H.227

An act relating to approval of amendments to the charter of the City of Winooski

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

CHAPTER 19. CITY OF WINOOSKI

* * *

§ 105. POWER OVER WATER RESOURCES

(a) No ~~citizen~~ person, association of ~~citizens~~ persons, ~~domestic corporation~~ corporate entity, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

* * *

§ 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by ~~general law~~ section 202 of this charter. All matters shall be considered by Australian ballot.

§ 202. QUALIFIED VOTERS

(a) Voter registration, ~~qualification,~~ absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in ~~the~~ City meetings ~~shall be the same as those prescribed by law for voters in town meetings~~ and all municipal elections shall be as set forth in subsection (b) of this section.

(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:

(1) is a legal resident of the City;

(2) has taken the Voter's Oath; and

(3) is 18 years of age or older.

(c) As used in subdivision (b)(1) of this section, "legal resident of the City" means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.

(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.

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§ 205. NOMINATIONS IN GENERAL

Nominations for the office of Mayor and Councilor shall be made by ~~petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed~~ petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. ~~A~~

~~person shall not sign more than one petition for each individual office to be filled.~~ The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and sample ballots shall be posted in at least three public places at least ten days before election.

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§ 304. GENERAL POWERS AND DUTIES

* * *

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

* * *

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

* * *

§ 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or~~

~~member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

* * *

§ 506. CITY OFFICERS; APPOINTMENT OF

* * *

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

* * *

(10) an Emergency Management Coordinator; ~~and~~

(11) a Human Resources Director; and

~~(11)~~(12) other officers required by law.

* * *

§ 602. ~~CITIZEN~~ RESIDENT ENGAGEMENT

* * *

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens~~ Residents once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

§ 603. PERSONNEL SYSTEM

* * *

(b) ~~Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council.~~ [Repealed.]

(c) [Repealed.]

(d) Personnel policies. The ~~Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

* * *

§ 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be ~~assessed at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories

shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

* * *

§ 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I _____ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of _____ of the City of Winooski to the best of my judgment and abilities, according to law~~, so help me God or I so affirm~~."

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.