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H.516

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

Referred to Committee on

Date:

Subject: Municipal and county government; municipal charters; Town of
Essex; amendments

Statement of purpose of bill as introduced: This bill proposes to approve the amendments to the charter of the Town of Essex to provide that a Selectboard member's office shall be deemed vacant if the member removes from the Town or fails to attend at least 50 percent of the meetings of the Selectboard in any calendar year; to establish the duties of the Town Moderator and procedures for the election of a Moderator Pro Tempore in the absence of the Moderator; to authorize the Selectboard to appoint the members of the Town Cemetery Commission; to eliminate certain officers from the list of officers that shall be appointed by the Selectboard; to require the Selectboard to employ a public accountant to examine the financial statements of the funds of the Town; and to correct grammar, references, and style throughout the charter.

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

2 (a) The Town shall have all of the powers granted to towns and municipal
3 corporations by the Constitution and laws of this State; it may enact
4 ordinances, bylaws, and regulations not inconsistent with the Constitution and
5 laws of the State of Vermont or with this charter, and impose penalties for the
6 violation ~~thereof~~ of Town ordinances, bylaws, and regulations.

7 (b) The Town may acquire property within or without its corporate limits
8 for any town purpose, in fee simple or any lesser interest or estate, by
9 purchase, gift, devise, or lease, and may sell, lease, mortgage, hold, manage,
10 and control such property as its interests may acquire. The Town may further
11 acquire property within its corporate limits by condemnation where granted to
12 towns by the ~~statutes of the State of Vermont~~ Statutes Annotated.

13 * * *

14 § 204. ORGANIZATION

15 (a) As soon as practicable after the first day ~~of the month~~ 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 the
5 ~~Board~~ Selectboard may appoint a person eligible to fill that position until the
6 next annual or special meeting. ~~At the next annual meeting, the vacancy shall~~
7 ~~be filled by serving the remaining balance of the term. Incapacity shall include~~
8 ~~the failure by any member of the Board to attend at least 50 per cent of the~~
9 ~~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 * * *

9 (b) The ~~Board~~ Selectboard shall determine its own rules and order of
10 business.

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

1 (b) The minutes of each ~~meetings~~ meeting shall be approved by the ~~Board~~
2 ~~at its next meeting~~ Selectboard as soon as is reasonably possible and the
3 official copy authenticated by the signature of the Clerk of the ~~Board~~
4 Selectboard.

5 * * *

6 § 207. POWERS AND DUTIES

7 (a) The members of the Selectboard shall constitute the legislative body of
8 the Town of Essex for all purposes required by statute and shall have all
9 powers and authority given to, and perform all duties required of town
10 legislative bodies or selectboards under the ~~laws of the State of Vermont~~
11 Statutes Annotated.

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

14 * * *

15 (5) exercise each and every other power that is not specifically set forth
16 ~~herein in this charter~~, but that is granted to the Selectboard by the ~~statutes of~~
17 ~~the State of Vermont~~ Statutes Annotated.

18 § 208. APPOINTMENTS BY SELECTBOARD

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

21 * * *

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 * * *

13 (b) The proposed ordinance shall be examined by the Town Attorney
14 before being submitted to the special Town meeting. The Town Attorney is
15 authorized, subject to the approval of the Selectboard, to correct the ordinance
16 ~~so as~~ to avoid repetitions, illegalities, and unconstitutional provisions and to
17 ensure accuracy in its text and references and clearness and preciseness in its
18 phraseology, but the Town Attorney shall not materially change its meaning
19 and effect.

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

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

19 * * *

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 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 for
6 by law the Vermont Statutes Annotated for amendment of municipal charters.

7 Sec. 3. REPEALS

8 24 App. V.S.A. chapter 117, § 603 is repealed.

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on passage.