

Charter of the Town of Hartford, Vermont ~~in Effect 2022~~– Draft of Proposed Charter REDLINE ANNOTATED

§ 123A-101. Incorporated

The inhabitants of the Town of Hartford, including the historical, unincorporated Villages of Hartford, West Hartford, Quechee, Wilder, and White River Junction, are a corporate and political body under the name of "Town of Hartford" (herein called "the Town"). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. The Hartford School District (herein called "the School District") is the Town school district for the Town of Hartford and shall enjoy all rights, immunities, powers, and privileges and is subject to all the duties and liabilities now appertaining to or incumbent upon it as a State school district. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

§ 123A-102. General powers

(a) All provisions of the Constitution and laws of the State of Vermont relating to towns and town school districts shall apply to the Town and the School District, except as otherwise provided by this charter.

(b) The Town and School District shall have and enjoy the rights, immunities, powers, and privileges conferred by the Constitution and laws of the State of Vermont and shall also have all implied, necessary, and incidental powers for the discharge of their respective purposes.

(c) The powers and functions of the Town and School District set forth in this charter shall be in addition to the powers and functions otherwise conferred by the Constitution and laws of the State of Vermont. Nothing in this charter shall be construed as a limitation upon these previously specified powers and functions.

(d) The Town or School District may acquire real property for any Town or School District purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, hold, manage, and control real property as its interests may require. The Town or School District may further acquire property by condemnation where that authority is granted to towns or school districts by State statutes.

(e) In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the Town or School District would have if the particular power were not mentioned. The Selectboard and the School Board shall operate as separate and independent entities. Nothing in this charter shall be interpreted as allowing either one to exercise, inhibit, or infringe upon the rights, powers, or privileges of the other. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012)

§ 123A-103. Particular powers of the Town

Commented [FXF1]: No changes to the first two sections

Commented [FXF2]: None of these involve the school district so to be clear we added this phrase

In addition to powers otherwise conferred upon it by law, the Town is, for the purpose of promoting the public health, safety, welfare, and convenience, authorized to adopt and enforce ordinances, rules, and regulations concerning any matter or activity permitted by general law, including:

- (1) making and installing local improvements, including curbs, sidewalks, and storm drains in a manner specified by the Town as a condition precedent to the issuance of a building permit;
- (2) regulating the parking, operation, and speed of motor vehicles upon Town and Vermont State aid streets and highways;
- (3) regulating or providing for the storage, accumulation, collection, removal, and disposal of garbage, ashes, rubbish, refuse, and other waste materials, including contracting with third parties for any or all of those services and establishing service rates for those services;
- (4) establishing and maintaining a Police Department and adopting policies pertaining to that Department;
- (5) establishing and maintaining a Fire Department and adopting policies pertaining to that Department;
- (6) establishing and maintaining an ambulance service and adopting policies pertaining to that service;
- (7) establishing and maintaining a Water Department financed by an enterprise fund and adopting policies pertaining to that Department;
- (8) establishing and maintaining a Wastewater Department financed by an enterprise fund and adopting policies pertaining to that Department;
- (9) establishing and maintaining a Highway Department and adopting policies pertaining to that Department;
- (10) regulating the moving of buildings in the streets or public highways of the Town;
- (11) regulating the holding of public meetings in the streets, highways, or on public property of the Town;
- (12) regulating riots, noises, disturbances, and disorderly assembly and adopting pertinent policies;
- (13) establishing and maintaining control of domestic animals within the Town and adopting pertinent policies;
- (14) establishing and maintaining a Financial Services Department;
- (15) establishing and maintaining a Planning and Development Department;
- (16) establishing and maintaining a Park and Recreation Department;

~~(17)~~ [\(17\) regulating rental housing within the Town;](#)

(18) establishing and maintaining any other proper and lawful Town departments or services as deemed necessary, including the establishment of enterprise funds. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

Commented [FXF3]: The town has such powers anyway from the state and given the strong interest existing now it seemed wise to call it out as we do with the other enumerated items here -- all of which the town has in state law automatically regardless of the charter

§ 123A-104. Local option taxes

(a) The Town of Hartford is authorized to levy a tax of one percent on sales, rooms, meals, and alcoholic beverages, the net proceeds of which are to be deposited in a capital reserve fund until directed otherwise by vote of the Town. (Added 2017, No. M-6, § 2, eff. May 22, 2017.)

Commented [FXF4]: This shouldn't be here, my mistake -- this would be separately voted, see Appendix B

(b) Subject to the requirements and authorizations in State statute and regulations regarding the taxation of the sale of cannabis, if any town is permitted by the state to implement a one percent local tax solely on the sale of cannabis, the Town of Hartford is authorized to do so, the net proceeds of which are to be deposited in a Cannabis Reserve Fund until directed otherwise by vote of the Town.

Commented [FXF5]: This sets us up for the possibility the state will decide to let towns adopt a local option cannabis sales tax on top of a separate statewide cannabis sales tax. Right now, though, the only way to tax cannabis sales is to implement a local option to add 1% to the state sales tax in town, see Appendix B. It would be OK for both this and Appendix B to pass; as that way we'd be able to collect no matter what happens at the state level.

§ 123A-201. Town meeting

(a) Town and School District meeting. All governmental authority for the Town and the School District not vested by law in a particular Town or Town School District officer ultimately rests with Town voters who vote at Town meeting or by Australian ballot. In this tradition, the Hartford annual Town meeting will combine and consider Town and School District matters, and the warnings, meetings, and elections shall be combined.

(b) School and Town Meeting Committee. To augment the statutory responsibilities for the annual Town and School District meetings that are specified to the Town and the School District and their respective officers, there shall be a School and Town Meeting Committee ~~that~~which shall have the goal of enhancing participation, information sharing, community interaction, and civic knowledge.

The committee shall organize, arrange, and provide for the comfort, presentation, publicity, program, refreshments, entertainment, and other nonstatutory aspects of the Town meeting cycle prior to Voting Day, such as the Warrant Information Night, Budget and Candidates Night ~~meeting~~, as specific in section F of E.2, and any equivalent meetings prior to a Special Town Meeting Voting Day or as may be requested by the Town and Selectboard or School District ~~Day meeting. Board from time to time to further civic engagement.~~

Commented [FXF6]: Beefing up the charge of the TSMC and specifically adding Info Night and events around Town Meeting day to its work

The Town ~~Clerk~~Moderator shall Chair the committee. The Moderator may appoint one member for a two-year term ~~Chair in lieu of serving as Chair~~. The Selectboard shall appoint one member for a two-year term and one member for a three-year term. The School Board shall appoint one member for a two-year term and one member for a three-year term.

Commented [FXF7]: Because the Clerk is now appointed by the Selectboard, in effect the SB controls a majority of the HTSMC. By making Town Moderator or their designee Chair, it brings an independent elected official into the mix - the original intent behind giving the clerk one of the appointments

No ~~School Board member, Selectboard member, elected official~~ or ~~Town Clerk~~ may serve one employee of the town or school district shall be eligible for appointment by either board to the School and Town Meeting Committee.

Each appointing body or person shall have the power to remove any incumbent member of the School and Town Meeting Committee appointed by that body or person and shall have the power to appoint a replacement member to serve the unexpired term of any person who is removed or who resigns.

The Town shall provide an adequate budget and administrative support for the committee to (i) provide for professional audio, visual, and digital presentation services and meeting management, assistance in the preparation of materials for presentation to meeting attendees, rehearsals and the like (ii) prepare materials to publicize the town meeting cycle events, which shall include an every-door-direct mailing to all residential mailing addresses and post office boxes in all post offices in the town, and a first class mail postcard to all registered voters whose mailing address is not in town; road signs to be attached to town road signs which provide Voting Day date at 25 or more locations (iii) advertise in local media and with targeted social media and (iv) to provide stipends to committee members for each meeting of the committee or event at the same rate as that paid to Selectboard members per meeting.

The School District shall reimburse the Town for expenses incurred by the committee on the same basis that expenses for elections are shared.

(c) The method for identification and designation of eligible voters in the Town and School District shall be established by the Board of Civil Authority.

(d) Polling places. Locations of annual or special Town or School District meetings for the purpose of election of officers and voting all questions to be decided by Australian ballot shall be established by the Board of Civil Authority.

(e) Meetings; dates; times; votes; ballot.

(1) Warrant Information Night (aka "Info Night") meeting. At 7:00 p.m. on the first Monday after the first Tuesday of January, the School and Town Meeting Committee shall call a meeting for the purpose of providing presentations and discussion of items that may be placed on the warrants for Voting Day. The committee shall prioritize these items as follows: bonds; charter changes; local option tax revenue use; non-appropriation questions; questions for which a citizen's petition has been submitted or is determined by the committee likely to be presented; appropriation questions; charitable appropriation questions; any other topic of general civic interest. The Selectboard and School District Board shall provide a preliminary list of topics to the Chair of the committee no later than the 3rd Friday of November.

(2) Budget and Candidates Night meeting. At 7:00 p.m. on the Monday night in February eight days prior to Voting Day, a Town and School District budget discussion and Candidates Night meeting shall be called for the purpose of:

(A) presentation, explanation of, and citizen comment upon Town and School District budgets;

(B) introduction of candidates, presentations by candidates, and opportunity for citizen questioning of candidates;

Commented [FXF8]: Further beefing up requirement that budgeting process pays attention to this committee, a battle that has had to be waged in the past, and provides for compensation for what is often a significant time commitment that may include significant physical labor and winter driving.

Commented [FXF9]: This is standard practice, we're just articulating it

Commented [FXF10]: Making clear that this first event of the Town Meeting Cycle should not be treated as an option by the Selectboard or School Board

(C) any other appropriate informational matters.

(23) Town and School District Meeting Day. The annual Town and School District floor meetings shall be called and held at 10 a.m. on the Saturday preceding Voting Day held under subdivision (3) of this subsection, subject to change as provided by general law. The floor meetings shall:

- (A) be the venue for any public hearing to be held in advance of Voting Day;
- (B) receive the reports of Town and School District officers;
- (C) determine the compensation to be paid Town and School District officers for the ensuing year;
- (D) serve as the public informational hearing for matters to be considered by Australian ballot; and
- (E) conduct other business not determined at Australian ballot election.

(3)(F) the School and Town Meeting Committee shall organize a pre-Meeting event at which the standing and any ad-hoc committees will be available to answer questions about their work and solicit for new volunteer members; shall organize a community luncheon to be held at the conclusion of the statutory event; shall organize a Candidate Roundtable to follow or coincide with the luncheon, during which the Town Moderator shall lead a guided discussion of topics by the candidates followed by an open question and answer session.

(4) Voting Day. Voting Day shall be on Vermont Town Meeting Day, the first Tuesday in March, at which time any business, budgets, and candidate election involving Australian ballots will be transacted beginning at 7 a.m. until closing at 7 p.m. The Town budget as warned by the Selectboard and the School District budget as warned by the School Board shall be submitted to the electorate at this Town election. A majority vote shall be a simple majority of votes cast in this election. All public questions and all matters relating to the adoption of the Town and School District budgets shall be considered by Australian ballot under this subdivision.

(f)-ii) In the event the town or school budget is defeated on Voting Day, the respective board shall call a Special Town and School District meetings. A special Town or School District Meeting to consider a revised budget question. The revised question shall be subject to the approval of the Floor Meeting so long as at least 350 registered voters participate in the final voting at the meeting may be called at any time; otherwise the board shall determine the revised budget question by a majority of the applicable board or vote.

Once the budget question has been set, the respective board shall warn a special town meeting voting day at which the question will be decided by the Town Australian ballot.

(iii) In the case of a tie vote on an Australian ballot, whether for a candidate or an article, the Board of Civil Authority shall conduct a re-count on the vote in question.

(1) If the result of the vote on an article remains a tie, the article shall be deemed to have failed.

Commented [FXF11]: Articulating standard practice 2012-2018 which got lost when committee lost its volunteers in 2019

Commented [FXF12]: One of the charges of the committee was to find ways to bring back some aspects of Town Meeting lost to Australian ballot. One important loss was that if a budget is defeated, the respective board has total control over the next version to be voted on. This changes that so there will be an old fashioned town meeting to determine what the budget question will be, same as for example in 2014, when the town budget revote was established by resident motion, not Selectboard motion. The caveat is that a minimum of 350 registered voters will have to vote in order for the question to be warned; if fewer than that, control of the question reverts to the Selectboard (or School Board). 350 is a good number because 350 of around 6000 voters is statistically likely to reflect the opinion of the whole, and besides, all 6000 get a chance to vote on it by Australian ballot.

(2) If the result of the vote for an office remains a tie, the Clerk upon receipt of a petition signed shall offer the tied candidates the choice of

(i) determining the winner by no fewer coin flip or, in the case of more than two tied candidates, by lot;

or (ii) the tied candidates may by written concession(s) determine a winner;

otherwise 350 registered voters. A

(iii) the Clerk shall warn a special Town or School District meeting shall be called and warned in accordance election for the office with the date to be determined by State statute and regulations, and in consultation with the Board of Civil Authority, and (iv) the office shall remain vacant until the outcome of the special election is certified.

(g) Warnings. Warnings for Town or School District meetings shall be posted on the Town or School District websites, printed in area newspapers, posted on social media, and posted in at least 12 public places in the Town under a schedule that is in accordance with State statute. The warning shall be signed and recorded by the Town Clerk before it is posted. Budgets and other applicable reports shall be available not later than 10 days prior to the budget informational meeting as established under subdivision (e)(1) of this section.

(h) Presiding officials.

(1) A Moderator shall preside at all Town meeting cycle events, such as Warrant Information Night, Budget and Candidates Night, Town and School District Meeting Day, and any special Town or School District meetings, or related events. In the Moderator's absence, the Town Clerk shall appoint a Moderator Pro Tempore to preside for the duration of the meeting.

(2) Town and School District meetings shall be conducted in accordance with State statute, this charter, and Robert's Rules of Order, Newly Revised.

(3) The Town Clerk shall be the presiding official at all Australian ballot elections and, in cooperation with the Board of Civil Authority, shall ensure that all laws related to elections are faithfully observed.

(4) In the absence or a disability of the Town Clerk, should it occur before an election, the Board of Civil Authority shall designate a presiding official for the duration of the election. Should the absence or disability occur on election day, the Board of Civil Authority shall designate an on-site temporary officer to preside for the duration of the election. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-202. Powers vested in Town Meeting; Petitions and Initiatives

(a) All powers of the Town not specifically delegated in this charter to the Selectboard, School District, or other commissions, committees, authorities, boards, or officers shall be vested in Town Meeting. As all articles are voted by Australian ballot, petitions containing the printed name, town street address, and signature of registered voters are the method by which citizens may obtain votes on

Commented [FXF13]: Tied elections create vexing issues. This part seeks to clarify that a tie vote for an article means the article fails, and, for elected office, requires a recount, but also allows the candidates to agree to either a coin flip, drawing lots, or conceding a winner, but doesn't require the candidates agree to any of that, in which case there will be a special election.

Commented [FXF14]: Makes clear that the office is vacant when a tie is to be resolved by special election

Commented [FXF15]: Gotta keep up with the times

Commented [FXF16]: Info night and other add ons that may come up

Commented [FXF17]: Much of this borrowed from Brattleboro; it calls out rights that already exist in state law and broadens them

warrant items and other actions which are not placed on the ballot by the Selectboard or School District Board.

(b) Any requirement in State statute for signatures on petitions stated in percentage-of-checklist terms shall be applied in Town and School District as follows:

i. 5% or less: 150 signatures or 5% of checklist voters flagged as 'Active', whichever is less;

ii. More than 5%: 300 signatures or 10% of checklist voters flagged as 'Active', whichever is less;

(c) Petitions for inclusion in the warning for the annual Town Meeting of an article to reflect public sentiment and to be advisory only shall require the number of signatures specified in b(ii). The Selectboard shall not deny the petition or refuse to place it on the warning on grounds that the body considers the matters raised in the petition frivolous or not to be the business of the Town.

(d) Petitions which will bind the Town or School District by ordinance or other means may be presented in draft to the relevant board at any regularly scheduled meeting. Upon presentation, the board in question shall cause the language to be reviewed by the municipal attorney, who shall provide fully actionable language for the petitioners within 21 days. This provision shall be interpreted such that citizen efforts to seek action through petition shall be assisted in their effort to proceed with language that conforms with existing law.

§ 123A-203. Elected officers

(a) Local elected offices to be filled by the Town voters shall be only those articulated by this charter.

(b) Terms for elected officers shall begin officially when the Town Clerk certifies election returns as final and the elected candidates take their oath of allegiance and oath of office as prescribed by State statute.

~~(c) All officers elected prior to the effective date of this charter shall remain in office until the end of their terms. Those persons in office as of the effective date of this charter whose terms would otherwise expire prior to the next annual meeting shall remain in office until that meeting.~~

(d) Qualifications for serving in elected Town office:

(1) shall be a resident of the Town;

(2) shall be a registered voter in the Town;

(3) shall hold no other elected Town, School District, or statutorily incompatible office, with the exception of (a) Town Moderator who may be both the Town and School District Moderator; (b) a Justice of the Peace may also serve as School Board Director

(4) shall not be a ~~Town or School District~~ employee of the Town

(e) The elected officers of the Town shall be:

Commented [FXF18]: Pretty much a restatement of state law and introduction to the specifics that will apply to Hartford

Commented [FXF19]: Suppose the town checklist has about 9000 names, of which about 6,500 are classified or "flagged" in the state voter database as 'Active' and 2,500 as 'Challenged' -- this situation has often prevailed over the years. All 9000 can vote, can sign petitions, etc., but the reality is that 99% of the challenged have more than likely moved away, and under state and federal rules can't be removed without their consent until they have been issued a challenge letter and a couple of general elections have been conducted. This means it takes about 6 years to purge a voter who came to work at DHMC for a couple of years then left. Hartford averages around 400 such folks a year, so $6 \times 400 = 2,400$ which is why our universe of challenged voters will never really go down. So instead of state law percentages, we are going to go with fixed numbers. However, what if there is a terrible pandemic that causes Hartford's population to shrink to 2,000 'Active' voters? Then 150 or 300 signatures would be a real mountain. So we include language for resiliency, which in that case would bring it down to 100 (5%) or 200 (10%).

Commented [FXF20]: Creates a high (300 signature) barrier to getting things like a call for ending the war in Vietnam on the ballot, and prevents the Selectboard from refusing to put them on the ballot because they have nothing to do with town business. One of the ous Selectboards have is to deem such petition requests as "frivolous." By setting the 300 signature barrier, frivolity will be a matter for those signing or not signing the petition to decide, not the Selectboard.

Commented [FXF21]: One problem people who want to petition for something have is getting the language right so that if the voters approve it, stuff actually happens. This obligates the boards to get town lawyer involved in coming up with the right language. In the larger scheme of civic engagement the cost for that in dollars will be trivial.

Commented [FXF22]: We needed this in the first version of the charter but now it is dead language that applies to nothing.

Commented [FXF23]: See 4(f) below

Commented [FXF24]: For clarity, a statement of current practice

Commented [FXF25]: See 4(f) below

(1) seven Selectboard members, elected as set forth in section 203 of this charter;

(2) one Town Moderator, elected for a one-year term;

(3) one Town Treasurer, elected for a three-year term;

(4) all other Town officers provided in this charter or State statute.

~~(f)~~ Qualifications for serving in elected School District office shall be in accordance with State statute.

The elected officers of the School District shall be:

(1) one School District Moderator, elected for a one-year term;

(2) five School Board members, elected in accordance with State statute.

~~(g) The elected Board of Civil Authority shall consist of Justices of the Peace:~~ 15 justices of the peace, shall be elected every two years in accordance with the general law.state statute.

~~(h) The Board of Civil Authority: The Town Clerk shall be the Clerk~~ composition of the Board of Civil Authority. The and duties performed by the Board of Civil Authority shall be in accordance with State statute.

(h) Compensation for elected officers of the Town and School District shall be determined as provided in subdivision 201(e)(2)(C) of this charter. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-203. Duties of elected officers

(a) Selectboard.

(1) Terms of office.

(A) There shall be a Selectboard consisting of seven members.

(B) Terms of office shall be as follows:

(i) four members for three years;

(ii) three members for two years.

(C) Members shall serve until successors are elected and qualified.

(D) Members shall be elected at large.

(E) In the event of a death, resignation, change of residence to a location outside the Town, or incapacity of any Selectboard member, the remaining members may appoint a person eligible to fill that position until the next annual or special Town meeting. If the Selectboard is unable to agree upon an interim

Commented [FXF26]: Current practice and making clear School District is distinct; this also sets us up for the possibility that our school district may at some future time contain more than one town.

Commented [FXF27]: Clarity and language, the original wording was actually not correct, e.g. the BCA is formed of JPs and Selectboard members.

replacement until the next annual Town meeting, a special election shall be held forthwith to fill the position.

(i) Incapacity shall include the failure by any member of the Selectboard to attend at least 70 percent of the meetings in any 12-month period or missing three consecutive meetings without the consent of the Selectboard. Consent for absence shall be recorded in the minutes.

(ii) In the event of two or more vacancies, an election shall be held forthwith to fill all vacant positions.

(2) Organization.

(A) Forthwith after the election and qualification of the members, the Selectboard shall organize and elect a Chair, Vice Chair, and Clerk by a majority vote of the Board and shall file a certificate of the elections for record in the office of the Town Clerk.

(B) The Chair of the Selectboard, or in his or her absence the Vice Chair, shall preside at all meetings of the Selectboard.

(C) As soon as possible after the election of Chair and Vice Chair, the Selectboard shall fix the time and place of its regular meetings.

(D) The Selectboard shall determine its own rules and orders of business not addressed by this charter.

(E) The presence of four or more members shall constitute a quorum for the purposes of holding a meeting. The affirmative vote of a majority at least three of the members present at a meeting at which a quorum is of fewer than six members are present shall be necessary to adopt any matter before the Selectboard.

(F) All meetings of the Selectboard shall be open to the public; unless, by an affirmative vote of a majority of members present, the Selectboard shall vote that any particular session shall be an executive session in accordance with State statute.

(G) An official record of the proceedings of the Selectboard shall be kept by its Clerk. The record shall be filed with the office of the Town Clerk and shall be open for public inspection once draft minutes are approved by the Selectboard.

(3) Appointments.

(A) Before any appointments are made, the Selectboard shall compile and publicly post a list of all vacancies.

(B) The Selectboard shall appoint and remove the Town Manager pursuant to section 301 of this charter.

(C) The Selectboard may examine or cause to be examined, with or without notice, the affairs of the Town Manager by having access to all tools used by the Town Manager in performance of his or her duties, including to books, papers, and wireless and electronic records, for information necessary to

Commented [FXF28]: New requirement toward making this provision subject to citizen review of the record.

Commented [FXF29]: Current language would allow a 2-1 vote with the fourth member abstaining to pass something. This requires at least 3 votes if 4 or 5 members are present.

Commented [FXF30]: Moved down, see below

Commented [FXF31]: Redundant, removed

determine the proper performance of the Town Manager in the performance of his or her duties and responsibilities.

Commented [FXF32]: Moved to appointed officials

(D) Standing (H) All town board and town committee meetings subject to the provisions of State statutes concerning 'open meetings' shall be held in a manner permitting full remote participation. The town budget shall provide for all necessary expenditures to facilitate best-practice implementation of this requirement.

Commented [FXF33]: Requires town and school district to prioritize remote participation equally with in-person participation.

(3) Appointments to authorities, boards, commissions, and authorities to be appointed include or committees:

Commented [FXF34]: Cleanup at the start of bigger changes

(i) Business Revolving Loan Fund (five appointed, three years);

(ii) Conservation Commission (seven appointed, four years);

(iii) Design Review Commission (five appointed, three years);

(iv) Energy Commission (seven appointed, three years);

(v) Hartford Housing Authority (five appointed, five years);

(vi) Historic Preservation Commission (five appointed, three years);

(vii) Parks and Recreation Commission (seven appointed, three years);

(viii) Planning Commission (seven appointed, three years);

(ix) Tree Board (five appointed, three years);

(x) Zoning Board of Adjustment (ZBA) (five appointed, three years);

Commented [FXF35]: Moved below

(E) (A) The Selectboard may appoint or dissolve any authorities, boards, commissions, or committees under their purview as authorized by this charter or State statute, excluding the School and Town Meeting Committee established in subsection 201(b) of this charter and any authorities, boards, commissions, or committees created by the General Assembly.

(B) Before any appointments are made, (i) the Selectboard shall compile and publicly post a list of all vacancies; (ii) appointees shall complete an application which provides information regarding their qualifications that shall be available for public inspection with personal contact information redacted; (iii) the ordinance, statute, or charge which creates the body shall be available for public inspection; (iv) the Selectboard may waive these provisions in an emergency providing they are complied with within 30 days of such waiver.

Commented [FXF36]: Requires specific actions for any appointments to any sort of committee (note: reappointments are appointments and this applies to reappointments as well). Basically, that the opportunity to be appointed exists, and the task/role/job of the group is documented. And if it's an emergency, these requirements can be waived but have to be attended to shortly.

(C) The chair of any such body, whether designated in the appointing process or determined by the body, shall meet the qualifications required for election to town office or school district office

Commented [FXF37]: Any group chair has to be eligible for election to town or school, i.e. registered voter, q.v. a resident of the town (or in the case of the school district of the district ... just in case school district expands)

(D) The Selectboard may remove any appointed person at any regular meeting of the Selectboard by the affirmative vote of 5 Selectboard members. The removal action shall be posted on the agenda and the appointed person shall be provided an opportunity to speak to the motion for removal.

Commented [FXF38]: State law requires unanimous vote. State law also calls for 3 person selectboards. This relaxation is more appropriate to a 7 person selectboard.

(E) Standing boards, commissions, and authorities to be constituted under the provisions 3.(A) through 3.(D) include but are not limited to:

(i) Business Revolving Loan Fund (five appointed, three years);

(ii) Conservation Commission (seven appointed, four years);

(iii) Design Review Commission (five appointed, three years);

(iv) Energy Commission (seven appointed, three years);

(v) Historic Preservation Commission (five appointed, three years);

(vi) Parks and Recreation Commission (seven appointed, three years);

(vii) Planning Commission (seven appointed, three years);

(viii) Tree Board (five appointed, three years);

(ix) Zoning Board of Adjustment (ZBA) (five appointed, three years).

Commented [FXF39]: These are the committees and such tied to both state law and local ordinances. It's not really necessary to list them, but we have historically done it to make the charter easier to understand.

(4) Powers and duties.

(A) General. The Selectboard shall constitute the legislative body of the Town for all purposes required by statute except as otherwise provided in this charter 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) Powers. The Selectboard may:

(i) authorize the expenditure of all Town monies and may:

(I) submit the annual operational budget to the Town Meeting; and

(II) fix the compensation of all officers, appointees, and municipal employees except as otherwise provided in this charter;

(ii) inquire into the conduct of any officer, appointee, commission, or department and investigate any and all Town affairs.

(b) Town Moderator. The Moderator:

(1) shall perform all duties and responsibilities prescribed by this charter and the State of Vermont;

(2) shall follow Robert's Rules of Order, Newly Revised (RONR) in deliberations and conduct of all meetings;

(3) may be the same individual who presides at [Warrant Information Night meeting](#), Town and School District ~~b~~udget and Candidates Night meeting, annual Town ~~m~~Meeting, and special Town ~~and School District~~ meetings.

~~(g) Town Clerk. The Town Clerk shall be appointed by and shall serve at the pleasure of the Selectboard. The Town Clerk shall perform all duties and responsibilities prescribed by the laws of the State of Vermont and any additional duties set forth in this charter.~~

~~(d) Assessor. The Selectboard shall contract with or employ a qualified professional assessor, who need not be a resident of the Town. The Assessor shall have the same powers and responsibilities and shall perform the same functions as prescribed by law for listers and boards of listers.~~

~~(e) Trustees of Public Funds. The Selectboard may appoint annually one Trustee of Public Funds if a qualified candidate presents themselves, otherwise these duties shall be assumed by the Town Manager or his or her designee.~~

(f) All others. Any other elected officials of the Town or School District shall have powers and duties prescribed to that office as specified in the general law. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017; 2017, No. 113 (Adj. Sess.), § 163.)

§ 123A-301. Appointed officers

(a) ~~Town Manager.~~ The Town Manager shall be the chief executive officer of the Town appointed by a majority of the Selectboard. The Town Manager shall be selected with special reference to training, experience, education, and ability to perform the executive and administrative duties of the [Town](#) Manager's office and without reference to his or her political position or persuasion. The Town Manager shall be responsible to the Selectboard for the proper and efficient administration of departments under the [Town](#) Manager's charge as outlined in this charter.

~~(b) The Selectboard may examine or cause to be examined, with or without notice, the affairs of the Town Manager by having access to all tools used by the Town Manager in performance of his or her duties, including to books, papers, and wireless and electronic records, for information necessary to determine the proper performance of the Town Manager in the performance of his or her duties and responsibilities.~~

(1) The Town Manager shall be appointed for a period not to exceed three years and may thereafter be appointed for successive terms of not more than three years. The Town Manager shall not simultaneously hold any elective office within the Town nor be employed by the Town in any capacity except as specified in this charter.

(2) The Town Manager need not be a resident of the Town.

Commented [FXF40]: For clarity in the case School District elects a different Moderator

Commented [FXF41]: Moved to appointed officials

Commented [FXF42]: You may wonder who this applies to the answer is the Trustees of the West Hartford Public Library, which is owned by the town. The other public libraries in town are owned by charitable organizations.

Commented [FXF43]: Cleaned up matters around Town manager in this section

(3) Conditions of employment and compensation shall be determined at the time of appointment, and there shall be an annual review of performance and compensation by the Selectboard.

(4) Before entering into the duties of office, the [Town](#) Manager shall be sworn to the impartial and faithful performance thereof with a certificate to that effect to be filed with the Town Clerk.

(5) Removal.

(A) On 90 days' written notice, the [Town](#) Manager may be removed without cause by a majority of the Selectboard so voting at a meeting called for the purpose of voting on removal. During the 90-day period, the [Town](#) Manager may be suspended with pay.

(B) The Selectboard may adopt a resolution stating its intention to remove the [Town](#) Manager and reasons therefore, a copy of which shall be sent to the [Town](#) Manager. The [Town](#) Manager may, within 10 days after notice is sent, request a hearing that shall be held by the Selectboard not less than 10 days nor more than 20 days from the date of the request, after which the Selectboard may dismiss the [Town](#) Manager. If no request for a hearing is filed, the Selectboard may dismiss the [Town](#) Manager immediately. During the period after the resolution of intention is adopted and until the [Town](#) Manager's dismissal, he or she may be suspended with pay.

(C) Termination of benefits will be determined by the Selectboard in conjunction with legal counsel.

(b) Acting Town Manager.

(1) In the event the Town Manager shall be absent from Town for a period of up to two consecutive weeks, he or she may designate an Acting [Town](#) Manager with Selectboard approval who shall exercise the duties of the [Town](#) Manager. The Town Manager may overrule the actions of the Acting [Town](#) Manager.

(2) In the event the [Town](#) Manager is unable to discharge his or her duties or in the event the [Town](#) Manager is suspended or placed on administrative leave, the Selectboard shall appoint an Acting [Town](#) Manager to serve until the [Town](#) Manager is able to assume regular duties or a new [Town](#) Manager is appointed. The Acting [Town](#) Manager appointed to fill a declared vacancy in the office shall have all powers and perform all duties of the [Town](#) Manager. An Acting [Town](#) Manager shall be reviewed within 180 days.

(3) In no case shall a serving Selectboard member act as the Acting Town Manager. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

(c) Town Clerk. The Town Clerk shall be appointed by and shall serve at the pleasure of the Selectboard. The Town Clerk shall perform all duties and responsibilities prescribed by the laws of the State of Vermont and any additional duties set forth in this charter.

(d) Assessor. The Selectboard shall contract with or employ a qualified professional assessor, who need not be a resident of the Town. The Assessor shall have the same powers and responsibilities and shall perform the same functions as prescribed by law for listers and boards of listers.

(e) Trustees of Public Funds.

§ 123A 302. Duties of appointed officers; Town Manager

~~Town Manager. These duties of the Town Manager shall include:~~

~~(1) The Manager shall be the Chief Executive Officer of the Town and shall carry out policies established assumed by the Selectboard to whom the Manager shall report. The Manager shall be responsible to the Selectboard for the proper and efficient administration of departments under the Manager's charge as outlined in this charter.~~

~~(2) The Manager is expected to attend all meetings of the Selectboard.~~

~~(3) The Manager shall provide to the Selectboard a monthly financial statement.~~

~~(4) The Manager shall make reports as the Selectboard requires or the Manager deems appropriate, or may be required by law or ordinance regarding any and all functions under the Manager's supervision.~~

~~(5) The Manager shall prepare an annual budget, submit it to the Selectboard, and be responsible for its administration after adoption.~~

~~(6) The Manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town for the year.~~

~~(7) The Manager Town Manager or his or her designee shall be the,~~

(f) Collector of Delinquent Taxes.

~~(8) The Manager shall keep the Selectboard apprised of the needs of the Town within the scope of the Manager's duties and annually furnish to the Selectboard a long-range projection of capital expenditures.~~

~~(9) The Manager shall examine or cause to be examined, with or without notice, the affairs of any department under the Manager's control or the conduct of any officer or employee thereof. For that purpose, the Manager shall have access to all books, papers, and wireless and electronic records of those departments for the information necessary for the proper performance of his or her duties.~~

~~(10) The Manager shall appoint, upon merit and fitness alone, and, when the Manager deems necessary for the good of the service, suspend or remove any subordinate official, employee, or agent under the Manager's supervision as provided for in this charter. All appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by personnel rules and regulations. The Manager may authorize the head~~

Commented [FXF44]: Duties fo the Town manager or his or her designee shall be ...

~~of a department or office responsible to the Manager to appoint and remove subordinates in the office or department.~~

~~(11) The Manager, under policies approved by the Selectboard, shall have the exclusive authority to appoint, fix the salaries of, and suspend and remove all officers and employees except those who are elected or who are appointed. These duties shall be assumed by the Selectboard. Town Manager or his or her designee.~~

~~(12) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town except as otherwise provided by charter or statute.~~

~~(13) The Manager shall keep full and complete records of the Manager's office.~~

~~(14) The Manager shall have oversight of buildings, properties, facilities, repairs thereon, and construction by the Town unless otherwise voted.~~

~~(15) The Manager shall perform other duties that may be required by the Selectboard, bylaws, or ordinance consistent with this charter.~~

~~(16) The Manager may, when advisable and proper, delegate to Town subordinate officers or employees duties conferred on the Manager.~~

~~(17) Neither the Selectboard, any individual member of the Board, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Manager or in any manner interfere with his or her exercising of judgment in the appointment and discharge of employees in the Town.~~

~~(18) The Manager shall perform other duties consistent with his or her office and this charter as required by the Selectboard, law, ordinance, or mandate. (Added 2009, No. M 5, § 2, eff. April 29, 2009; amended 2017, No. M 4, § 2, eff. May 17, 2017.)~~

§ 123A-401. Miscellaneous

(a) Conflict of interest. The Selectboard and the School Board and School Superintendent shall each maintain comprehensive conflict of interest policies that shall apply to their respective Town and School District employees, elected and appointed officials, and committee and board members.

(b) Ethics- responsibilities. Any elected or appointed board, commission, or authority member:

(1) has no legal powers unless acting at a duly warned Board meeting or acting for the Board after it formally grants power to act on its behalf;

(2) shall maintain confidentiality of discussion conducted in executive session and of other privileged information;

(3) shall use a chain of command and avoid making commitments or promises that compromise the Town and School District;

Commented [FXF45]: Best practice is not to specify in charter, but instead to adopt a job profile or description which then informs a contract between the town and town manager.

(4) shall work to further public interest, maintain public trust, be open and accessible to the public at large, and maintain leadership of the highest degree without regard for personal gain.

(c) Rights and privileges.

(1) Nothing in this charter, except as otherwise specifically provided, shall affect or impair rights or privileges of persons who are officers or employees of the Town or School District at the time of its adoption.

(2) Except as specifically provided by this charter, if at the time this charter takes effect, an individual holds any elected or appointed office or position that is or can be abolished by or under this charter, he or she shall continue in the office or position until the term expires.

(d) Severability. If any provision of this charter is for any reason held invalid, that invalidity shall not affect the remaining provisions that can be given effect without the invalid provision. To this end, the provisions of this charter are declared to be severable.

(e) Charter review.

(1) The Selectboard and School Board may appoint a Charter Review Committee of registered voters of the Town to review its charter and recommend changes as the Committee finds necessary or advisable for the purpose of improving the operation of the Town and School District.

(2) The Committee shall submit a written report of recommendations to the Selectboard and School Board not later than one year after the appointment of the Committee.

(3) Recommendations shall be warned for a vote at the next Australian ballot Town meeting.

(4) The Selectboard and School Board shall provide funds for the Committee in their budgets for any year when a Charter Review Committee is appointed. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2009, No. M-16 (Adj. Sess.), § 2; 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

Appendix A: Recommended Optional Item concerning just-cause eviction to be voted independently of general charter revision

Shall the Charter of the Town of Hartford be further amended to give the Selectboard the power to provide by ordinance protections for residential tenants from evictions without 'just cause' by revising section 123A-103(17) to read:

(17) regulating rental housing within the Town, and to provide by ordinance protections for residential tenants, as defined in Chapter 137 of Title 9 of the Vermont Statutes Annotated, from eviction without 'just cause,' where just cause shall include, but is not limited to (1) a tenant's material breach of a written rental agreement, (2) a tenant's violation of state statutes regulating tenant obligations in residential rental agreements, (3) non-payment of rent, and (4) a tenant's failure to accept written, reasonable, good faith renewal terms.

(b) Such ordinance shall exclude from 'just cause' the expiration of a rental agreement as sole grounds for termination of tenancy. In addition to the exemptions in Chapter 137 of Title 9, the ordinance shall exempt from this provision, subject to mitigation provisions, sublets and in-unit rentals as well as the following properties but not limited to (1) owner-occupied duplexes, and triplexes; (2) those being withdrawn from the rental market, including properties to be occupied by the owner or an immediate family member as a primary residence; and (3) those in need of substantial renovations which preclude occupancy.

(c) Such ordinance shall include provisions that (1) mitigate potential negative impacts on tenants and property owners, including but not limited to requirements of adequate notice and reasonable relocation expenses, (2) provide for a reasonable probationary period after initial 4 occupancy, and (3) limit unreasonable rent increases to prevent de facto evictions or non-renewals, although this shall not be construed to limit rents beyond the purpose of preventing individual evictions.

(d) The ordinance shall define what is 'reasonable' and 'adequate notice' in defining just cause and shall require that landlords provide notice of just cause and other legal requirements as part of the rental agreement.

Commented [FXF46]: Committee voted to recommend this be available as a separate item to be voted on, independent of the charter rewrite. Both the Selectboard and School Board will have to agree to put it on the ballot in the first place, or it will need to be independently petitioned.

Second, if it were to succeed with the voters, it would then have to get through the legislature, and finally get signed by the Governor. I mention this because there will be three opportunities to debate / vote on / lobby about this item. Also note the Gov vetoed this item when Burlington passed it, and the veto was sustained. Getting this into more town charters is part of an organized effort to change the law at the state level.

Third, if it made its way through all those gates, it would not take effect. Why? Because the Selectboard would have to develop and adopt an Ordinance -- where the details you ask about now would be dealt with.

Fourth, the theoretical ordinance would not take effect until 60 days had passed, and only if there were no petition (needing 150 sigs under the reworked charter) to reconsider.

Fifth, if there were a petition to reconsider, and reconsideration won, the Ordinance would be null and void and the Selectboard would have to adopt a new one.

So the Charter Committee isn't making any value judgement here, it just feels that it should not be the gate-keeper from the first.

Appendix A: Recommended Optional Item concerning adoption of a local option sales and use tax to be voted independently of general charter revision:

Shall the Charter of the Town of Hartford be further amended to add the local option to collect a 1% sales and use tax by revising section 123A-104(a) to read:

The Town of Hartford is authorized to levy a tax of one percent on sales, rooms, meals, and alcoholic beverages, the net proceeds of which are to be deposited in a capital reserve fund until directed otherwise by vote of the Town.

Commented [FXF47]: Here's the latest info I could find about local sales tax collections.

In Fiscal 2021 (July 2020 to June 2021) there were \$564,024,902 in sales reported by Hartford businesses (yeah ... over half a billion)
However, only \$9,196,166 was subject to the 6% state sales tax, resulting in \$5,517,370 collected in Hartford.

But, don't forget that when a business uses something that hasn't been taxed (like a shovel maker using a shovel they made) they have to pay a use tax (it's called Sales and Use Tax) and there were \$1,527,196 worth of uses reported, also subject to the 6% state use tax, resulting in another \$91,632 collected.

With a 1% local option sales and use tax, those collections would be \$6,436,932 and \$106,904, or \$919,562 more in sales tax and \$15,272 in use tax. That totals \$934,834.

The state would not have sent us a check for \$934,834, though. They keep 30% as an administrative fee since they have to collect the tax and account for it and so on.

The town would get \$654,383.80 -- and that is with no cannabis sales at all.

The impact on residential taxpayers is quite positive if the funds are largely plowed back into town operations (which in budget terms include capital expenditures). For example, the town tax levy in FY 2021 was 14.3 million, and the town tax rate, which applies to all properties (unlike the school rate, which differs between property residents own and live in vs all other types), was \$1.002.

With the 654K in the mix, the tax rate would have been closer to 96 cents.

On a 100,000 property, taxes would have been \$960 instead of \$1002. The \$42 difference would make up for the extra 1% sales tax paid on \$4,200 worth of taxable purchases made in the town of Hartford.

Most 100,000 properties are low income, so that seems a clear win for those households.

So let's set it to 300K: \$2880 instead of \$3006. Now the difference is \$126, which would cover the extra 1% on \$12,600 worth of taxable purchases.