

H.556-Bill as Introduced

**Introduced by Representatives
Blanchard of Essex, Parizo of Essex,
Aswad of Burlington, Atkins of
Winooski, Flaherty of South
Burlington, Gretkowski of
Burlington, Lafayette of Burlington,
Marron of Stowe, Rivero of Milton,
Sweaney of Windsor, Vinton of
Colchester and Wheeler of Burlington**

Referred to Committee on

Date:

**Subject: Municipal government; charter amendment; Village of
Essex Junction**

Statement of purpose: This bill proposes to amend the Village of Essex Junction charter to reconstitute the Village as an independent municipal corporation, the City of Essex Junction.

AN ACT RELATING TO THE VILLAGE OF ESSEX JUNCTION CHARTER

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

Sec. 1. APPROVAL OF CHARTER AMENDMENT

-

The charter of the Village of Essex Junction is amended as provided in this act. Proposals of amendment were approved by the voters on March 16, 1999.

Sec. 2. 24 App. V.S.A. chapter 221 is amended to read:

CHAPTER 221. ~~VILLAGE~~ CITY OF ESSEX JUNCTION

-

ARTICLE I Subchapter 1

POWERS OF THE ~~VILLAGE~~ CITY

§ 1.01. Corporate Existence.

The inhabitants of the ~~Village City~~ City of Essex Junction, within the corporate limits as now established as the Village of Essex Junction, shall continue to be a municipal corporation by the name of the ~~Village City~~ City of Essex Junction. Essex Junction Incorporated School District shall continue to be a municipal corporation coterminous with the City of Essex Junction.

§ 1.02. ~~Village City~~ City Boundaries.

The boundaries of the ~~Village City~~ City shall continue to be the present Village corporate boundaries ~~as presently established~~, except as may hereafter be altered in accordance with the requirements of applicable law.

§ 1.03. General Powers.

The ~~Village City~~ City shall have all powers ~~possible for~~ of a municipality ~~to have~~ under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this Charter. Except when changed, enlarged or modified by the provisions of this Charter, all provisions of the statutes of this State relating to municipalities shall apply to the ~~Village City~~ City of Essex Junction.

§ 1.04. Construction.

The powers of the ~~Village City~~ City under this Charter shall be construed liberally in favor of the ~~Village City~~ City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this subchapter.

§ 1.05. Intergovernmental Relations.

The ~~Village City~~ City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State, or the United States or any agency thereof.

§ 1.06. Property.

By action of the ~~Trustees~~ City Council, the ~~Village City~~ City may acquire property within or

without its corporate limits for any Village City purpose, in fee simple or any lesser interest or estate, by purchase, condemnation, gift, devise or lease, it may sell, lease, mortgage, hold, manage and control such property as its interest may require. ~~The Village may further acquire property within its corporate limits by condemnation where such authority is granted by the statutes of the State of Vermont.~~

§ 1.07. Additional Powers.

In addition to powers otherwise conferred upon it by law, the ~~Village~~ City is authorized:

-

~~(a)~~(1) To adopt and enforce ordinances relating to making and installation of local improvements including curbs, sidewalks, sewers, drainage systems, water systems, and streets; requiring the installation of any or all of such improvements in a manner specified by the Village City as a condition precedent to the issuance of a zoning permit; apportioning part or all of the expenses of such improvements against property owners benefited thereby; providing for the collection of such assessments and penalties for nonpayment.

-

~~(b)~~(2) To adopt and enforce ordinances regulating or prohibiting the use of firearms, air rifles and devices having a capacity to inflict personal injury to the extent such ordinances are consistent with State law.

-

~~(c)~~(3) To adopt and enforce ordinances relating to the use, protection, care and management of all public facilities and systems of the ~~Village~~ City.

-

~~(d)~~(4) To adopt and enforce ordinances relating to marathons, bicycle races, fund raising activities and other organized events in or upon public streets and sidewalks.

-

~~(e)~~(5) To adopt and enforce ordinances relating to the prevention of riots, noises, nuisances, disturbances, and disorderly assembly; to provide for the enforcement of penalties for violation and non-performance; and to require permits for use of public lands and highways.

ARTICLE II SUBCHAPTER 2. VILLAGE TRUSTEES CITY COUNCIL

§ 2.01. Composition, Eligibility, Election and Terms

(a) **Composition.** There shall be a ~~Board of Trustees~~ City Council of five members elected by the qualified voters of the ~~Village~~ City at large. ~~One of the Trustees shall be elected by the voters to the office of President of the Village of Essex Junction. The President shall be the chairperson of the Board of Trustees and shall have all of the rights and responsibilities of a Trustee.~~

(b) **Eligibility.** Only qualified voters of the ~~Village~~ City shall be eligible to hold the office of ~~Trustee~~ Councilor.

(c) **Election and Terms.** The regular election of ~~Trustees~~ Councilors shall be held at the annual ~~Village~~ City meeting in the manner provided in ~~Article VIII~~ Subchapter 10. The President and four ~~Trustees~~ Councilors shall be elected for three year terms. No more than two ~~Trustees~~ Councilors shall be elected annually. The terms of ~~Trustees~~ Councilors shall begin on the Tuesday following their election.

~~(d) When an incumbent Trustee runs for the position of President at the end of the first year of his term, that Trustee will automatically forfeit his position as a Trustee, effective the day of the election, irrespective of whether or not he is elected President. This vacancy on the Board of Trustees shall be filled at that same election. In order to allow other people sufficient time to file for this vacancy, an incumbent Trustee, who wishes to run for the office of President during the first year of his term, must file the required nominating petitions at least fifteen (15) days before the deadline.~~

§ 2.02. Organization

(a) Forthwith after their election and qualification, the Council shall organize and elect a chair and a vice-chair by a majority vote of the entire Council and file a certificate of such election for record in the office of the City Clerk.

(b) The chair of the Council or, in his/her absence, the vice-chair shall preside at all meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes.

§ 2.02 2.03. Compensation; Expenses.

The annual salary paid to the ~~Trustees~~ Councilors can be increased from its present level only by the voters at a ~~Village~~ City meeting.

§ ~~2.03~~ 2.04. General Powers and Duties.

All legislative powers of the ~~Village~~ City shall be vested in the ~~Trustees~~ City Councilors, except as otherwise provided by law or this Charter, and the ~~Trustees~~ City Councilors shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the ~~Village~~ City by law.

§ ~~2.04~~ 2.05. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no ~~Trustee~~ Councilor shall hold any other ~~Village~~ City office or employment during the term for which he or she was elected to the ~~Trustees~~ City Council, and no former ~~Trustee~~ Councilor shall hold any compensated appointive ~~Village~~ City office or employment until one year after the expiration of the term for which he or she was elected to the ~~Trustees~~ City Council. This prohibition shall not preclude a former ~~Trustee~~ Councilor from accepting appointment to the ~~Village~~ City Planning Commission or Zoning Board of Adjustment immediately following expiration of his his/her elected term.

(b) Appointments and Removals. Neither the ~~Trustees~~ City Council nor any of its members shall in any manner dictate the appointment or removal of any ~~Village~~ City administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the ~~Board of Trustees~~ City Council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under section ~~2.06~~ 2.07, the ~~Trustees or its members~~ City Council shall deal with ~~Village~~ City officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the ~~Trustees~~ City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

§ ~~2.05~~ 2.06. Vacancies; Filling of Vacancies.

(a) Vacancies. The office of a ~~Trustee~~ Councilor shall become vacant upon his death, resignation, or removal from office in any manner authorized by law.

(b) Filling of Vacancies. A vacancy in the ~~Board of Trustees~~ City Council shall be filled

until the next regular election by a majority vote of the remaining members.

Notwithstanding the requirement in section ~~2.08~~ 2.09 that a quorum of the ~~Board of Trustees~~ City Council consists of three members, if at any time the membership of the ~~Trustees~~ City Council is reduced to less than three, the remaining members may by majority action appoint additional members to raise the membership to three.

§ ~~2.06~~ 2.07. Investigations.

The ~~Board of Trustees~~ City Council may make investigations into the affairs of the ~~Village~~ City and the conduct of any ~~Village~~ City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the ~~Board of Trustees~~ City Council shall be guilty of a misdemeanor and punishable by a fine of not more than \$100.00, or by imprisonment for not more than 1 day, or both. § ~~2.07~~ 2.08. Independent Audit.

The ~~Board of Trustees~~ City Council shall provide for an independent annual audit of all ~~Village~~ City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the ~~Village~~ City government or any of its officers. The ~~Board of Trustees~~ City Council may designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the ~~Trustees~~ City Council may accept it as satisfying the requirements of this section.

§ ~~2.08~~ 2.09. Procedure.

(a) Meetings. The ~~Trustees~~ City Council shall meet regularly at least once in every month at such times and places as the ~~Trustees~~ City Council may prescribe by rule. Special meetings may be held on the call of the ~~president~~ chair or vice-chair and two other members and, whenever practicable, upon no less than 48 hours' notice to each member. All meetings shall be public, however, in accordance with Vermont law the ~~Trustees~~ City Councilors may vote to have a portion of a meeting in executive session.

(b) Rules and Journal. The ~~Board of Trustees~~ City Council shall determine its own rules and order of business and shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the ~~Board of Trustees~~ City Council shall constitute a quorum. No action of the ~~Trustees~~ Councilors except as otherwise provided in

section ~~2.05~~ 2.06, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the ~~Trustees~~ City Council.

§ ~~2.09~~ 2.10. Appointments.

(a) The ~~Trustees~~ City Councilors shall appoint the Planning Commission, the Zoning Board of Adjustment and other appointments required by law and this Charter;

(b) The ~~Trustees'~~ City Councilors' approval shall be required for the manager's appointments of a ~~Village City~~ City treasurer/Tax Collector, ~~Village City~~ City clerk, ~~Village City~~ City attorney and ~~Village City~~ City engineering consultant.

§ ~~2.10~~ 2.11. Adoption of Ordinances.

Ordinances shall be adopted, designated criminal or civil and enforced in accordance with state law.

-

~~ARTICLE III~~ SUBCHAPTER 3. OTHER ELECTED OFFICIALS

§ 3.01. Fire Department.

There shall be a Chief Engineer, and a 1st and a 2nd Assistant Engineer of the Fire Department elected to two year terms by the voters at the Annual Meeting. Residents of the ~~Village City~~ City or a member of the Fire Department who resides in the Town of Essex shall be eligible to hold the office of Engineer. These engineers shall establish policy for the operation of the Fire Department, except that they shall be required to follow all financial and personnel polices adopted by the ~~Village-Trustees~~ City Council.

§ 3.02. Library Trustees.

There shall be a five member Board of Library Trustees who shall be elected to five year terms by the voters at the Annual Meeting. Only qualified voters of the ~~Village City~~ City shall be eligible to hold the office of Library Trustee. The Trustees who are now in office shall serve until their terms are completed. The Library Trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating Library Trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the ~~Village-Trustees~~ City

Council.

§ 3.03. Moderator.

The voters at the annual ~~Village~~ City meeting shall elect a moderator who shall preside at each ~~Village~~ City meeting. Only qualified voters of the ~~Village~~ City shall be eligible to hold the office of Moderator.

-

ARTICLE IV SUBCHAPTER 4. RECALL

§ 4.01. Any elected ~~Village Officer~~ City Official may be removed from office as follows:

(a) A recall petition, signed by at least twenty-five (25) percent of the registered voters of the ~~Village~~ City and bearing their address and the date on which they signed the petition, shall be filed with the ~~Village~~ City Clerk on or before the 15th calendar day following the date of the earliest signature on the petition. Upon receipt of a valid petition, the ~~Village Trustees~~ City Councilors shall call a special ~~Village~~ City meeting within forty-five (45) days of receiving the petition to vote on whether the elected ~~Village Officer~~ City Official who is subject to the petition, should be removed. The vote shall be by Australian ballot.

(b) If recall is approved by two-thirds of the valid ballots cast at the election, the ~~officer~~ Official named in the petition shall thereupon cease to hold his or her office.

(c) If an elected ~~officer~~ Official is removed through recall, the office shall be considered vacant until filled by a special election to be held within sixty (60) days.

(d) a recall petition shall not be brought against the same elected official more than once within twelve (12) months.

-

ARTICLE IV SUBCHAPTER 5. VILLAGE CITY MANAGER

§ ~~4.01~~ 5.01. Appointment; Qualifications; Compensation.

The ~~Trustees~~ City Councilors shall appoint a ~~Village~~ City manager for an indefinite term and fix his or her compensation. The manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.

§ 4.02 5.02. Powers and Duties of the ~~Village~~ City Manager.

The ~~Village~~ City manager shall be the chief administrative and personnel officer of the ~~Village~~ City. He or she shall be responsible to the ~~Trustees~~ City Council for the administration of all ~~Village~~ City affairs placed in his or her charge by or under this Charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

(1) The manager shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all ~~Village~~ City employees, and other employees provided for by or under this Charter for cause, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.

(2) The manager shall direct and supervise the administration of all departments, offices and agencies of the ~~Village~~ City, except as otherwise provided by this Charter or by law.

(3) The manager shall attend all ~~Trustees~~ City Council meetings and shall have the right to take part in discussion and make recommendations but may not vote.

(4) The manager shall see that all laws, provisions of this Charter and acts of the ~~Trustees~~ Councilors, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

(5) The manager shall prepare and submit the annual budget and capital program to the ~~Trustees~~ City Council.

(6) The manager shall submit to the ~~Trustees~~ City Council and make available to the public a complete report on the finances and administrative activities of the ~~Village~~ City as of the end of each fiscal year.

(7) The manager shall make such other reports as the ~~Trustees~~ Councilors may require concerning the operations of ~~Village~~ City departments, offices and agencies subject to his direction and supervision.

(8) The manager shall keep the ~~Trustees~~ Councilors fully advised as to the financial condition and future needs of the ~~Village~~ City and make such recommendations to the ~~Trustees~~ Councilors concerning the affairs of the ~~Village~~ City as he or she deems desirable.

(9) The manager or his or her designee shall perform the duties of zoning administrative officer.

(10) The manager shall be responsible for the enforcement of all Village City ordinances and laws, and by these presents is designated the city ordinance enforcement officer.

(11) [Repealed]

~~(12)~~(11) The manager may when advisable or proper delegate to subordinate officers and employees of the ~~Village~~ City any duties conferred upon him by this Charter, the Vermont statutes or the ~~Trustees~~ City Council.

~~(13)~~(12) The manager shall annually appoint, subject to the ~~Trustees~~ City Council's approval, the ~~Village~~ City treasurer/Tax collector, ~~Village~~ City clerk, ~~Village~~ City attorney, City chief assessor and ~~Village~~ City engineering consultant.

~~(14)~~(13) The manager shall perform such other duties as are specified in this Charter, state law, or as may be required by the ~~Trustee~~ City Council.

§ ~~4.03~~ 5.03. Removal.

The ~~Trustees~~ City Council may remove the manager from office for cause in accordance with the following procedures:

(1) The ~~Trustees~~ City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered within three (3) days to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he or she may file with the ~~Trustees~~ City Council a written request for a hearing. Said hearing to be in a public or executive session by choice of the manager. This hearing shall be held at a special ~~Trustees~~ City Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the ~~Trustees~~ City Council a written reply not later than five days before the hearing.

(3) The ~~Trustees~~ City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after

five days from the date when a copy of the preliminary resolution was delivered to the manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

The manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

-

SUBCHAPTER 6. ASSESSMENT

§ 6.01. Department of Assessment.

There shall be a Department of Assessment, which shall consist of a chief assessor and such assistants as are deemed to be necessary by the City manager with the approval of the Council. The chief assessor and assistants shall be appointed, and may be removed by the City manager in accordance with Section 5.02 of this Charter.

§ 6.02. Powers and Duties.

The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the laws of this state, except as herein otherwise provided. The elective office of lister shall be abolished.

At least every five years the department shall review, or cause to be reviewed, their appraisals of all real property in the city which is subject to taxation and conduct a reappraisal of all such properties when necessary to conform their appraisals to the standards for appraising established by the laws of the state.

~~ARTICLE V~~ SUBCHAPTER 7. ADMINISTRATIVE DEPARTMENTS

~~§ 5.01~~ 7.01. General Provisions.

(a) **Creation of Departments.** The ~~Trustees~~ City Council may establish ~~Village~~ City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or unless this Charter specifically so provides, assigned to any other.

(b) **Direction by Manager.** All departments, offices and agencies under the direction and

supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the Trustees City Council, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of one or more of them.

~~ARTICLE VI~~ SUBCHAPTER 8. FINANCIAL PROCEDURES

~~§ 6.01~~ 8.01. Fiscal Year.

The fiscal year of the ~~Village~~ City shall begin on the first day of July and end on the last day of June.

~~§ 6.02~~ 8.02. Submission of Budget and Budget Message.

On or before the 1st day of December of each year, the manager shall submit to the ~~Trustees~~ City Council a recommended budget for the ensuing fiscal year and an accompanying message.

~~§ 6.03~~ 8.03. Budget Message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the ~~Village~~ City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the ~~Village's~~ City's debt position and include such other material as the manager deems desirable.

~~§ 6.04~~ 8.04. Budget.

The budget shall provide a complete financial plan of all ~~Village~~ City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the manager deems desirable or the ~~Trustees~~ City Council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operation during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and-the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Village City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated income.

§ ~~6.05~~ 8.05. Capital Program.

(a) Submission to ~~Trustees~~ City Council. The manager shall prepare and submit to the ~~Trustees~~ City Council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time

schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ ~~6.06~~ 8.06. ~~Trustees~~ City Council's Action on Budget.

The Trustees City Council shall adopt the budget with or without amendments on or before the 15th day of February. If it fails to adopt the budget by this date, the amounts appropriate for current operation for the previous fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly, until such time as the ~~Board of Trustees~~ City Council adopts a budget for the ensuing fiscal year or until the ~~Village~~ City meeting adopts a budget.

§ ~~6.07~~ 8.07. Trustees City Council Action on Capital Program.

The ~~Trustees~~ City Council by resolution shall adopt the capital program with or without amendment and on or before the 15th day of February.

§ ~~6.08~~ 8.08. Distribution.

The proposed budget as approved by the ~~Trustees~~ City Council shall be distributed to the legal voters of the ~~Village~~ City at least ten (10) days prior to the annual ~~Village~~ City meeting.

§ ~~6.09~~ 8.09. ~~Village~~ City Meeting Action on Budget.

The annual ~~Village~~ City meeting shall be held on the first Wednesday of April at a time and place specified by the ~~Trustees~~ City Council, and in accordance with Vermont statutes.

The ~~Village~~ City meeting shall discuss and adopt the budget presented by the ~~Trustees~~ City Council with or without amendment. Initiative petitions must be signed by qualified voters of the ~~Village~~ City equal in number to at least five per cent (5%) (10% for a bond issue) of the total number of qualified voters registered to vote at the last regular ~~Village~~ City election.

§ ~~6.10~~ 8.10. Public Records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the ~~Village~~ City.

§ ~~6.11~~ 8.11. Appropriations.

From the effective date of the budget, the several amounts therein stated, as approved at the annual ~~Village~~ City meeting, become appropriated to the several agencies and purposes therein named. Upon passage of the budget by the annual ~~Village~~ City meeting, the amount stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the ~~Village~~ City in the corresponding tax year and the ~~Trustees~~ City Council shall levy such taxes on the grand list.

§ 6.12 8.12. Transfer of Appropriations.

The manager may at any time transfer an unencumbered appropriation, balance, or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the manager and within the last three (3) months of the budget year, the ~~Trustees~~ City Council may by resolution transfer any unencumbered appropriation balance, or portion thereof within the ~~Trustees'~~ City Council's budget from one department, agency, or office, to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the ~~Trustees'~~ City Council's budget shall be transferred or used for any other purpose.

§ ~~6.13~~ 8.13. Administration of Budget.

(a) **Work Programs and Allotments.** At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if he or she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section ~~6.12~~ 8.12.

(b) **Payments and Obligations prohibited.** No payment shall be made or obligation incurred against any allotment of appropriation except in accordance with appropriations duly made and unless the manager or his or her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he or she shall also be liable to the ~~Village~~ City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(c) The provisions of subsection (b) above notwithstanding, the ~~Trustees~~ City Council may authorize an expenditure of funds not provided for in the approved ~~Village~~ City budget upon determination, at a properly warned meeting of the ~~Board of Trustees~~ City Council, that:

(1) The need for such expenditure could not have been anticipated at the time of approval

of the Village City budget; and

(2) Such expenditure is necessary to protect ~~Village~~ City property from suffering loss or damage or to continue to provide services which the ~~Village~~ City is obligated to provide under law; and

(3) The contingency funds available in the approved ~~Village~~ City budget are insufficient to cover the expenditure; and

(4) The aggregate amount of all expenditures authorized under this section during a single budget year does not exceed 3% of the approved ~~Village~~ City budget for the year. Approval of such expenditure shall require the affirmative vote of the entire ~~Board of Trustees~~ City Council sitting in attendance at a regularly scheduled or special meeting and shall be set forth in a written resolution which shall be attached to the minutes of the meeting at which approval is granted.

§ ~~6.14~~ 8.14. Property Taxes.

(a) Property tax payments may be payable in two installments, if so voted by the ~~Village~~ City in accordance with state law. If the due date of any installment falls on a Saturday, Sunday, or holiday, the property tax due date shall be the following business day.

(b) Property tax payments received after the due date or postmarked later than the due date, shall be considered delinquent and shall be subject to collection fees and interest charges in the amount established by state law. If the ~~Village~~ City votes to make property tax payments payable in installments, any installment received after the due date or postmarked later than the due date shall be considered delinquent and shall be subject to collection fees and interest charges in the amount established by state law.

§ ~~6.15~~ 8.15. Appraisal of Business Personal Property for Tax Purposes.

Appraisal of business personal property shall be in accordance with the provisions of Vermont Statutes Annotated Title 32, Section 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.

§ ~~6.16~~ 8.16. Assessment and Taxation Agreement.

Notwithstanding Section 6.15 of this Charter and the requirements of the general laws of the State of Vermont, the ~~Trustees~~ Councilors of the ~~Village~~ City of Essex Junction are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the ~~Village~~ City of Essex Junction and a taxpayer or taxpayers within

the Village City of Essex Junction consistent with applicable requirements of the Vermont Constitution.

~~ARTICLE VII~~ SUBCHAPTER 9. PLANNING AND ZONING

~~§ 7.01~~ 9.01. Village City Planning Commission.

There shall be a Village City Planning Commission appointed by the ~~Trustees~~ City Council for terms of three years from among the qualified voters of the Village City. Members of the commission shall hold no other Village City office. The planning commission shall;

- (1) make recommendations to the ~~Village Trustees~~ City Council on all matters affecting the physical development of the ~~Village Trustees~~ City Council,
- (2) review subdivision applications,
- (3) review site plan applications,
- (4) recommend master plan amendments to the ~~Trustees~~ City Council,
- (5) recommend zoning ordinance amendments to the ~~Trustees~~ City Council, and
- (6) exercise all other responsibilities as may be provided by law.

~~§ 7.02~~ 9.02. Zoning Board of Adjustment.

The ~~Trustees~~ City Council shall appoint a Board of Adjustment to three year terms from among the qualified voters of the Village City and shall provide standards and procedures for such board to hear and determine appeals from administrative decisions, petitions for conditional uses and variances as may be required by law.

~~ARTICLE VIII~~ SUBCHAPTER 10. VILLAGE CITY ELECTIONS

~~§ 8.01~~ 10.01. Village City Elections.

- (a) The voters shall at each annual Village City meeting vote to set the date of the next annual Village City meeting which shall be a date in the month of April.

(b) Qualified Voters. All citizens qualified by the constitution and laws of the state of Vermont to vote in the Village City and who satisfy the requirements for registration prescribed by law shall be qualified voters of the ~~Village~~ City within the meaning of this Charter.

(c) Conduct of Elections. Except as otherwise provided by this Charter, the provisions of the general election laws of the state of Vermont shall apply to all elections held under this Charter.

(d) Checklist. The checklist of the Village of Essex Junction in effect upon the effective date of this charter shall be used in all City elections until modified in the manner provided by law.

~~ARTICLE IX~~ SUBCHAPTER 11. INITIATIVE

~~§ 9.01~~ 11.01. General Authority.

The qualified voters of the ~~Village~~ City shall have power to propose ordinances to the ~~Trustees~~ City Council and, if the ~~Board of Trustees~~ City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a ~~Village~~ City meeting, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of ~~Village~~ City officers or employees, or any matter solely within the responsibility of the City Council.

~~§ 9.02~~ 11.02. Petitions.

(a) Number of Signatures. Initiative petitions, other than those involving a proposition of incurring bonded indebtedness, must be signed by qualified voters of the ~~Village~~ City equal in number to at least five per cent (5%) of the total number of qualified voters registered to vote at the last regular ~~Village~~ City election.

(b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed.

(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his

presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed.

-

ARTICLE X SUBCHAPTER 12. GENERAL PROVISIONS

§ ~~10.01~~ 12.01. Conflict of Interest.

Any ~~Village~~ City officer or employee who has a substantial financial interest or business relationship, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the ~~Village~~ City or in the sale of any land, supplies or services to the ~~Village~~ City, to a contractor supplying the ~~Village~~ City or to an applicant or other party who appears before the board or commission of which the officer is a member, shall make known that interest or relationship and shall refrain from voting upon or otherwise participating in his capacity as a ~~Village~~ City officer or employee in the making of such sale, decision, or in the making or performance of such contract. Any ~~Village~~ City officer or employee who willfully conceals such a substantial financial interest or business relationship or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position. Violation of this section shall render the involved contract, sale or decision of a Board or Commission voidable by the ~~Village Trustees~~ City Council.

§ ~~10.02~~ 12.02. Prohibitions.

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any ~~Village~~ City position or appointive ~~Village~~ City administrative office because of race, sex, political or religious opinions or affiliations.

§ ~~10.03~~ 12.03. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

-

ARTICLE XI SUBCHAPTER 13. TRANSITIONAL PROVISIONS

§ ~~11.01~~ 13.01. Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Village City officers or employees at the time of its adoption.

§ ~~11.02~~ 13.02. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the ~~Village~~ City department, office or agency appropriate under this Charter.

§ ~~11.03~~ 13.03. Effect of Laws.

The ordinances, by-laws, and regulations of the Village of Essex Junction shall continue in full force and effect as enactments of the City of Essex Junction until repealed or amended.

§ ~~11.04~~ 13.04. Schedule.

At the time of its adoption, this Charter shall be in effect to the extent necessary in order that the first election of members of the ~~Board of Trustees~~ City Council may be conducted in accordance with the provisions of this Charter. ~~The first election shall be held on the first Thursday of April 1986~~ Until April 1 next following the effective date of this Charter, the grand list of the Town of Essex, to the extent it includes real and personal property located within the Village of Essex Junction, shall be the grand list of the City of Essex Junction.

Sec. 3. REDESIGNATION

Chapter 221 of 24 App. V.S.A. is redesignated as:

Chapter 221. ~~Village~~ City of Essex Junction.