

1 H.516

2 Introduced by Representatives Dodge of Essex, Black of Essex, and Garofano

3 of Essex

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; municipal charters; Town of

7 Essex; amendments

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

9 amendments to the charter of the Town of Essex to provide that a Selectboard

10 member's office shall be deemed vacant if the member removes from the

11 Town or fails to attend at least 50 percent of the meetings of the Selectboard in

12 any calendar year; to establish the duties of the Town Moderator and

13 procedures for the election of a Moderator Pro Tempore in the absence of the

14 Moderator; to authorize the Selectboard to appoint the members of the Town

15 Cemetery Commission; to eliminate certain officers from the list of officers

16 that shall be appointed by the Selectboard; to require the Selectboard to

17 employ a public accountant to examine the financial statements of the funds of

18 the Town; and to correct grammar, references, and style throughout the charter.

19 An act relating to approval of amendments to the charter of the Town of

20 Essex

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

2 Sec. 1. CHARTER AMENDMENT APPROVAL

3 The General assembly approves the amendments to the charter of the Town
4 of Essex as set forth in this act. Voters approved the proposals of amendment
5 on March 4, 2025.

6 Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

7 CHAPTER 117. TOWN OF ESSEX

8 * * *

9 § 101. CORPORATE EXISTENCE RETAINED

10 The inhabitants of the Town of Essex, within the corporate limits as now
11 established, shall continue to be a municipal corporation by the name of the
12 Town of Essex. Notwithstanding the provisions of any other municipal
13 charters, territory within the corporate limits shall not be annexed to or become
14 a part of any other municipal corporation except by annexation procedures as
15 set forth in the statutes of the State of Vermont Statutes Annotated.

16 § 102. GENERAL LAW, APPLICATION

17 Except as modified by the provisions of this charter, or by any lawful
18 regulation or ordinance of the Town of Essex, all provisions of the statutes of
19 this State Vermont Statutes Annotated applicable to towns shall apply to the
20 Town of Essex.

1 § 103. POWERS OF THE TOWN

13 * * *

14 § 204. ORGANIZATION

15 (a) As soon as practicable after the first day of the month
16 following annual Town meeting, the Selectboard shall organize and elect a
17 Chairperson, Vice Chairperson and Clerk by a majority vote of the entire
18 Board Selectboard, and shall file a certificate of the election for record in the
19 office of the Town Clerk.

20 (b) The Chairperson of the Selectboard or, in the Chairperson's absence,
21 the Vice Chairperson, shall preside at all meetings of the ~~Board~~ Selectboard

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

3 (c) In the event of death, resignation, change of residence outside the
4 Town, or incapacity of any Selectboard member, the remaining members of
5 the Board Selectboard may appoint a person eligible to fill that position until
6 the next annual or special meeting. At the next annual meeting, the vacancy
7 shall be filled by serving the remaining balance of the term. Incapacity shall
8 include the failure by any member of the Board to attend at least 50 per cent of
9 the meetings of the Board in any calendar year. In the event If the Board
10 Selectboard is unable to agree upon an interim replacement until the next
11 annual Town or special meeting, a special election shall be held forthwith to
12 fill the position. Incapacity shall include the failure by any member of the
13 Selectboard to attend at least 50 percent of the meetings of the Selectboard in
14 any calendar year.

15 (d) The Town Moderator shall perform duties as prescribed by law and
16 shall preside at all Town meetings, but in the Moderator's absence the Town
17 Clerk shall call the meeting to order, and the first order of business shall be the
18 election of a Moderator Pro Tempore to preside for the duration of the
19 meeting. The Moderator shall conduct every meeting according to this charter
20 or the laws of the State of Vermont. The Moderator shall preserve order in the
21 conduct of the business of the meeting and in all things shall preserve the

1 principles of fairness and openness in Town government. In the event of the
2 death, resignation, or change of residence to a location outside the Town, the
3 Selectboard may appoint a person eligible to fill that position until the next
4 annual or special Town meeting. If the Selectboard is unable to agree upon an
5 interim replacement until the next annual or special meeting, a special election
6 shall be held forthwith to fill the position.

7 § 205. MEETINGS

8 * * *

11 * * *

12 (d) All meetings of the Board Selectboard shall be open to the public
13 unless, by an affirmative vote of the majority of the members present, the
14 Board Selectboard shall vote that any particular session shall be an executive
15 session in accordance with 1 V.S.A. § 313.

16 § 206. RECORD OF PROCEEDINGS

17 (a) An official record of the proceedings of the Selectboard shall be kept
18 by its Clerk, who need not be a member of the Selectboard, which shall be
19 kept in the office of the Town Clerk and shall be open for public inspection.
20 The Town Clerk shall keep the official record of the proceedings of all special
21 and annual Town meetings.

5 * * *

6 § 207. POWERS AND DUTIES

12 (b) Within the limitations of the foregoing, the Selectboard shall have the
13 power to:

14 * * *

18 § 208. APPOINTMENTS BY SELECTBOARD

19 (a) The Selectboard shall appoint the members of the following permanent
20 Commissions and positions:

21 * * *

9 § 209. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

Neither the Selectboard nor any of its members shall direct or request the appointment, by any other officer or employee of the Town, of any person to office or employment, or his or her suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The Selectboard and its members shall deal with that portion of the service of the Town for which the Manager is responsible solely through the Manager. This shall not be construed to prohibit the Selectboard from recommending to the Town Manager a prospective employee for his or her consideration, or bringing to the attention of the Manager any complaint concerning the actions of any officer or employee of the Town. This section shall not be construed to prohibit the review by the Selectboard of actions by the Manager or hearings

1 brought to the Selectboard by employees pursuant to appellate rights granted
2 them by statute the Vermont Statutes Annotated or contract.

3 § 210. RECALL OF SELECTBOARD MEMBERS

4 * * *

5 (b) Within 60 days after receiving a valid petition, the Selectboard shall
6 call a special meeting or, if the annual meeting is within 60 days, include a
7 question on the annual Town meeting ballot to vote on whether the elected
8 officer shall be removed. The vote shall be held by Australian ballot.

9 * * *

10 § 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
11 MEETING

12 * * *

20 * * *

1 § 401. APPOINTMENT OF MANAGER

2 The Selectboard shall appoint a Town Manager under and in accordance
3 with the Vermont Statutes Annotated, as amended from time to time hereafter.
4 The Manager shall have all of the powers and duties as set forth in that chapter
5 and in this charter.

6 § 402. OFFICIALS APPOINTED BY MANAGER

The Town Manager shall appoint with the approval of the Selectboard
Town Clerk, Town Treasurer, Assistant Town Clerk, constables, ~~Grand Juror~~,
Director of Public Works, Police Chief, Fire Chief, a Town Agent if the Town
Attorney is not a resident of the Town of Essex, ~~cemetery commissioners~~,
~~cemetery commissioners~~, Health Officer, ~~fire~~ wardens, and a Zoning
Administrator, and, if. If needed, the Town Manager may appoint fence
viewers, ~~Inspector of Lumber and Shingles~~, and any other officer that the
Selectboard ~~of a Town~~ is authorized to appoint if the Selectboard has not filled
the office within 45 days after the day the position becomes vacant. The terms
of the appointed officials shall commence on the first day of April following
appointment. Appointments to fill a vacancy in an office shall be effective at
the time of appointment and shall run for the unexpired period of the term.

1 § 501. APPOINTMENT AND REMOVAL

2 All Town employees not elected by the voters shall be appointed,
3 supervised, and removed by the Town Manager unless otherwise specified by
4 this charter. There shall be no discrimination in employment on account of
5 race, religion, sex, or political opinions. Appointments, lay-offs, suspensions,
6 promotions, demotions, and removals shall be made primarily on the basis of
7 training, experience, fitness, and performance of duties, in such a manner as to
8 insure ensure that the responsible administrative officer may secure efficient
9 service, unless otherwise specified by this charter or State law.

10 * * *

11 Subchapter 6. Town Annual Meeting; Amendment of Charter

12 * * *

13 § 602. ANNUAL TOWN REPORT

14 (a) The Town Selectboard shall employ by contract a public accountant to
15 examine the financial statements of the funds of the Town. The ~~annual~~ Town
16 report Annual Auditor's Report shall be ~~distributed~~ made available to the legal
17 voters of the Town not later than ~~40~~ 30 days prior to the annual meeting.
18 Notification of the availability of the Annual Auditor's Report shall be
19 distributed by mail to all Essex households at least 30 days prior to the
20 meeting.

1 (b) The Annual Town Report shall be made available to the residents of the
2 Town at least 10 days prior to the annual Town meeting.

3 * * *

4 § 604. TIME OF HOLDING

11 (b) The election of officers and the voting on all questions to be decided,
12 including the budget, by Australian ballot or voting required by law to be by
13 ballot shall take place on the day specified in 17 V.S.A. § 2640(a) 2680, which
14 may from time to time be amended. The ballot boxes or voting machines shall
15 be open for a minimum of nine consecutive hours between 6:00 a.m. and
16 10:00 p.m. as shall be determined and warned by the Selectboard.

20 (b) The budget shall be published not later than two weeks after its
21 preliminary adoption by the Selectboard. The ~~board~~ Selectboard shall fix the

1 time and place for holding a public hearing for the budget, and shall give a
2 public notice of such hearing. The ~~board~~ Selectboard shall then review the
3 budget and recommend it, with or without change, to the annual Town
4 meeting.

5 * * *

6 § 802. PENALTY

7 An additional charge of eight percent shall be added to any tax not paid on
8 or before the dates specified in section 801 of this charter, and interest as
9 authorized by the Vermont statutes Statutes Annotated.

10 * * *

11 § 901. BOARD ESTABLISHED

12 A Planning Commission shall be established and its powers, obligations,
13 and operation shall be under and in accordance with the Vermont Statutes
14 Annotated, as they may be amended from time to time hereafter.

15 * * *

16 Subchapter 10. Department of ~~Real Estate Appraisal~~ Assessment

17 § 1001. CREATION OF DEPARTMENT

18 There shall be established a Department of ~~Real Estate Appraisal~~
19 Assessment headed by a professionally qualified real estate appraiser, who
20 shall be appointed by the Manager with the approval of the Selectboard.

1 § 1002. PURPOSE

2 The purpose of the Department of Real Estate Appraisal Assessment is to
3 provide for appointment of a qualified real estate ~~assessor~~ appraiser rather than
4 the election of listers. The Town shall be governed by, and each taxpayer shall
5 have rights granted by the applicable ~~statutes~~ Vermont Statutes Annotated
6 concerning real and personal property taxation, appeal therefrom, and other
7 statutes concerning taxation.

8 §1003. APPRAISAL OF PROPERTY

9 The Department of Real Estate Appraisal Assessment shall appraise all real
10 and ~~business~~ personal property for the purpose of establishing the grand list.
11 Appraisals shall be reviewed periodically and kept up to date. Technically
12 qualified individuals or firms may be employed as needed. The Department
13 shall review, or cause to be reviewed, the appraisals of all real property in the
14 Town that is subject to taxation in accordance with the standards for appraising
15 established by the State law.

16 * * *

17 **§ 1005. POWERS AND DUTIES OF DEPARTMENT**

18 The Department of Assessment shall have the same power, discharge the
19 same duties and powers of the Department of Real Estate Appraisal shall be
20 the same as those established for, proceed in the discharge of duties in the

1 same manner, and be subject to the same liabilities as listers under the general
2 statutes pursuant to the Vermont Statutes Annotated and this charter.

3 * * *

4 § 1101. LAWS GOVERNING

5 This charter may be amended in accordance with the procedure provided
6 for by law the Vermont Statutes Annotated for amendment of municipal
7 charters.

8 Sec. 3. REPEALS

9 24 App. V.S.A. chapter 117, § 603 is repealed.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on passage.