital expenditure program shall include:

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

21 \* \* \*



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

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

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

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

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

#### 14 § 46. SPECIAL APPROPRIATIONS

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

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

2 ADVISORY COMMITTEE; BUDGET PROCESS

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

4 ~~(1) Timetable: Before the sixth month of a fiscal year, the Board of~~  
5 ~~Selectmen shall draft and adopt a citizen participation plan, which shall~~  
6 ~~provide for a committee of not more than 18 citizens, for the upcoming budget~~  
7 ~~cycle.~~

8 ~~(2) Contents:~~

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

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

17 ~~(C) The citizen participation plan shall make proper allowances for~~  
18 ~~review of all special appropriations~~ The Selectboard shall appoint a Budget  
19 Advisory Committee that shall be composed of not less than five and not more  
20 than nine registered voters of the Town at least six months before the

1 scheduled date of the annual Town meeting. The Budget Advisory Committee  
2 shall be governed by operating procedures established by the Selectboard.

3 § 48. APPROPRIATION- TOWN-BUDGET

4 (a) Gross appropriation fixed and levy:

5 ~~(1) The vote of Town meeting or other action finalizing the Town~~  
6 ~~budget shall make a gross appropriation for the coming fiscal year. The Town~~  
7 ~~meeting may not make any budget~~ No appropriation not recommended by the  
8 selectmen, may be voted unless such action was duly warned.

9 (2) As of the effective date of the budget, all amounts stated therein are  
10 appropriated (for the specified agency's or department's purpose). Adoption  
11 of the budget shall constitute appropriations of the amounts specified therein  
12 from the funds indicated. This shall constitute an authorization to raise all  
13 monies required.

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

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

20 (5) Every appropriation, except an appropriation for a capital  
21 expenditure and multiyear contracts for which Town monies have been

1 obligated, shall lapse at the close of the fiscal year to the extent that it has not  
2 been expended or encumbered. An appropriation for a capital expenditure  
3 shall continue in force until the purpose for which it has been made has been  
4 accomplished or abandoned.

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

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

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

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

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

16 (c) Under expenditures, excess revenues:

17 (1) Under expenditures: If during the fiscal year, the ~~Board~~ Selectboard,  
18 upon recommendation and certification of the Town Manager, determines that  
19 there are funds available due to under expenditure of the funds or revenue  
20 returns exceeding projections proposed in the budget, the ~~Board~~ Selectboard

1 may make supplemental appropriations for the fiscal year up to the amount of  
2 such the excess, not to exceed five percent of the gross appropriation.

3 \* \* \*

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

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

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

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

17 \* \* \*

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

19 \* \* \*

20 (2) Expenditures In the event that the budget is not adopted before the  
21 beginning of the fiscal year, expenditures during the budget revote shall be

1 limited on a monthly basis to an allotment based on the prior year's  
2 appropriation until such time as the budget is adopted.

3 § 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET

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

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

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

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

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

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

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

1           (3) The officer responsible for each fund management shall issue a  
2 regular report of investments and yields to the ~~manager~~ Town Manager and the  
3 Board of Selectmen Selectboard at least annually and when requested by either  
4 the Town Manager or the Selectboard.

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

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

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

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

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

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

19           (d) Authorization for expenditure of Town funds:

20           (1) Money shall not be paid out of the Town Treasury unless it is  
21 authorized by a payroll or payment authorization signed by at least three

1 members of the ~~Board of Selectmen~~ Selectboard, or in accordance with the  
2 provisions of 24 V.S.A. § 1623.

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

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

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

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

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

19 (2) All ~~books of account~~ accounting records, in relation to the receipt,  
20 holding, or disbursement of money of the Town kept by any official of the  
21 Town, shall be paid for by the Town, shall remain the property of the Town,

1 and shall be turned over to the Town Clerk whenever the keeper of the books  
2 ~~of account~~ accounting records retires from office. All ~~books~~ records pertaining  
3 to Town affairs kept by the Town Manager, Town Clerk, or other elective or  
4 appointive officer of the Town shall be kept in the Town buildings in their  
5 proper places and shall not be removed therefrom without an order of a court  
6 or a vote of the ~~Board of Selectmen~~ Selectboard.

7 (f) Purchasing and procurement:

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

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

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

16 § 50. TRUST FUNDS

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

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

1 § 51. TAXATION AND COLLECTION

2 (a) Authority for taxation:

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

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

8 (b) Responsibility for taxation and collection:

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

10 (2) The Board of Selectmen shall designate the Collector of Delinquent  
11 Taxes. [Repealed.]

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

16 (c) Manner of collection:

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

20 (2) Delinquent taxes shall be administered in accordance with State  
21 statute. [Repealed.]



1           ~~(A) All real and personal property, other than inventory, that is not~~  
2           ~~classified in the grand list as residential property, a farm, or vacant land shall~~  
3           ~~be classified as commercial, industrial, utilities (electric), utilities (other), or~~  
4           ~~equipment, and shall be collectively classified as “special nonresidential~~  
5           ~~property.” Special nonresidential property does not include property used for~~  
6           ~~dwelling or farm purposes or accessory property which is subordinate to or~~  
7           ~~customarily incidental to the main residential or farm use, such as garages and~~  
8           ~~out buildings.~~

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

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

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

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

20           ~~(4) Beginning with the January 1, 1997 grand list, special nonresidential~~  
21           ~~property and inventory shall be subject to a special tax. The special tax shall~~

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

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

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

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

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

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

14 ~~(E) Zero percent of the fair market value for the year 2001 and~~

15 ~~thereafter.~~

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

19 ~~(7) If a property is used for both residential and nonresidential purposes~~  
20 ~~for both farm and nonfarm purposes, the value of the property shall be~~

1 ~~apportioned according to such uses and classified and assessed as in this~~  
2 ~~section. [Repealed.]~~

3 § 52. DEBT; AND BONDED DEBT FOR TOWN ~~AND SCHOOL~~  
4 IMPROVEMENTS

5 (a) Authorization for any long-term ~~bonded~~ debt shall be granted by the  
6 voters at an annual or special Town meeting duly authorized for that purpose.  
7 As used in this section, "long-term" means a period of indebtedness greater  
8 than five years.

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

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

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

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

4           Sec. 3. EFFECTIVE DATE

5           This act shall take effect on passage.