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H.742

Introduced by Representatives Morgan, M. of Milton, Mattos of Milton,
Morgan, L. of Milton, and Palasik of Milton

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to approve
amendments to the charter of the Town of Milton to:

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

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

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

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

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

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

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

4 Sec. 1. CHARTER AMENDMENT APPROVAL

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

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

9 CHAPTER 129. TOWN OF MILTON

10 Subchapter 1. Powers of the Town of Milton

11 § 101. CORPORATE EXISTENCE RETAINED

12 The inhabitants of the Town of Milton, within the limits as now established,
13 shall be a municipal corporate by the name of the Town of Milton, including
14 the area within the former incorporated Village of Milton, the geographical
15 boundaries of which are referenced in 1900 Acts and Resolves No. 183, §
16 Sec. 1.

17 * * *

18 § 103. POWERS OF THE TOWN AND SCHOOL DISTRICT

19 * * *

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

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

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

7 * * *

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

17 * * *

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

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

4 * * *

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

12 § 104. ORDINANCES

13 * * *

14 (b) Adoption by Selectboard.

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

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

3 * * *

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

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

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

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(e) Penalties; limitations.

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

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

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

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

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

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

1 (f) Referendum.

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

11 * * *

12 Subchapter 2. Officers

13 * * *

14 § 202. ELECTIVE OFFICERS

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

16 (1) five selectpersons;

17 (2) Town Clerk;

18 (3) Town Treasurer;

19 (4) ~~Moderator~~;

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

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

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

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

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

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

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

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

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

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

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

Subchapter 3. Selectboard Powers and Duties

§ 301. ORGANIZATION

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

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

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

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

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

7 § 302. MEETINGS

8 * * *

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

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

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

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

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

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

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

11 § 303. RECORD OF PROCEEDINGS

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

15 * * *

16 § 304. MANDATORY DUTIES

17 The Selectboard shall:

18 * * *

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

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

3 § 305. PERMISSIVE DUTIES

4 The Selectboard may:

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

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

9 § 306. APPOINTED OFFICERS

10 (a) The Selectboard shall appoint:

11 (1) Planning Commission;

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

13 (3) Cemetery Commission;

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

15 member;

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

17 (6) Civil Defense Director.

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

21 * * *

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

5 * * *

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

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

10 (1) Zoning Administrator;_

11 (2) Health Officer;_

12 (3) Town Attorney;_

13 (4) Pound Keeper;_

14 (5) Planning Director.

15 (6) Town Moderator.

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

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

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

4 (7) Town Assessor.

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

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

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

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

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

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

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

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

4 § 401. ORGANIZATION

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

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

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

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

16 § 402. MEETINGS

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

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

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

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

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

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

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

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

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

3 § 503. RESPONSIBILITIES, POWERS, AND DUTIES

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

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

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

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

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

1 § 505. FILLING OF A VACANCY

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

7 * * *

8 § 507. ADMINISTRATIVE CODE

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

16 * * *

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

1 simultaneously hold any elective office within the School District, nor shall he
2 ~~or she~~ be employed by the School District in any capacity except as specified
3 in this charter. The Superintendent may concurrently hold statewide office
4 with approval of a majority of the School Board of Trustees.

5 § 602. BOND

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

10 § 603. RESPONSIBILITIES, POWERS, AND DUTIES

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

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

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

- 1 (2) identify the educational goals and objectives of the School District
2 and prepare plans to achieve those goals and objectives for adoption by the
3 School Board of Trustees;
- 4 (3) recommend that the School Board of Trustees employ or dismiss
5 persons as in ~~his or her~~ the Superintendent's judgment is necessary to carry out
6 the ~~word~~ work of the School District;
- 7 (4) furnish the Secretary of Education such data and information ~~as he~~
8 ~~or she may require~~ that is required;
- 9 (5) approve all textbooks, learning materials, equipment, and supplies;
- 10 (6) attend all regular meetings of the School Board of Trustees except
11 when excused by the School Board of Trustees and to have the right to attend
12 all other meetings of ~~said~~ the School Board of Trustees and committees ~~thereof~~
13 except when ~~his or her~~ removal or dismissal is being discussed;
- 14 (7) furnish the School Board of Trustees with a five-year projection of
15 capital improvements;
- 16 (8) participate in the discussion of matters before the School Board of
17 Trustees and its committees but not the right to vote;
- 18 (9) perform such other duties that may be required ~~of him or her~~ by vote
19 of the School Board of Trustees by law or by policy consistent with this
20 charter; and

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

4 § 604. NONINTERFERENCE WITH ADMINISTRATION

5 The School Board of Trustees, its members, and committees shall not deal
6 with School District administrative officers and employees who are subject to
7 the direction and supervision of the Superintendent. They shall deal through
8 the Superintendent and shall not give orders to any such administrative officers
9 or employees publicly or privately.

10 § 605. FILLING OF A VACANCY

11 Any vacancy in the office of Superintendent shall be filled as soon as
12 practicable by the School Board of Trustees. Pending such appointment, or in
13 the case of the Superintendent's absence or disability, the School Board of
14 Trustees may designate some person to perform the duties of the office. In no
15 case shall a member of the School Board of Trustees assume the duties of the
16 Superintendent.

17 § 606. COMPENSATION

18 The compensation of the Superintendent shall be set by vote of the School
19 Board of Trustees. As used in this section, the term "compensation" includes
20 salary, additional benefits, time for sick leave, and vacation and expense
21 allowances.

1 § 607. SCHOOL BOARD OF TRUSTEES POLICY

2 The Superintendent shall prepare and submit to the School Board of
3 Trustees proposals for School Board of Trustees policies. The Superintendent
4 may have the assistance of the School Attorney and shall have the authority to
5 request a committee of citizens to assist in the preparation of any proposals.
6 Policies shall be general application to the School District, shall be in writing,
7 codified, and made available to the public. Policies shall be adopted by the
8 School Board of Trustees at regular or special School Board of Trustees
9 meetings. The School Board of Trustees shall give notice of its intent to adopt
10 a ~~Board~~ policy stating the substance of the proposed policy at least 10 days
11 prior to its adoption. Policies shall be reviewed and readopted biennially.

12 Subchapter 7. Town and School District Officials' Conduct

13 * * *

14 § 702. CHARTER COMPLIANCE COMMITTEE

15 (a) A Charter Compliance Committee of three members shall be created to
16 hear allegations from the general public or citizens who feel an elected or
17 appointed board or commission or an elected or appointed official has,
18 ~~unknowingly~~, violated the charter. The general public or citizen must first give
19 the elected or appointed board or commission or the elected or appointed
20 official an opportunity to correct the alleged violation.

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

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

10 * * *

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

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

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

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

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

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

Subchapter 8. Town Meeting

* * *

§ 803. ELIGIBLE VOTERS

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

§ 804. POLLING PLACES

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

1 § 805. COMBINING OF TOWN AND SCHOOL MEETINGS

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

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

11 § 806. VOTING QUESTIONS BY AUSTRALIAN BALLOT

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

16 * * *

17 § 807. REAPPORTIONMENT AND REDISTRICTING

18 (a) State Representatives for the Town of Milton shall be reapportioned and
19 redistricted on the basis of population during the biennial session after the
20 taking of each decennial census of the United States, or after a census taken for

1 the purpose of such reapportionment under the authority of the State of
2 Vermont.

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

7 Subchapter 9. Zoning and Planning

8 * * *

9 § 903. MINUTES

10 (a) Copies of the minutes of the ~~Zoning Board of Adjustment~~ Development
11 Review Board (DRB) and the Milton Planning Commission, or portions
12 ~~thereof~~ of the minutes, shall be made available to any members of the public
13 upon request of the Town Clerk and at cost.

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

17 § 904. ZONING ADMINISTRATOR

18 The Zoning Administrator shall be appointed in accordance with 24 V.S.A.
19 § ~~4442~~ 4448. Upon appointment, the Zoning Administrator shall be under the
20 direction of the Town Manager for faithful performance of ~~his or her~~ the

1 Zoning Administrator's duties as prescribed in the Vermont statutes and this
2 charter.

3 * * *

4 Subchapter 10. Budgets and Taxation

5 § 1001. FISCAL YEAR

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

9 § 1002. PREPARATION AND SUBMISSION OF GENERAL BUDGET

10 (a) At least 120 days before the date of the regular annual Town and ~~school~~
11 School District meeting, each department or commission head shall submit to
12 the Town Manager, in the case of the Town, and the Superintendent of the
13 ~~schools~~ School District, in the case of the ~~school~~ School District, a proposed
14 budget for their review and revision. Not less than 60 days prior to the annual
15 meeting, each department or commission head shall submit a written report to
16 the Town Manager or Superintendent of ~~Schools~~ the School District to be
17 included in the Town or ~~school~~ School District report.

18 (b) The Town Manager, in the case of the Town, and the Superintendent, in
19 the case of the ~~schools~~ School District, at least 60 days before the date of the
20 regular annual meeting, shall submit to the Selectboard or ~~school~~ trustees
21 School Board of Trustees a budget that, except as required by law or this

1 charter, shall be in such form as the Town Manager or Superintendent deems
2 desirable and the Selectboard or ~~school trustees~~ School Board of Trustees may
3 require. The budget shall contain:

4 * * *

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

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

13 (d) The annual audit of Town and School District shall be published at least
14 60 days prior to the annual town meeting and included in the Annual Town
15 Report.

16 § 1003. PREPARATION AND SUBMISSION OF THE CAPITAL BUDGET

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

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

8 * * *

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

11 (c) Capital ~~plan~~ Improvement Plan. A ~~capital plan~~ Capital Improvement
12 Plan shall be implemented for the collection of impact fees. This plan shall be
13 implemented by the creation of a Town ordinance adopted by the Selectboard
14 to include School District capital improvements.

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

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

1 (c) In case of emergency, the Selectboard or ~~school trustees~~ School Board
2 of Trustees may borrow money in the name of the Town or the ~~school~~ School
3 District. The emergency borrowing in any year shall not exceed five percent
4 of the total amount voted at the annual meeting for the Town or ~~school~~ School
5 District budget. If the Town or ~~school~~ School District fails to adopt a budget,
6 the emergency borrowing shall not exceed five percent of the amount that the
7 previous year's tax rate would raise.

8 (d) Notes and orders for anticipated and emergency borrowing shall mature
9 ~~no~~ not more than one year from the date of issuance and shall not thereafter be
10 renewed unless the Town or ~~school~~ School District so votes.

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

14 § 1008. TRANSFERS OF APPROPRIATIONS

15 The Town Manager, in the case of the Town, and the Superintendent, in the
16 case of the ~~school~~ School District, may at any time transfer an unencumbered
17 appropriation, balance, or portion ~~thereof~~ between general classifications or
18 expenditures within an office, department, or agency. The Selectboard or
19 ~~school trustees~~ School Board of Trustees may, by resolution, transfer any
20 unencumbered appropriation balance or portion ~~thereof~~ within their respected
21 budgets. Notwithstanding the above, no unexpended balance in any

1 appropriation not included in the Selectboard's or the ~~school trustees'~~ School
2 Board of Trustees' budget shall be transferred or used for any other purpose.

3 § 1009. TAXATION

4 Town and School Tax Collection.

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

9 ~~(b)~~(2) A penalty of eight percent shall be assessed on all delinquent taxes
10 on the day following the due date of May 15. Interest of one percent per
11 month shall be assessed on all outstanding balances beginning 30 days from
12 the due date.

13 § 1010. INVESTMENTS

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

18 * * *

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.