Town of Colchester
Official Copy of Proposed Town Charter Amendments

Sec. 202. Elective Officers; generally

(a) At the annual meeting, the Town shall elect by Australian ballot from among the legally qualified voters thereof the following Town officers, who shall serve until the next annual meeting or until others are chosen.

(1) Selectboard, number, terms of office, election:

(A) There shall be a Selectboard consisting of five members, and all Selectboard members shall be elected at large.

(B) Three members of the Selectboard shall have terms of office of three years; two members shall have terms of office of two years. At each election, one Selectboard member shall be elected for a three-year term and one for a two-year term.

(2) A Moderator.

(3) A Town Clerk and Treasurer for a term of two years.

(4) One Lister for a term of three years.

[~~(5) One Grand Juror.~~]

~~(6) [Repealed.]~~

[~~7~~](5) A Library Trustee for a term of five years.

(b) In such case as three or more candidates run for the same office and no candidate receives at least 40 percent of the votes cast for said office, no one shall be declared elected and a run-off election shall be held. The only candidates in the run-off election shall be the two persons receiving the greatest number of votes for that office. The Town Clerk shall within 7 days warn a run-off election to be held not less than 15 nor more than 30 days after the date of the warning. The person receiving a plurality of all votes cast in a run-off election shall be declared elected. (Amended 2015, No. M-1, § 2, eff. Jan. 27, 2015.)

Sec. 207. Record of proceedings.

(a) It shall be the duty of the Selectboard to keep an official record of its proceedings and policies which shall be open for public inspection and published online.

(b) The minutes of each meeting shall be approved by the Selectboard at a subsequent meeting.

Sec. 304. Budget.

An annual Town budget exclusive of school district budget shall become effective after adoption at Town meeting by the vote of the majority of those eligible to vote present at such meeting. After such budget has been adopted, the Selectboard may make emergency appropriations totaling not in excess of four [~~two~~] (4) [~~2~~] percent of the aggregate budget appropriations following an opportunity for public comment on the matter. Such emergency appropriations shall be reported to the next Town meeting. Any appropriation in excess of such four [~~two~~] (4) [~~2~~] percent shall require prior approval of a special Town meeting. [~~Any article in the warning providing for appropriation of funds in addition to the Selectboard's budget shall be voted on by Australian ballot~~]

Sec. 401. Appointment.

The Selectboard shall appoint a Town Manager for an indefinite term pursuant to 24 V.S.A. §§ 1231-1243.

Sec. 404. Powers and duties.

(a) The Town Manager shall carry out the policies laid down by the Selectboard and to that end the Town Manager shall be the Chief Executive Officer and the head of the administrative branch of the Town government and shall be responsible to the Selectboard for the efficient administration thereof.

(b) Unless otherwise excused by the Selectboard, the Town Manager or his or her designee shall attend all meetings of the Selectboard and the Town Manager or his or her designee shall keep the Selectboard informed of the financial condition and future needs of the Town and shall make such reports as may be required by law, or ordinance, or which may be requested by the Selectboard. The Town Manager shall make such other reports and recommendations as the Town Manager may deem advisable, but shall not vote. The Town Manager shall perform such other duties as may be prescribed by this chapter, or required of the Town Manager by law, ordinance, or resolution of the Selectboard not inconsistent with this chapter.

…

(l) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town any duties conferred upon the Town Manager by this chapter or by action of the Selectboard, including the enforcement of Town ordinances, and hold them responsible for the faithful discharge of such duties.

Sec. 406. Removal.

(a) On ninety (90) days' notice, the Town Manager shall be removed by a majority of the entire Selectboard so voting ~~after~~ upon a finding of cause for removal. The Town Manager may be suspended during this period, but the Town Manager's pay shall continue until removal.

(b) The Selectboard shall adopt a resolution stating its intention to remove the Town Manager and the reasons therefor, a copy of which shall be served forthwith on the Town Manager [~~who may, within ten (10) days, demand a public hearing. Upon or after passage of such resolution the Selectboard may suspend the Town Manager from duty, but the Town Manager's pay shall continue until removal. If no appeal is filed, the dismissal by the Selectboard of the Town Manager shall be effective on the 19th day after notice. In the event of an appeal, the Selectboard shall hold a public hearing.~~], along with a notice of termination hearing not less than ten (10) days nor more than twenty (20) days from the date of notice. The Town Manager shall have an opportunity to be heard at the hearing. The Selectboard may thereafter dismiss the Town Manager for cause.

Sec. 602. Preparation and submission.

(a) The Town Manager, at least seventy-five (75) days before the annual town meeting or at such previous time as the Town Manager may be directed by the Selectboard, shall submit to the Selectboard a budget containing:

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

(2) An itemized statement of appropriations recommended for current expenses, and for capital improvements other than those included in multi-year, voter approved capital plans, voter approved financing agreements, voter approved debt, or impact fees adopted in accordance with 24 V.S.A. Chapter 131, during the next fiscal year; with comparative statements 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) For capital to be funded through revenues other than those included in multi-year, voter approved capital plans, voter approved financing agreements, voter approved debt, or impact fees adopted in accordance with

24 V.S.A. Chapter 131, a [A] capital budget for the next five (5) fiscal years, showing anticipated capital expenditures, financing and source of funding.

(b) The annual budget should be presented as follows:

(1) The Town Manager shall formally present the Town Manager's budget to the Selectboard at a public meeting, and provide such other information as may be requested by the Selectboard.

(2) The Selectboard shall have thirty-five (35) days to review, and approve the recommended budget with or without change.

(3) Not later than forty-five (45) days prior to the annual town meeting the Selectboard shall hold at least one public hearing to present and explain its proposed budget.

(4) Not less than fifteen (15) days prior to the annual town meeting the Town Manager shall print and distribute the Selectboard's recommended budget and the final warning of the pending town meeting.

(5) Not less than fifteen (15) days prior to the annual Town meeting, the Town Manager shall also file the proposed capital budget with the Town Clerk and Secretary of the Planning Commission pursuant to 24 V.S.A. § 4443(a).

Sec. 603. Town meeting and budget.

The budget shall be approved or rejected by the legal voters by Australian ballot, at the annual town meeting or a special town meeting. In the event of rejection of the budget by the legal voters, within 30 days of a vote rejecting the budget, the Selectboard shall set the time and place of the next special Town meeting on the budget [shall be set by the Selectboard within thirty (30) days].

Sec. 606. Departmental budget.

The budget for a department shall include all proposed expenditures as provided in the overall budget adopted at town meeting. [The gross appropriation for each department shall not be exceeded except by consent of the Selectboard, subject to the provisions of Section 304 of this chapter.] Town department heads shall not exceed expenditures as approved by voters, or as altered by the Selectboard or Town Manager, as permitted through this Charter or as permitted by Vermont law.

Sec. 607. Transfers of appropriation.

The Town Manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classification of expenditures with an office, agency, or department. The Selectboard shall be notified in writing of all such interdepartment transfers. The Selectboard may transfer an unencumbered appropriation balance or a portion thereof between departments. All transfers shall be documented and signed, and distributed to the Town Clerk and Treasurer. Account transfers as noted above must be managed within the total budget, with its two (2) percent constraint as required by Section 304 of this chapter.

Sec. 608. Capital budgeting for voter approved funding.

Capital budgets funded through voter approved multi-year capital plans, voter approved agreements, voter approved debt, or impact fees adopted in accordance with 24 V.S.A. Chapter 131, shall follow the process for approval outlined in Title 24 V.S.A. § 4443.

CHAPTER 9. [MISCELLANEOUS PROVISION] ETHICAL CONDUCT AND CONFLICT OF INTEREST

Sec. 901. Ethical conduct.

Every officer [~~or employee~~], elected official, employee, or appointee, in the service of the [~~town~~] Town shall abide by standards of ethical conduct [which may from time-to-time be] established by the Town and shall not hold investments or render services that conflict with or impair the proper discharge of that [~~officer's or employee's official~~] person's duties [~~,~~] or voting authority that cannot be remedied by recusal. No person shall receive any gift or remuneration on account of or in connection with proceedings before any municipal agency in which [~~that officer or employee~~] the person has jurisdiction, nor disclose confidential information acquired by that officer or employee in the course of official duties.

Sec. 902. Conflict of Interest Policy.

The Selectboard shall adopt a policy regarding ethics and conflict of interest and the means to adjudicate any potential or reported conflicts. This policy shall be published on publicly available electronic sites and provided to and signed by every officer, elected official, employee, and appointee to boards or commissions. This policy shall be reviewed, updated by the Selectboard, and signed by those affected at five-year (5-year) intervals or upon appointment.

Sec. 1001. Amendment of Charter.

This Charter shall be reviewed at a maximum five-year (5-year) interval by a committee appointed by the Selectboard and may be amended in accordance with State law.