

H.644-Bill as Introduced

**Introduced by Representatives Fox of
Essex, Heath of Westford and
Sweetser of Essex**

Referred to Committee on

Date:

**Subject: Municipal government; charter amendment; town of
Essex**

Statement of purpose: This bill proposes to amend the charter of the town of Essex in order to reconstitute the town of Essex and the village of Essex Junction into a new municipal corporation, the city of Essex Junction. Proposals of amendment were approved by the voters of the town of Essex on November 2, 1999, pursuant to 17 V.S.A. § 2645.

AN ACT RELATING TO THE TOWN OF ESSEX CHARTER

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

Sec. 1. APPROVAL OF CHARTER AMENDMENT

The charter of the Town of Essex is amended as provided in this act. Proposals of amendment were approved by the voters of the Town of Essex on November 2, 1999.

Sec. 2. 24 App. V.S.A. chapter 4 is added to read:

CHAPTER 4. CITY OF ESSEX JUNCTION

Subchapter 1. Powers of the City

§ 101. CORPORATE EXISTENCE

(a) The inhabitants of the City of Essex Junction, within the corporate limits as now established, shall be a municipal corporation by the name of the City of Essex Junction. Notwithstanding the provisions of any other municipal charters, territory within the

corporate limits shall not be annexed to or become a part of any other municipal corporation except by annexation procedures as set forth in the statutes of the state of Vermont.

(b) Initially there shall be two districts within the city. One district shall be known as the Village District and its boundaries shall be identical to the former Village of Essex Junction boundaries as of 1999. The other district shall be known as the Town District and shall be that part of the former Town of Essex outside the boundaries of the Village District. The districts may be changed in size or number by the charter amendment process.

(c) The Essex Town School District and Essex Junction Graded School District shall continue to be separate municipal corporations, and shall operate under the laws of Vermont and, in the case of Essex Junction Graded School District, under its charter, as well as the laws of Vermont.

§ 102. GENERAL LAW; APPLICATION

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the City of Essex Junction, all provisions of the statutes of this state applicable to municipal corporations shall apply to the City of Essex Junction.

§ 103. POWERS OF THE CITY

(a) The city shall have all of the powers granted to towns and municipal corporations by the constitution and laws of this state; it may enact ordinances, bylaws, and regulations not inconsistent with the constitution and laws of the state of Vermont or with this charter, and impose penalties for the violation thereof.

(b) The city may acquire property within or without its corporate limits for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require. The city may further acquire property within its corporate limits by condemnation where granted to municipal corporations by the statutes of the state of Vermont.

(c) The city may establish and maintain departments or divisions, as deemed appropriate by the city council for the efficient maintenance and operation of municipal affairs, to include, by way of illustration and not by way of limitation, police, fire, water and public works departments.

(d) The city may establish and maintain an electric power system and regulate power line installations; provided, however, that the city shall have no authority under this charter which conflicts with that authority granted to the public service department or any other

state regulatory agency.

§ 105. ORDINANCES; METHOD OF ADOPTION AND

ENFORCEMENT

(a) The city council may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the city grand juror or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the city by this charter and general law shall be exercised pursuant to the provisions of sections 106 through 110 of this charter.

§ 106. INTRODUCTION; FIRST AND SECOND READINGS; PUBLIC

HEARING

(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The city council of the City of Essex Junction hereby ordains. . . ." If the city council passes the proposed ordinance upon first reading, then the city council shall cause it to be published in a newspaper of general circulation in the city in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within the city where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.

(b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.

(c) After the hearing, the city council may finally pass the ordinance with or without amendment, except that if the city council makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will

be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the city council may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.

§ 107. EFFECTIVE DATE

Every ordinance shall become effective upon passage unless otherwise specified.

§ 108. FILING

The city clerk shall prepare and keep in the city clerk's office a book of ordinances which shall contain each ordinance finally passed by the city council, together with a complete index of the ordinances according to subject matter.

§ 109. RESCISSION OF ORDINANCES

Within 44 days after final passage by the city council, any ordinance shall be subject to rescission by a special or annual city meeting as follows: a petition signed by voters of the city not less in number than five percent of the qualified voters of the municipality is filed with the city clerk requesting its reference to a special or annual city meeting. The city council shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice shall be given in the manner provided by law for calling a special or annual city meeting. Voting shall be by Australian ballot. An ordinance so referred shall remain in effect unless a majority of those casting ballots against the ordinance at the special or annual city meeting exceeds five percent in number of the qualified voters of the municipality.

§ 110. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL

MEETING

(a) Subject to the provisions of section 109 of this charter, voters of the city may at any time petition in the same manner as in section 109 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the city clerk. The city council shall call a special city meeting (or include the ordinance as annual meeting business) to be held within 60 days of the date of the filing, unless prior to the meeting, the ordinance shall be enacted by the city council. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot

vote as to its enactment. The ordinance shall take effect on the tenth day after the vote, provided that voters as qualified in section 109 of this charter, constituting a majority of those voting thereon, shall have voted in the affirmative.

(b) The proposed ordinance shall be examined by the city attorney before being submitted to the special city meeting. The city attorney is authorized, subject to the approval of the city council, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to insure accuracy in its text and references and clarity and precision in its phraseology, but the city attorney shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the city council or to the appointment of city councillors, or to rules governing the procedure of the city council.

§ 111. RESERVATION OF POWERS TO THE CITY

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the City of Essex Junction and the city council by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

Subchapter 2. Officers

§ 201. OFFICERS GENERALLY

The elected officers of the City of Essex Junction shall be city councillors and moderator. These officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The terms of the officers shall commence at the first council meeting following their election.

§ 202. CITY COUNCILLORS; NUMBER, TERMS OF OFFICE,

ELECTION

(a) There shall be a city council consisting of seven members.

(b) The term of office of a city councillor shall be three years.

(c) Unless necessary to fill a vacancy, no more than three city councillors shall be elected at any annual meeting.

(d) Voters of the city residing within the limits of the Village District shall elect three of its residents as members of the city council. Voters of the city residing in the town district shall elect three of its residents as members of the city council. The seventh member of the city council shall be elected at large by all voters of the city.

§ 203. ORGANIZATION

(a) At the first meeting following the annual city meeting, the city council shall organize and elect a chairperson, vice chairperson and clerk of the council by a majority vote of the entire city council, and shall file a certificate of the election for record in the office of the city clerk.

(b) The chairperson of the city council or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the city council and shall be recognized as the head of the city government for all ceremonial purposes.

(c) In the event of death, resignation, or incapacity of any city council member, the remaining members of the city council may appoint a person from the appropriate district to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the city council is unable to agree upon an interim replacement until the next annual city election, a special election shall be held forthwith to fill the position.

§ 204. MEETINGS

(a) As soon as possible after the election of the chairperson and vice chairperson, the city council shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.

(b) The council shall determine its own rules and order of business.

(c) The presence of five members shall constitute a quorum. The affirmative vote of a majority of a quorum shall be necessary to take binding council action.

(d) All meetings of the city council shall be open to the public unless, by an affirmative vote of the majority of the members present, the city council shall vote that any particular session shall be an executive session in accordance with Vermont Statutes Annotated, Title 1 § 313.

§ 205. RECORD OF PROCEEDINGS

(a) An official record of the proceedings of the city council shall be kept by its clerk, who need not be a member of the city council, which shall be kept in the office of the city clerk and shall be open for public inspection. The city clerk shall keep official record of the proceedings of all special and annual city meetings.

(b) The minutes of each meeting shall be approved by the council at its next meeting and the official copy authenticated by the signature of the clerk of the council.

§ 206. APPOINTMENTS BY CITY COUNCIL

(a) The city council shall appoint the members of the following permanent commissions and positions:

(1) zoning board of adjustment.

(2) planning commission.

(3) city attorney.

(4) city manager.

(b) The city council may appoint such additional commissions as they feel to be in the best interest of the city and any other appointive or elective officers authorized by statute, charters, special legislation, or rules.

(c) The terms of all appointments shall commence on the day after the appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

§ 207. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

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

manager or hearings brought to the city council by employees pursuant to appellate rights granted them by statute.

§ 208. COMPENSATION OF CITY COUNCIL; APPOINTEES

(a) Compensation paid to the city councillors as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$500.00 a year each. City councillors' compensation must be set forth as a separate item in the annual budget presented to the meeting.

(b) The city council shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

§ 209. POWERS AND DUTIES

(a) The members of the city council shall constitute the legislative body of the City of Essex Junction for all purposes required by statute, and shall have all powers and authority given to, and perform all duties required of, town legislative bodies or selectboards under the laws of the state of Vermont.

(b) Within the limitations of the foregoing, the city council shall have the power to:

(1) Appoint and remove the city manager, and supervise, create, change, and abolish offices, commissions or departments other than the offices, commissions or departments established by this charter.

(2) Appoint the members of all boards, commissions, committees, or similar bodies, unless otherwise specifically required by this charter or state statute.

(3) Provide for an annual independent audit by a registered or certified public accountant.

(4) Inquire into the conduct of any officer, commission or department, and investigate any and all municipal affairs.

(5) Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.

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Subchapter 3. City Meeting

§ 301. APPLICATION OF GENERAL LAW

Provisions of the laws of the state of Vermont, relating to the qualifications of voters, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.

§ 302. ANNUAL CITY MEETING WARNING; REPORT; AND BUDGET

The annual city report, proposed budget and the warning for the annual city meeting shall be distributed to the legal voters of the city at least ten days before the annual meeting. In addition, the city council shall comply with the statutory requirements applicable to city meetings in the warning of any annual or special meeting.

§ 303. TIME OF HOLDING

(a) The annual city meeting of legal voters shall be held at 7:30 o'clock in the afternoon of the day specified in 17 V.S.A. § 2640(b) as the same may from time to time be amended, and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot. A meeting so started shall be adjourned until the following day.

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

§ 304. BUDGET

An annual budget shall be adopted at the annual city meeting by vote of a majority of those present at the meeting and eligible to vote. If, after the total budget has been appropriated, the city council finds additional appropriations necessary, the appropriations shall be made and reported at the next annual city meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department or agency which may be increased over the budget amount by not more than ten percent of the office's, department's or agency's budget.

Subchapter 4. Planning and Zoning

§ 401. PLANNING COMMISSION ESTABLISHED

A planning commission shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter.

§ 402. ZONING BOARD OF ADJUSTMENT ESTABLISHED

A zoning board of adjustment shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter.

Subchapter 5. Department of Real Estate Appraisal

§ 501. CREATION OF DEPARTMENT

There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager with the approval of the city council.

§ 502. PURPOSE

The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The city shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

§ 503. DUTIES OF DEPARTMENT

The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.

§ 504. APPRAISAL OF PROPERTY

The department of real estate appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.

§ 505. 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 § 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.

Subchapter 6. City Manager

§ 601. APPOINTMENT OF MANAGER

The city council shall appoint a city manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The manager shall have all of the powers and duties as set forth in that chapter and in this charter.

§ 602. OFFICIALS APPOINTED BY MANAGER

The city manager shall appoint with the approval of the city council: city clerk, assistant city clerk, city treasurer, constables, grand juror, director of public works, police chief, a city agent if the city attorney is not a resident of the City of Essex Junction, community development director, health officer, fire wardens, zoning administrator, and if needed, the city manager may appoint fence viewers, inspector of lumber and shingles, and any other officer which the city council of a city is authorized to appoint if the city council has not filled the office. 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.

Subchapter 7. Budget

§ 701. FISCAL YEAR

The fiscal year of the city shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 702. PREPARATION AND SUBMISSION

(a) The city manager, at least 50 days before the annual city meeting, or at such previous time as the city manager may be directed by the city council, shall submit to the city council a budget containing:

(1) An estimate of the financial condition of the city as of the end of the fiscal year.

(2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.

(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.

(4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.

(5) Such other information as may be required by the city council.

(b) The budget shall be published not later than two weeks after its preliminary adoption by the city council. The council shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The council shall then review the budget and recommend it, with or without change, to the annual city meeting.

§ 703. APPROPRIATION

From the effective date of the budget, the amounts stated therein, as approved by the annual city meeting, become appropriated to the several agencies and purposes therein named.

§ 704. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual city meeting, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year, and the city council shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

§ 705. TRANSFERS 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, the city council may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the city council's budget from one department, office or agency to another. Notwithstanding the above, no

unexpended balance in any appropriation not included in the city council's budget shall be transferred or used for any other purpose.

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Subchapter 8. Taxation

§ 801. TAXES ON REAL AND PERSONAL PROPERTY

Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable on September 15 and March 15 of each fiscal year.

§ 802. PENALTY

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

§ 803. BOARD OF ABATEMENT

The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.

§ 804. ASSESSMENT AND TAXATION AGREEMENT

Notwithstanding any other provisions of this charter and the requirements of the general law of the state of Vermont, the city council is authorized to negotiate and execute assessment and taxation agreements between the city and a taxpayer or taxpayers within the city, consistent with applicable requirements of the Vermont Constitution.

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Subchapter 9. Personnel

§ 901. APPOINTMENT AND REMOVAL

All city employees not elected by the voters shall be appointed, supervised, and removed by the city manager unless otherwise specified by this charter. There shall be no discrimination in employment on account of race, color, religion, national origin, sex, sexual orientation, place of birth, age, physical or mental condition, or political opinions.

Appointments, layoffs, suspensions, promotions, demotions and removals shall be made primarily on the basis of training, experience, fitness and performance of duties, in such manner as to insure that the responsible administrative officer may secure efficient service.

§ 902. PERSONNEL RULES AND REGULATIONS

(a) The city manager or the city manager's appointee shall be the personnel director. The city manager shall maintain personnel rules and regulations protecting the interests of the city and of the employees. These rules and regulations must be approved by the city council, and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when he or she is hired.

(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

§ 903. PROHIBITIONS

No person in the service of the city shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion.

Subchapter 10. Amendment of Charter

§ 1001. LAWS GOVERNING

This charter may be amended in accordance with the procedure provided for by state statutes for amendment of municipal charters, including but not limited to redistricting.

Subchapter 11. Severability

§ 1101. SEVERABILITY

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision.

Sec. 3. TRANSITIONAL PROVISIONS

(a) Transition Period. The transition period shall be a minimum of one year long. The transition period shall begin not later than July 1, following the approval of the charter by the Legislature, and end on the following June 30. At the end of the transition period, the charter will become effective and the city shall be fully established and organized.

(b) First Annual City Meeting. The first annual city meeting shall occur in the March preceding the July 1 effective date of the charter. Time and holding of the meeting shall be pursuant to section 303 of the city charter. The first annual city meeting (during the transition period) shall be jointly warned by the village trustees and town selectboard. The election of a moderator shall be the first order of business followed by adoption of a budget as prepared under subsection (d) of this section.

(c) City Council. The city council shall consist of seven members.

Prior to the annual city meeting during the transition period, the town selectboard shall appoint two of its members who reside in the Town of Essex outside the Village of Essex Junction to serve on the city council and the village board of trustees shall appoint two of its members to serve on the city council. Of the four members so appointed by the town selectboard and village trustees, one from each shall serve until the first annual city election after the transition period. The other member from each shall serve until the second annual city election after the transition period. As these terms expire, successors to these councillors shall be elected for terms of three years, as the charter provides.

At the annual city meeting during the transition period, voters of each community shall elect one member each to the city council to serve until the third annual city election after the effective date of the charter. The voters of the entire Town of Essex (village and town) shall elect one member at large to the city council to serve until the third annual city election after the effective date of the charter.

(d) Transition Committee. Prior to the effective date of this charter, the town selectboard shall appoint three members and the village trustees shall appoint three members of a transition committee, to address the details and issues relating to the transition from a town and village to the new city. The transition committee so appointed shall choose by a majority vote a seventh member. The transition committee shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The city council may implement such proposals once the charter becomes effective.

The transition committee will also, with the assistance of the village and town managers and their staffs, propose and warn in the manner pursuant to this charter, the first annual budget of the consolidated city for consideration and adoption by the voters at the annual city meeting during the transition period. The budget shall be presented by the appointed

members of the city council.

(e) Zoning and Planning. On the effective date of this charter, the former town plan and village plan, and the former town zoning bylaws and subdivision regulations and the village zoning bylaws and subdivision regulations (land development code), shall become the plan and bylaws of the city.

Prior to the effective date of the charter, the town selectboard shall appoint three members of the present town planning commission and the village trustees shall appoint three members of the present village planning commission to serve on the city planning commission. A seventh member shall be chosen by the city council, once it has organized.

Prior to the effective date of the charter, the town selectboard shall appoint two members of the present town zoning board of adjustment and the village trustees shall appoint two members of the present village zoning board of adjustment to serve on the city zoning board of adjustment. A fifth member shall be chosen by the city council, once it has organized.

During the transition period, a committee comprised of planning and zoning board members from the village and town shall review, draft and recommend a consolidated plan, zoning ordinance and subdivision regulations to be presented for adoption, through the normal statutory process, by the city after the transition period.

The committee shall be made up of three members from the village boards (zoning and planning) and three from the town boards. They shall be appointed by the trustees and selectboard, respectively. The committee shall be staffed by the village and town zoning and planning staffs.

(f) Local Legislation. On the effective date of this charter, all ordinances, rules, regulations (including personnel policies), and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the city. The city council shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 1 of the charter. Whenever a power is granted by any such ordinance, rule, regulation, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the city.

(g) Personnel. The transition committee described in subsection (d) of this section shall develop a transitional personnel plan and make recommendations to meet the city's needs. The city council may implement such proposals once the charter becomes effective.

(h) Contracts. All contracts, agreements, trusts, and other binding written documents affecting the town or village shall remain in effect on the effective date of the charter, and

the city shall assume all the responsibilities formerly belonging to the town and village.

(i) Finances. The real property tax system of the village and town shall become the system of the city.

All assets and obligations formerly owned or held by the town and village shall become the assets and obligations of the city upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges,

together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.

(j) Intergovernmental Relations. Until the effective date of this charter, membership of the town and village in the Champlain Water District, Metropolitan Planning Commission, Chittenden County Regional Planning Commission, Chittenden County Solid Waste District and Chittenden County Transit Authority shall be governed by the respective statutes, charters, special legislation, or rules relating to those instrumentalities.

Sec. 4. REPEAL

24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.