

No. M-12. An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1.

(H.527)

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

Sec. 1. CHARTER AMENDMENT AND MERGER APPROVAL

The General Assembly approves the amendments to the charter of the Town of East Montpelier and the merger of the Town and the East Montpelier Fire District No. 1 as set forth in this act. Proposals of amendments and the merger were approved by the voters on March 7, 2017.

Sec. 2. 24 App. V.S.A. chapter 114E is amended to read:

CHAPTER 114E. TOWN OF EAST MONTPELIER

§ 1. STATEMENT OF PURPOSE

* * *

(d) The modifications are intended to accomplish the following goals:

* * *

(3) to be consistent with democratic control, particularly observing the principle of checks and balances; and

(4) to avoid or minimize unintended consequences from the modification;

~~(5) to include changes that can be accomplished only through a charter; and~~

~~(6) to keep the chapter simple.~~

§ 2. ~~ELECTED~~ ABOLISHED OFFICES

(a) The offices of Town Grand Juror; ~~Town Agent, and;~~ Trustees of Public Funds; Fence Viewer; Weigher of Coal; and Inspector of Lumber, Shingles, and Wood are abolished, ~~and the functions assigned to the Selectboard.~~

(b) The functions of Town Grand Juror, Town Agent, and Trustees of Public Funds are assigned to the Selectboard. In performing the duties of the Trustees of Public Funds, the Selectboard shall consult with and have the assistance of the Town Treasurer.

§ 3. TOWN TREASURER

(a) The Selectboard shall appoint a Town Treasurer ~~in the manner set forth in this section~~ pursuant to section 8 of this chapter. The appointee shall be competent in the keeping of records, investments, and accounting, ~~and shall serve at the pleasure of the Selectboard.~~ The person chosen need not be a resident or qualified voter of ~~East Montpelier~~ the Town.

(b)(1) ~~Prior to appointing a Town Treasurer and no more than 45 days after the Treasurer position is vacated, the Selectboard shall appoint a committee to review and recommend to the Selectboard qualified candidates for the position of Treasurer~~ If a vacancy occurs in the office of the Town Treasurer, the Selectboard shall appoint an interim treasurer to serve until the process described in section 8 of this chapter is completed.

(2) ~~The committee shall be composed of two residents, a certified public accountant, and the following town officers: two members of the Selectboard,~~

~~an auditor, and the Town Clerk. All except the certified public accountant shall be residents of the Town of East Montpelier.~~

~~(3) The committee shall have the authority to solicit candidates, advertise notice of a vacancy in the Treasurer's position, and to make an investigation of a candidate's credentials and background as the committee deems appropriate. Upon completion of the investigation and interviewing of candidates, the committee shall submit to the Selectboard the names of those candidates deemed qualified for the position.~~

~~(c) No later than 30 days following the submission of the names of candidates deemed qualified by the committee, the Selectboard shall appoint a Treasurer from the candidates recommended by the committee or, if applicable, notify the committee that none of the candidates shall be appointed. The Selectboard shall appoint an Assistant Town Treasurer after consultation with the Town Treasurer.~~

~~(d) Members of the committee described in subsection (b) of this section shall serve until a Treasurer is appointed by the Selectboard. Meetings of the committee shall be warned and conducted as public meetings in accordance with the requirements of Vermont statutes and this chapter and the committee shall be entitled to meet in executive session as authorized by 1 V.S.A. § 313.~~

~~(e) Until such time as a Treasurer is appointed pursuant to this section, the Selectboard shall appoint an interim treasurer.~~

§ 4. ZONING ADMINISTRATOR

A Zoning Administrator shall be nominated by the Planning Commission and appointed by the Selectboard ~~for a term of one year. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Planning Commission.~~

§ 5. TOWN CLERK

(a) The Selectboard shall appoint a Town Clerk pursuant to section 8 of this chapter. The appointee shall have strong interpersonal skills and shall be competent in the keeping of records. The person chosen need not be a resident of the Town; preference shall be given to a qualified resident.

(b) If a vacancy occurs in the office of Town Clerk, the Selectboard shall appoint an interim clerk to serve until the process described in section 8 of this chapter is completed.

(c) The Selectboard shall appoint an Assistant Town Clerk after consultation with the Town Clerk.

§ 6. COLLECTOR OF CURRENT TAXES AND COLLECTOR OF DELINQUENT TAXES

(a) The Selectboard shall appoint a Collector of Current Taxes and a Collector of Delinquent Taxes. The same person, who may be a current Town employee, may be appointed to both positions. The appointees shall have strong interpersonal skills and shall be competent in record keeping, handling

money, and accounting. The person or persons chosen need not be residents of the Town; preference shall be given to qualified residents.

(b) If a vacancy occurs in the office of Collector of Current Taxes or Collector of Delinquent Taxes, the Selectboard shall appoint an interim collector of current taxes or collector of delinquent taxes to serve until the process described in subsection (a) of this section is completed.

§ 7. APPOINTED OFFICERS; TERMS OF OFFICE; DUTIES

The Town Treasurer and his or her assistant, the Zoning Administrator, the Town Clerk and his or her assistant, the Collector of Current Taxes, and the Collector of Delinquent Taxes shall:

(1) Be employees of the Town and shall be appointed for one-year terms concurrent with the Town's fiscal year or for such lesser terms as necessary to match the remaining portion of the then-current fiscal year. They may be reappointed, although the Selectboard is under no obligation to do so, and if an incumbent who was selected pursuant to section 8 of this chapter is to be reappointed, the process in section 8 of this chapter need not be repeated.

(2) Fulfill the statutory requirements for their respective positions plus such other duties as the Selectboard may assign. They shall follow all adopted Town ordinances, policies, and procedures applicable to their respective positions.

(3) Be subject to the personnel policies of the Town and, during their appointed terms, may be terminated for cause by the Selectboard. The Selectboard shall determine compensation level and methodology.

§ 8. SELECTION COMMITTEE

(a) Prior to appointing a Town Treasurer or Town Clerk and no more than 45 days after either of these positions is vacated, the Selectboard shall appoint a committee to review and recommend to the Selectboard a qualified candidate for the vacant position.

(b)(1) The Committee shall be composed of seven persons:

(A) one Selectboard member;

(B) three other Town officers whose positions work closely with the position being filled; and

(C) three other persons.

(2) For the position of Town Treasurer, a certified public accountant shall be on the Committee. All except the certified public accountant and any nonresident officers shall be residents of the Town.

(c) The Selectboard shall solicit candidates and advertise notice of the vacant position. The Committee shall have the responsibility to investigate a candidate's credentials and background as the Committee deems appropriate. Upon completion of the investigation and interviewing of candidates, the Committee shall submit to the Selectboard the names of those candidates deemed qualified for the position.

(d) No later than 30 days following the submission of the names of candidates deemed qualified by the Committee, the Selectboard shall appoint a Town Treasurer or Town Clerk from the candidates recommended by the Committee or, if applicable, notify the Committee that none of the candidates shall be appointed and direct the Committee to renew its search.

(e) Members of the Committee described in subsection (b) of this section shall serve until any vacancy is filled by appointment by the Selectboard. Meetings of the Committee shall be warned and conducted as public meetings in accordance with the requirements of Vermont law and this chapter, and the Committee shall be entitled to meet in executive session as authorized in 1 V.S.A. § 313.

§ 9. SEPARABILITY

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

Sec. 3. MERGER OF EAST MONTPELIER FIRE DISTRICT NO. 1 AND THE TOWN OF EAST MONTPELIER; TRANSITIONAL PROVISIONS

(a) Merger of the Fire District and Town. On July 1, 2017, East Montpelier Fire District No. 1 shall merge into the Town of East Montpelier, and East

Montpelier Fire District No.1 shall cease to exist as a political entity or body corporate.

(b) Settling the Affairs of East Montpelier Fire District No. 1. Prior to the merger, the Prudential Committee of East Montpelier Fire District No. 1 shall settle so far as possible its financial affairs and shall, on the date of the merger, turn over and deliver to the Clerk of the Town of East Montpelier all records, books, and documents of East Montpelier Fire District No. 1. The Prudential Committee shall execute whatever documents may be necessary to transfer the District's assets and liabilities to the Town of East Montpelier.

(c) Assets Transferred and Liabilities Assumed. Upon the merger, all the assets and property of East Montpelier Fire District No. 1 shall become vested in, and become the property of, the Town of East Montpelier, and all indebtedness of East Montpelier Fire District No. 1 shall be assumed by the Town of East Montpelier.

(d) Ordinances and Rules. Upon the merger, all existing ordinances and bylaws of East Montpelier Fire District No. 1 shall be repealed.

Sec. 4. TRANSITIONAL PROVISIONS; ELECTED TOWN OFFICERS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), that provides that the offices of the Town Clerk and Collector of Delinquent Taxes shall be appointed by the Selectboard, an elected Town Clerk or Collector of Delinquent Taxes in office immediately

prior to the effective date of that section may continue to hold that office until July 1, 2017. At the end of the elected Town Clerk's or Collector of Delinquent Taxes' term of office, or in the case of a vacancy in his or her office, the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), shall apply.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: June 5, 2017