



January 5, 2024

Re. City of Essex Junction Testimony on Bill Introduction, H.516, Essex Junction City Charter

Dear Chair McCarthy and House Committee on Government Operations and Military Affairs Representatives,

Thank you for the invitation to provide testimony on Essex Junction's Charter changes. Below you will find the Charter changes proposed in this bill, and the associated testimony for each.

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

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

**Why are these changes necessary:** Adding "unless allowed by state statute" to the second sentence within 206a would prevent current City Councilors from being City employees unless in circumstances where state law deems it appropriate. As an example, if an appointed position has not been filled (i.e., Health Officer), the State will appoint the Chair of the City Council. This appointment would make the Chair an employee and in conflict with the current charter. Removing the final sentence in section 206a would remove an unnecessary time constraint that other Vermont City charters and most Town charters do not require.

**Why now:** The City had a Health Officer vacancy and the Council President had to fulfill that role. We want to be prepared for next time.

**What were the vote counts to approve the measure and how many eligible voters participated:** First amendment: The vote passed with 86% of the vote (1709 yes votes, 233 no votes, and 49 blank, 1,991 voted ballots and 7,769 voters on the checklist). Second amendment: The vote passed with 76% of the vote (1509 yes votes, 421 no votes, and 61 blank, 1,991 voted ballots and 7,769 voters on the checklist).

§ 302. MODERATOR

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

**Why are these changes necessary:** The role of the Moderator, as defined within our charter, is to “preside at the next annual meeting.” In Essex Junction, our annual meeting is no longer an in-person meeting where votes are taken by those physically present. Instead, our annual meeting is held via Australian ballot, and decisions are made through the ballot. With this amendment the City Council would appoint a moderator to preside at the City Informational Meeting.

**Why now:** The role of the moderator as contemplated in the charter is moot. The City would like to correct this so that voters don’t need to continue to vote for a position that is no longer relevant.

**What were the vote counts to approve the measure and how many eligible voters participated:** The vote passed with 78% of the vote (1550 yes votes, 399 no votes, and 42 blank, 1,991 voted ballots and 7,769 voters on the checklist).

#### § 401. CITY MEETINGS AND ELECTIONS

(a) ~~The voters~~ Annually on or before January 1, the Council shall at each  
~~annual meeting vote to set the date of the next annual meeting, at which time~~  
~~the voters shall vote for the election of officers, the voting on the City budget,~~  
~~and any other business included in the warnings for the meetings.~~

**Why are these changes necessary:** The City Council would set the date to hold the annual meeting (Australian ballot voting) instead of the voters voting each year on the date. The City Council would decide the date by January 1 each year.

**Why now:** This would allow the City to collaborate with the school district quickly if it wants to change when they vote to ensure our community votes once on municipal and school items.

**What were the vote counts to approve the measure and how many eligible voters participated:** The vote passed with 86% of the vote (1722 yes votes, 222 no votes, and 47 blank; 1,991 voted ballots and 7,769 voters on the checklist).

Please let us know if you have any further questions.

Thank you very much for your time.

Sincerely,



Regina Mahony  
Essex Junction City Manager

Cc: Essex Junction City Council  
Representative Lori Houghton  
Representative Karen Dolan