



***CITY OF MONTPELIER
MONTPELIER, VERMONT***

Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, August 14, 2013
6:30 P.M.

- 1) Call to Order by the Mayor
- 2) 13-192. General Business and Appearances
- 3) 13-193. Consideration of the Consent Agenda:
 - a) Approve Minutes from the July 10, 2013 City Council Meeting. 
 - b) Ratification of a poll vote taken of Council Members on July 17th, approving the award of contract to Kingsbry Companies for Sidewalk Projects (Liberty Street and Hubbard Street) in the amount of \$258,030. The City Manager was also designated as the duly authorized agent to execute the contract documents on behalf of the City of Montpelier. 
 - c) Ratification of a poll vote taken of Council Members on August 5th, approving the award of contract to Courtland Construction Corporation for the State Street Storm Drain Installation Project in the amount of \$96,990. The contractor has assured staff that the project can be completed in a satisfactory and timely manner. The City Manager was also designated as the duly authorized agent to execute the contract documents on behalf of the City of Montpelier. 
 - d) Consideration of accepting Southgate Steeplejacks proposal of \$16,450 for necessary repairs and maintenance of the City Hall Belfry (Tower).
 - 1) This is a top-priority capital needs project to provide safe access, clean up the tower, replace deteriorated woodwork and prevent future bird access. The scope of work includes repairs to the tower's stairway and replacement of the ladder; removal of accumulated bird guano; repair, replace and paint woodwork; and install wire screening. In addition, all roof drains on City Hall will be cleaned of debris to prevent roof leaks.
 - 2) Southgate Steeplejacks is the only contractor/vendor skilled in and insured to do this tower work.

- 3) Funds for this project are available from the 2012 Bond – Capital Needs Assessment (CNA) funds.
- 4) Recommendation: Accept Southgate Steeplejacks’ proposal in the amount of \$16,450 for repairs to the City Hall Tower and maintenance of the roof drains as recommended by staff.
- e) Award \$4,619.90 to Montpelier Alive as reimbursement for funds spent in 2013 for plantings in downtown Montpelier. This request was approved by a vote of 6-1 by the Downtown Improvement District (D.I.D.) Committee at their August 6, 2013 meeting.
- f) Award \$18,000 to the Holiday Decorating Committee to pay for the installation of Fresh Holiday Garland, LED Lights for the Holiday Tree at Jacobs Lot, LED Lights for Holiday Tree at City Center, and to repair the Peace Dove at the intersection of State and Main. The request, as amended to \$18,000, was approved by the Downtown Improvement District (D.I.D.) Committee, 6-1, at their August 6, 2013 meeting.
- g) Approve and sign Grant Agreement Resolution Form PM-1 which will award the City of Montpelier \$15,000 on behalf of CALM (Community Arts Learning Music) for Planning-related activities at 46 Barre Street. This grant Application was approved and awarded in the fall of 2012. The Grant Agreement was received from the State of Vermont on July 15, 2013. 
- h) Approve a request from Sandy Vitzthum for permission to close Loomis Street (from Park Avenue to Liberty Street) from 4:00 to 8:00 P.M. on Saturday, August 24th, for their 10th Annual Neighborhood Block Party. In her letter, which is attached, she also requests a waiver of the City’s Noise Ordinance, but the event will end at 8:00 P.M. so a waiver is not required.
- i) Signing of a Proclamation acknowledging the month of October, 2013, as: ***“Cyber Security Awareness Month”*** 
- j) Signing of a Proclamation acknowledging August 27, 2013 as ***“Keeping America’s Veterans & Families Strong” Day*** 
- k) Approve Amendment #7 to the Cooperative Agreement for the Montpelier-Berlin STP Bike(33)S – Contract No. CA0005; this amendment removes Berlin from the project and updates the budget to reflect current design costs.

l) Payroll and Bills

- 4) 13-194. Appointment to Montpelier's Community Fund Board. 
- a) When the board was appointed by Council on August 22, 2012, the terms were staggered (1, 2 and 3 years) with the understanding that when the terms expire, they would all become 3-year terms. Beth Boutin had the 1-year term which expires this month.
 - b) Staff advertised and only received an e-mail from Beth who would like to be reappointed.
 - c) Recommendation: Reappoint Beth Boutin to a 3-year term.
- 5) 13-195. Consideration of increasing Ambulance Rates
- a) Fire Chief Bob Gowans is requesting that the City's Ambulance Rates be increased to reflect increases in the City's costs; the new proposed rates would be in line with the current Medicaid/Medicare trend, and be comparable to other services in Vermont as well.
 - b) Proposed changes:
 - i. ALS (Advanced Life Support) \$ 500 to \$ 550
 - ii. BLS (Basic Life Support) 350 to 400
 - iii. IV, Cardiac Monitor, Oxygen 30 to 40
 - c) Additionally, the Fire Chief is recommending that the \$ 50 "no transport fee" be eliminated. This charge has consistently been problematic, and the new billing specialist recommends that it be discontinued.
 - d) Recommendation: Opportunity to ask questions of the Chief; approve the above proposed Ambulance Rate increases.
- 6) 13-196. Consideration of the fee schedule for City Licenses. 
- a) City Clerk John Odum was asked to provide the current rates and what amendments he would propose for these fees.
 - b) Recommendation: Review and discuss the proposed fees; possible direction to staff.

- 7) 13-197. Report from the Charter Revision Committee
- a) This committee was appointed by Council in September and October, 2012, with a charge “to analyze the contents of the City’s Charter regarding anachronisms and items to be deleted, amended or added.” Members represent the three voting districts, and Council expected to receive a report of this committee’s findings in August, 2013.
 - b) Because of the volume and complexity of this document, Council Members received draft documents to review prior to this evening’s meeting.
 - c) Recommendation: Review and discuss revisions with members of the committee; decide how Council wishes to continue reviewing; possible direction to committee members and/or staff.
- 8) 13-198. Update on City Council’s Goal: ***“Balance and control municipal budgeting, taxes and services relative to current population and grand list tax base.”*** 
- a) Recommendation: Receive any further information from City Manager Bill Fraser or Finance Director Sandy Gallup; discussion; possible direction to staff.
- 9) 13-199. Update on City Council’s Goals: ***“Create a hospitable environment for residential growth”*** and ***“Maintain an environment that is hospitable for businesses to thrive throughout Montpelier”.*** 
- a) Recommendation: Receive any further information from City Manager Bill Fraser, Assistant City Manager Jessie Baker, Community Development Specialist Kevin Casey and/or Finance Director Sandy Gallup; discussion; possible direction to staff.
- 10) 13-200. Reports by City Council
- 11) 13-201. Mayor’s Report
- 12) 13-202. Report by City Clerk
- 13) 13-203. Status Reports by the City Manager
- 14) 13-204. Agenda Reports by the City Manager

Adjournment



**State of Vermont
Finance & Administration**

Contract Administration
One National Life Drive
Drawer 33
Montpelier, VT 05633-5001
www.aot.state.vt.us

[phone] 802-828-2641
[fax] 802-828-5545

Agency of Transportation

August 6, 2013

John Odum, Clerk
City of Montpelier
39 Main Street
Montpelier, Vermont 05602

RE: MONTPELIER - BERLIN STP BIKE(33)S - Contract No. CA0005

Dear Mr. Odum:

Enclosed, please find the original of Amendment #7 to the Cooperative Agreement for the above referenced project.

We respectfully request that you have the Amendment signed and dated by the proper authority where required.

Please do not date page one of the Amendment. This will be accomplished by our office after the Amendment has been signed by the Secretary of Transportation.

Your cooperation in expediting the signing and return of the original will be greatly appreciated.

Should you have any questions or concerns, please contact me at 802-828-2641.

Sincerely,


Jon Winter
Special Agreements Administrator
Enclosure



**AMENDMENT # 7
TO
COOPERATIVE AGREEMENT
FOR
ADVANCEMENT OF MUNICIPAL PROJECT
MONTPELIER – BERLIN STP BIKE(33)S
BIKE033 – 100/200/202/300
CFDA 20.205 CONTRACT # CA0005**

THIS AMENDMENT # 7, made this _____ day of _____, 2013, by and between the **STATE OF VERMONT**, represented by its Agency of Transportation, with its principal office at National Life Building, One National Life Drive, Montpelier, Vermont 05633-5001 (the STATE), the **CITY OF MONTPELIER**, with its principal office at 39 Main Street, Montpelier, Vermont 05602, and the **TOWN OF BERLIN**, with its principal office at 108 Shed Road, Berlin, Vermont 05602, acting through their Legislative Bodies, hereinafter referred to as the **MUNICIPALITIES** is supplemental to the Agreement executed on April 8, 1999, Amendment # 1 executed on June 23, 2000, Amendment # 2 executed on August 10, 2000, Amendment # 3 executed on October 10, 2002, Amendment # 4 executed on June 10, 2003, Amendment # 5 executed on April 4, 2006 and Amendment # 6 executed on April 18, 2007 for the Montpelier – Berlin STP BIKE(33)S Project.

WITNESSETH:

WHEREAS, the STATE and MUNICIPALITIES mutually agree that the April 8, 1999 Agreement, June 23, 2000 Amendment # 1, August 10, 2000 Amendment # 2, October 10, 2002 Amendment # 3, June 10, 2003 Amendment # 4, April 4, 2006 Amendment # 5 and April 18, 2007 Amendment # 6 should be modified;

NOW, THEREFORE, the April 8, 1999 Agreement, June 23, 2000 Amendment # 1, August 10, 2000 Amendment # 2, October 10, 2002 Amendment # 3, June 10, 2003 Amendment # 4, April 4, 2006 Amendment # 5 and April 18, 2007 Amendment # 6 are modified as follows:

1. **Project Description** will be deleted in its entirety and replaced with the following:

Montpelier, Central Vermont Regional Path, beginning at Granite Street in Montpelier and extending easterly to the Central Vermont Memorial Civic Center in Montpelier.

2. Item # 1, Municipal Assumption of Full Responsibility for the Project will be deleted in its entirety and replaced with the following:

1. Municipal Assumption of Full Responsibility for the Project. The CITY OF MONTPELIER assumes full and complete responsibility for any and all aspects relative to the development of the Project except for those items defined in this Agreement for which the State retains responsibility.

The Interlocal Agreement that has been developed between the CITY OF MONTPELIER and TOWN OF BERLIN has been terminated by the TOWN OF BERLIN. The Interlocal Agreement is hereby deleted from the Cooperative Agreement.

The TOWN OF BERLIN is hereby deleted as a party to the Cooperative Agreement. Subsequent amendments will only need to include the CITY OF MONTPELIER and the VERMONT AGENCY OF TRANSPORTATION.

3. Item # 30, "Allocation of Funds by State", will be deleted in its entirety and replaced with the following:

30. Allocation of Funds by STATE. On the basis of the CITY OF MONTPELIER'S request for authorization to develop the Project, and subject to the availability of state and federal funds, the STATE agrees to allocate to the project a sum not to exceed **\$433,020** in state funds and **\$3,526,980** in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 38). The availability of funds to the CITY OF MONTPELIER will be **\$385,720** in state funds and **\$3,324,280** in Federal funds.

If this Agreement extends into more than one fiscal year of the STATE (July 1 to June 30), and if appropriations are insufficient to support this agreement, the STATE may reduce its financial obligation, or suspend or cancel this Agreement at the end of the fiscal year, or otherwise, upon the expiration of existing appropriation authority. The STATE shall provide as much notice as possible, and will make all reasonable efforts to provide at least thirty (30) days notice.

If this Agreement is funded in whole or in part by federal funds, in the event the federal funds supporting this Agreement become unavailable or are reduced, the STATE may reduce its financial obligation, or suspend or cancel this Agreement at the end of the fiscal year, or otherwise, upon the expiration of existing federal appropriation authority, and the STATE shall have no obligation to pay the CITY OF MONTPELIER from STATE revenues to make up for the loss of federal funds. The STATE shall provide as much notice as possible, and will make all reasonable efforts to provide at least thirty (30) days notice.

4. Item # 38, "Project Costs and Phases", will be deleted in its entirety and replaced with the following:

38. Project Costs and Phases. The parties agree that the CITY OF MONTPELIER will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties and that the STATE will pay the state and federal share of all properly documented invoices from the CITY OF MONTPELIER for work incidental to the development of the Project up to the maximum limiting amount (MLA) STATE/federal amount indicated for that phase:

Phase	Subjob	MLA			
		Federal	State	Local	Totals
Preliminary Engineering	100	\$648,640	\$71,360	\$80,000	\$800,000
Right-of-Way	200	\$243,240	\$26,760	\$30,000	\$300,000
Right-of-Way: Railroad Reversionary Rights	202	\$162,160	\$37,840	\$0	\$200,000
¹ Construction and Construction Engineering / Inspection	300	\$2,270,240	\$249,760	\$280,000	\$2,800,000
Available Funds to CITY OF MONTPELIER		\$3,324,280	\$385,720	\$390,000	\$4,100,000
State Management/Review Cost		\$202,700	\$47,300	\$0	\$250,000
² Total Project Cost		\$3,526,980	\$433,020	\$390,000	\$4,350,000

¹ The amount allocated for the construction phase in this agreement is based on the most current engineer's estimate. The actual amount allocated for the construction phase will be based on the accepted low bid price plus an allowance of ten percent (10%) for construction engineering and ten percent (10%) for a construction contingency. The revised amount will be added to this agreement by amendment as outlined in section 54.

² The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

IN WITNESS WHEREOF the parties hereto caused this Amendment to be duly executed on the day and year first written above.

**CITY OF MONTPELIER
(MUNICIPALITY)**

**TOWN OF BERLIN
(MUNICIPALITY)**

Members of its Legislative Body
and its Duly Authorized Agents
dated: _____

Members of its Legislative Body
and its Duly Authorized Agents
dated: _____

**STATE OF VERMONT
AGENCY OF TRANSPORTATION
(STATE)**

By:

Its [Deputy] Secretary of Transportation

dated

APPROVED AS TO FORM

8-1-2013

DATED



ASSISTANT ATTORNEY GENERAL



CITY OF MONTPELIER
FY 14 BUDGET SCHEDULE (JULY 1, 2013– JUNE 30, 2014)

City Council Capital Improvements (CIP) Committee Members: Andrew Hooper, Thierry Guerlain, Angela Timpone, Planning Commission member, Bill Fraser, Sandy Gallup, Todd Law, Tom McArdle, Phayvanh Luekhamhan

Wednesday, September 19, 2012

- ❖ **Department Head Meeting – FY 14 Budget Discussion**

Wednesday, September 26, 2012

- ❖ Letter to City Commissions, Boards Regarding Capital Budget Process (meet with School)
- ❖ **Regular Council Meeting**
- ❖ **Debt Policy Discussion – Budget Schedule and Process, Outside Agency Policy**

Friday, September 28, 2012

- ❖ Funding Letter to Inside Agencies, Boards and Commissions Ready for Mailing
- ❖ **Initial Budget Worksheets and Guidelines for Department Heads Distributed Including Capital Projects & Equipment Requests**

Wednesday, October 10, 2012

- ❖ **Regular Council Meeting – Received Budget Study Committee Report**
- ❖ **FY 14-FY 18 Capital Improvement Program (CIP) and Equipment Requests Due to Finance Department (Forms for Capital & Equipment Projects Must be Completed by All Departments and/or Requesting Agencies)**

Tuesday, October 16, 2012

- ❖ **Meeting of Capital & Annual Funding Projects Committee at 5:00 PM in the Council Chambers.**

Wednesday, October 17, 2012

- ❖ **Department Head Meeting – Budget Update - 9 AM in City Manager's Conference Room**

Friday, October 19, 2012

- ❖ **Departmental Operating and Budget Requests and Performance Measures Due to Finance including supporting documentation, organizational chart & service summaries**
- ❖ Funding Requests Due from Inside Agencies, Boards and Commissions

Monday, October 22 through Friday, October 26, 2012

- ❖ **Individual Department Head Budget meetings with City Manager & Finance Director – First Review**

Wednesday, October 24, 2012

- ❖ **Regular Council Meeting – Council Members Policy Budget Discussion (CIP, Equipment and Operating Budgets)**

Wednesday, November 14, 2012

- ❖ **Regular Council Meeting-Department Presentations – DPW, Fire, Police, Planning**

Monday, November 19, 2012

- ❖ **First draft of Budget Completed and Presented to City Manager by Finance Director**

Wednesday, November 28 through Friday, November 30, 2012

- ❖ **Department Head Budget Meetings with City Manager and Finance Director -2nd Review**

Wednesday, November 28, 2012

- ❖ **Regular Council Meeting**

Monday, December 3, 2012

- ❖ **City Manager and Finance Director Finalize Budget and Supporting Documents**

Tuesday, December 4, 2012-

- ❖ **Commence Printing City Budget In-house**

Wednesday, December 5, 2012

- ❖ **Special Council Meeting – *Budget Process to be determined***

Wednesday, December 12, 2012

- ❖ **Regular Council Meeting – *Budget Process to be determined***

Wednesday, December 19, 2012 (Possible Follow Up Meeting on Monday January 2, 2013)

- ❖ **Special Council Meeting – *Budget Process to be determined***
- ❖ **Discuss Council's Budget and Plan for Presentation at Public Hearings**

Wednesday, January 2, 2013

- ❖ **Special Council Meeting –*Recreation Department Budget*, Finalize and Approve Council's Budget**

Wednesday, January 9, 2013

- ❖ **Regular Council Meeting**
- ❖ **First Public Hearing on Budget and Annual Meeting**

Thursday, January 24, 2013 (Statutorily Required Date – 40 days before Town Meeting)

- ❖ **Special Council Meeting -*Second and Final Public Hearing on Budget and Annual Meeting Warning***
- ❖ **Deadline for All Petitioned Articles & Finalize Warning for Annual Meeting**
- ❖ ***School Board Budget Presentation at City Council Meeting***

Tuesday, March 5, 2013

- ❖ **Annual Meeting Day to Vote on Budget and Related Articles**



CITY OF MONTPELIER, VERMONT

- THE SMALLEST CAPITAL CITY IN THE UNITED STATES -

Mayor John Hollar

City Council Members:

Tom Golonka
Thierry Guerlain
Andy Hooper
Jessica Edgerly Walsh
Anne Watson
Alan Weiss

William Fraser,
City Manager

Jessie Baker,
Assistant City Manager

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Re: Budget Goal Update
Date: August 9, 2013

On May 22, 2013 you adopted the following:

Goal: *Balance and control municipal budgeting, taxes and services relative to current population and grand list tax base.*

Present Activity:

We are in that unusual time of year when we are closing out Fiscal Year 13 and starting work on the audit and financial statements, beginning full implementation of the FY14 Budget which just started five weeks ago and at the very early end of thinking about upcoming FY15 budget preparation.

City management, primarily through the Finance Director and Department Heads, monitors expenditures and revenues throughout the year. Adjustments are made as necessary. A budget summary document is prepared each month and circulated to staff, presented to the city council and posted on the city's web site.

Final numbers are not yet available but initial projections are that the City closed FY13 in strong financial shape. This allowed us to reserve \$250,000 for ongoing project contingency in case it is needed. Key contributing factors to the strong budget performance was early implementation of some of the FY14 budget measures allowing us to achieve savings in FY13 as well.

Steps:

- *Continue long term budget projections including development scenarios. This is ongoing work and is shared during the budget development process.*

- *Set a budget target, focus budget discussions on policy and services, not line items.* This is a discussion that the Council will have in September or October.
-
- *Complete plan to implement debt and fund balance policy after we receive the annual audit.* The audit work has just begun. Audit is usually received in November or December.
- *Further explore inter-municipal and intra-municipal agreements as well as the possibility of merged services to find efficiencies.* This has been an ongoing effort. The city has remained active in regional public safety discussions, initiated conversations – eventually unsuccessful – with Berlin about shared water service, and has begun preliminary discussions with Barre about dispatching services. Additionally, the city presently provides dispatch services to nineteen other communities and ambulance service to three other communities

Future Activity:

I have attached a copy of last year's budget schedule for reference. In very general terms the process is as follows:

- Council receives a brief questionnaire about priorities and preferences.
- Council meets to talk about their responses and develop policy direction for the Manager.
- Manager, Finance Director and staff prepare the budget consistent with the Council's direction
- Manager presents budget in early December.
- Council reviews the budget during December and early January for consistency with their direction, to understand what, if any, service changes might result and to make adjustments as necessary.
- Council holds two public hearings in January on their proposed budget, then adopts a final budget for presentation to the voters.
- Voters consider the budget on annual meeting day in March.

Vermont Statutes Online

Title 24 Appendix

Chapter 5: CHARTER OF THE CITY OF MONTPELIER

SUBCHAPTER 1: INCORPORATION AND GRANT OF POWERS§ 5-101. ~~The City of Montpelier~~

(a) The inhabitants of the territory formerly the Town of Montpelier, and that portion of the Town of Berlin annexed to the City of Montpelier, by an act entitled, "An act to annex an adjacent portion of the Town of Berlin to the City of Montpelier", which act was approved November 29, 1898, are hereby continued to be incorporated and a body corporate and politic incorporated as a municipal corporation under the name of the City of Montpelier (hereafter the city) and under that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect representatives to the General Assembly of the State, and the number of justices of the peace as provided in Chapter II of the Vermont Constitution for a town of equal population; and generally shall have, exercise, and enjoy all such rights, immunities, powers and privileges as are conferred upon, or are incident to, towns in this state; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this Act.

(b) Upon the effective date of this act, the Montpelier Fire District No. 1 shall be merged into the city of Montpelier and thereby shall cease to exist.

Comment/Significant charter change: New language proposed to the Charter Revision Committee by our charter advisor, J. Paul Giuliani (JPG), addresses the merger of Montpelier Fire District No. 1. This is a significant change to the charter which is outside the scope of the committee's charge. The committee refers this issue to the council for its determination

§ 5-102. General powers

~~Such corporation~~ The city shall have all the powers given to towns and town school districts by the general law; and may purchase, hold and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such ~~dams, aqueducts, reservoirs, and sewage disposal facilities~~ infrastructure as it may deem necessary for the benefit of the city.

§ 5-103. Form of government

The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective city council ~~hereinafter referred to as the council~~, which shall enact ordinances, codes and regulations, adopt budgets, determine policies, and appoint the city manager, who shall enforce ~~execute~~ the laws and ordinances and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter or prescribed by ordinance. The mayor and

council members shall be sworn to the faithful performance of their respective duties. The mayor and council members in their joint capacity shall constitute the city council. The city council shall have all the powers of selectboards, as well as additional powers granted by this charter.

Comments: New language is moved in from subchapter 3-City council (301)

~~§ 5-104. Change of form of government~~

~~Upon petition of a number of legal voters equal to four percent of the total vote cast for governor at the last preceding general election, the legal voters of the city may, at any annual meeting or a special meeting duly warned and held for that purpose, vote to change the council manager form of government to any other legal form. A majority of the legal votes cast shall be needed to effect a change of government. In the event a change of government is voted terminating the position of city manager, the city manager shall be entitled to three months pay from the effective date of said termination.~~

Comments/change: Committee's advisors with charter expertise - JPG, Paul S. Gillies (PSG) and Steve Jeffrey (SJ) all recommend deletion. This is an unusual departure from state law; the issue of firing the city manager is addressed in subchapter 10.

§ 5-105. Intergovernmental relations

The city-through its city council or board of school commissioners, or both, may enter into ~~any~~ agreements with the United States of America or the State of Vermont, ~~or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to accept grants, loans, and assistance from the United States of America or the State of Vermont, or both, or from any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within said city, or upon property or rights of said city outside its corporate limits, whether owned by said city as sole owner or owned by said city in common with another municipality or other municipalities, and the city may make appropriations consistent with this act~~ charter to accomplish such purposes.

SUBCHAPTER 2: CITY VOTING DISTRICTS

~~§ 5-201. Creation of city voting districts~~

~~The city council is empowered to designate or eliminate the boundaries of voting districts. There shall be three voting districts for the city, which shall be defined and filed with the city clerk. The city council may make changes from time to time ~~in~~ to the number and boundaries of the districts as it may deem proper, having regard, so far as practicable and convenient, to in order to provide an equal division of population among them, in accordance with U.S. Census Data. Such Voting district changes shall not be made more frequently than once in five (5) years. Such districts shall be described by ordinance. Such changes shall be approved by the legal voters of the city at an annual or special meeting of the city and shall become effective immediately upon approval, unless a later date is established therein.~~

Change: New language establishes 3 voting districts for the city

SUBCHAPTER 3: CITY COUNCIL

§ 5-301. Administration and Powers

~~The administration of all fiscal, prudential and municipal affairs of the city and the government thereof shall be vested in the mayor and council members, subject to the provisions herein contained respecting a city manager. The mayor and council members shall be sworn to the faithful performance of their duties, respectively. The mayor and council members in their joint capacity shall constitute the city council. The city council shall have all the powers of selectmen.~~

§ 5-301. Powers and duties of city council

All powers of the city shall be vested in the council, except as otherwise provided by law or this charter, and the council shall perform all duties and obligations imposed on the city by law. In addition, the council shall have general oversight of the affairs and property of the city not committed by law to the care of any particular officer, including but not limited to the following powers and duties:

(a) Acquire property, real and personal, within or outside its corporate limits for any lawful purpose and by any lawful means including condemnation, in fee simple, or any lesser interest of estate, by purchase, gift, devise, lease or other means of transfer. The council may also sell, lease, mortgage, hold, manage and control such property as its interest may require, in accordance with state law.

(b) Promote and safeguard the public health, safety, comfort, or general welfare by the adoption, amendment, or repeal of ordinances and regulations including but not limited to the following subjects:

(1) Construction of improvements, including curbs, sidewalks, lighting, and storm drains in a manner specified as a condition precedent for, but not limited to, the issuance of a building permit. The city has power to assess part or all of the expenses of such improvements to the property owners benefitted thereby in proportion to respective frontage upon highways or respective values of property or by such standard as determined by the council. The council has power to provide for violation or nonperformance.

(2) Regulation or prohibition of any condition, activity, enterprise, public nuisance or matter concerning promotion of public health, safety and welfare as permitted by the general law of the state.

(3) Licensing of any activity or enterprise as permitted by general law of the state.

(c) Adoption and amendment personnel policies for city employees in accordance with general laws of the state. [24 V.S.A. § 1121].

(d) Authorization of the expenditure of funds raised from taxation, assessments, appropriations, fines, grants applied for and received, and other lawful sources.

(e) Provide for citizen participation as appropriate on boards, commissions, and committees.

(f) Fix, demand, impose and enforce such items, conditions and regulations for the excavation of

any street or highway by any person as shall be just and reasonably related to the city's reconstruction and maintenance costs, including expenses to be paid to the city for damages resulting from a street excavation or for the purpose of erecting and maintaining poles, wires or other apparatus in or under the street. The city has the power to prohibit the use of any street by any such person until such conditions have been complied with.

Comments/Change The charter did not define or list any powers and duties for the council. Committee's advisers proposed new language; committee recommends the inclusion of this new section. Note: bracketed text is statutory reference for drafting purposes.

§ 5-302. ~~Board of~~ City council members— composition and term of office

~~The board of city council members of said city shall consist of the mayor and two council members from each voting district. Members shall be elected by the legal-voters of said city from among the legal-voters of said each respective district. Council members shall serve for a term of two years, and one council member will be elected per year for each district.~~

§ 5-303. Vacancies in office of council member

A vacancy on the ~~board of council members~~ shall occur upon the death, removal from the district, inability to serve, or resignation of a council member. A vacancy in the office of council member with more than 90 days of unexpired term remaining shall be filled by the remaining members of the city council. ~~The unexpired term of the office of council member filled as provided in this section, shall, at~~ At the next annual meeting of the city, the unexpired term of office shall be filled by election for the balance of the unexpired term. The council may remove a council member who has unexcused absences at four (4) or more consecutive council meetings upon approval of two-thirds (2/3) of the council.

§ 5-304. Election of president ~~and~~ vice president, parliamentarian ~~of the Board of Council Members~~

~~The council members duly elected and qualified shall constitute the board of council members, and shall annually elect one of their members president of said board and another vice president, to serve in such offices until the next election of council members. Following the annual meeting, the council shall elect from its members a president, vice president, and parliamentarian. The president shall assume all the duties of the mayor, in the event of a vacancy in that office. The vice president shall assume powers and duties of the mayor in the event of a vacancy in the offices of mayor and president. The parliamentarian shall advise the council on rules of procedure.~~

Comments - Committee makes clarifications and moved in text about duties of president and vice president from section 306-duties of president and vice president.

§ 5-305. Vacancy ~~in the office of president and~~ vice president, parliamentarian

~~In the event of the death, resignation, or disqualification of the president or vice president, or parliamentarian of the board of council members, the remaining council members shall elect a successor and the successor so elected shall hold office to serve until the next election of council members. annual meeting.~~

§ 5-306. Duties of the president and vice president

~~All powers and duties vested in the mayor by this charter or the general law shall, in event of a vacancy in the office or in case of disqualification, incapacity, or absence from the city of the~~

~~mayor be vested in the president of the board of council members, or in the vice president in case of disqualification, incapacity or absence from the city of the mayor and the president of the board of council members.~~

Comment Committee moves this text into section 304-Election of president, etc.

§ 5-307. Council meetings

~~The city council shall hold meetings on the second and fourth Wednesdays of each month~~ on a regular schedule, and oftener at the call of the mayor.

§ 5-308. Special council meetings

~~The mayor, or in the case of the mayor's failure, the city clerk, shall call special meetings of the city council on request of one half of the members of the board of council members.~~ Special meetings of the city council may be called at any time by the mayor. They may also be called by the clerk on a petition signed by a majority of the city council and filed with the clerk. Public notice and notice to the council shall be given in accordance with 1 V.S.A. § 312.

§ 5-309. Council agenda

~~It shall be the duty of the~~ The city manager ~~to shall~~ prepare a written agenda for each meeting of the council. The city manager shall add to the agenda any items requested by a council member or by written request of any other person. The agenda shall be posted in ~~at least one public place in the city at least twenty-four hours prior to the time of the meeting.~~ accordance with state statute.

§ 5-310. Council quorum

A quorum of the city council, consisting of a majority or four (4) council members, shall be necessary to conduct business; however, the transaction of business shall be in accordance with 1 V.S.A. § 172. A number less than a quorum may adjourn from time to time, may compel the attendance of absent members and enforce such penalties for non-attendance as the city council may by ordinance prescribe.

§ 5-311. Attendance at meetings.

Any city officer or employee may be required to attend a meeting of the city council.

§ 5-312. Council meetings public

All meetings of the city council shall be open to the public, and conducted in accordance with public meeting laws and rules of procedure adopted by the council, except when ~~an executive session is voted by a majority of the council.~~ a majority of the council votes to enter into executive session or deliberative session or acting in a quasi-judicial role, as specified in 1 V.S.A. § 312.

§ 5-313. Council minutes recorded

All minutes of the city council meetings shall be recorded ~~in a book of city council records~~ and shall be available to the public ~~unless they concern a person's reputation, contracts, or the security of the state is involved.~~ as provided in the general access to public records laws of the state.

§ 5-314. ~~Action in~~ Executive session

~~Action on ordinances, rules, regulations, or~~

~~appointments shall not take place in executive session. The council may enter into executive session by majority vote in accordance with 1 V.S.A. § 313(a).~~

Comments conditions that allow council to go into executive session are in 1 V.S.A. §313(a)

§ 5-315. Council authority to require information

The city council shall have the authority to require the city clerk, ~~city treasurer~~, and each appointive city officer, excluding school department officers, to furnish information concerning anything connected with, or work planned to be performed in, their respective department.

§ 5-316. Compensation

The mayor and council members shall receive as compensation for their services such sums as shall be voted to them at the annual ~~city~~-meeting of each year.

§ 5-317. Council appointments

The city council shall, ~~pursuant to Title X of this charter~~, appoint the following officers: a city manager, city treasurer, and city attorneys. ~~The and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, development review board, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Council shall also appoint and remove members of boards and commissions created by the council and other officers approved by the council or required by law.~~ Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Comments/changes Several charter advisers suggested updates to the list of council appointments.

§ 5-318. Claims for personal services

No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this act or by the general law, ~~except that the city clerk, city treasurer, and auditors shall receive such compensation as shall be fixed by the city council.~~ The compensation of all ~~other~~ officers and employees of the city shall be fixed by the city council, except as herein otherwise provided.

§ 5-319. Sale of public property

The city council may authorize the sale or lease of any real or personal estate belonging to the city. All conveyances, transfers, grants, or leases of any real estate owned by the city shall be signed by the mayor ~~and shall be sealed with the city seal~~ in accordance with 1 V.S.A. § 313.

§ 5-320. Contracts

All contracts on behalf of and any purchases for the city shall be authorized by the city council, except as otherwise provided by ordinances of the City of Montpelier or this ~~act~~charter.

§ 5-321. Ex-officio appointments

The city council shall have the powers of the board of water and sewer commissioners, the local board of health (when convened with the health officer), and the local board of liquor control as specified by this charter and state statute.

Comment/change; JPG proposes this new section. New language gives council the powers of the board of water and sewer commissioners, local board of health, and the local board of liquor control, powers which the council has exercised for many years

§ 5-322. Prohibitions and conflicts of interest

(a) Holding other office: Except where authorized by law, no councilor shall hold any other city office or city employment during the term of election to the council. However, a paid or unpaid volunteer member of the fire department, other than an officer or member of the department appointed directly by the city manager, may serve as a member of the city council.

(b) Appointments and removals: Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint.

(c) Interference with administration: Except for the purpose of inquiries and investigations under this charter, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) Conflict of interest: By ordinance, resolution, parliamentary rule of prohibition, the council shall adopt measures relating to the definition, disclosure and consequences of a conflict of interest involving elected and appointed city officials.

Comment/change - New section 322 on prohibitions & conflict of interest proposed by JPG reflecting established city policy and procedures that should be part of the charter.

SUBCHAPTER 4: MAYOR

§ 5-401. Election and tenure of ~~Officemayor~~

The mayor shall be elected by and from the qualified voters of ~~the City of~~ Montpelier. The mayor shall hold office for a term of two (2) years or until the mayor's successor is elected and qualified.

§ 5-402. ~~Vacancy in the office of mayor~~Powers and duties of the mayor [text from old 404, 405]

The mayor shall be the chief executive officer of the city subject to provisions in this charter related to the city manager. The mayor shall use the mayor's best efforts to see that the laws and the city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed. The mayor shall take care that the finances of the city are properly managed, and shall bring before the city council public issues relevant to the affairs of the city. The mayor shall preside at all city council meetings with the powers of moderator and shall have a voice and vote in city council meetings in accordance with council rules and procedures.

The mayor may veto any action passed by the city council, provided it is done before the next regular council meeting and the mayor provides a written explanation for the veto. Any veto by the mayor can be overridden by a vote of five (5) or more council members at the next regular city council meeting.

[old 402 text]

~~In the case of a vacancy in the office of mayor, with more than 120 days of unexpired term remaining, the city council shall forthwith direct the city clerk to call a special meeting of the legal voters of the city for the election of a mayor, and the person elected at such meeting shall serve for the unexpired term and until the mayor's successor is duly elected and qualified. Said special meeting shall be called in the manner provided in Section 3 of this title. Voting shall be by ballot. A special meeting of the voters of the city for the election of a mayor shall be conducted as are other special city meetings. The city council shall determine prior to such special meeting the time during which the ballot boxes shall be kept open. Said time shall not be less than two hours. In the event 120 days or less remain of the unexpired term as a result of such vacancy in the office of mayor computed from the time the vacancy occurs, no special election shall be called to fill the unexpired term.~~

Comments/change: Committee proposes a reorganization of existing text with no substantial changes except requiring a statement explaining the reason for vetoing a council vote. Two "old" sections - § 404-Powers of Mayor and § 405- Duties of Mayor – are merged and become new text in § 402 with a new title Powers and Duties of Mayor. "Old" 402 text - vacancy in the office of mayor - is deleted in 402 but largely moved into 403 and updated to cover vacancy.

§ 5-403. ~~Nominations to fill v~~ Vacancy in office of mayor

In the case of a vacancy in the office of mayor, with more than 120 days of unexpired term remaining, the city council shall forthwith direct the city clerk to call a special meeting of the legal voters of the city for the election of an interim mayor, serve for the unexpired term and until the mayor's successor is duly elected and qualified. Nominations to fill a vacancy in the office of mayor shall be by certificate signed by at least twenty-five (25) voters. The certificate shall be filed with the city clerk not less than fifteen (15) and not more than twenty-five (25) days before the special election. In the event 120 days or less remain of the unexpired term, the council president shall assume the duties of the mayor.

§ 5-404. ~~Duties of the Mayor~~

Text moved into § 5-402 Powers and duties of mayor

§ 5-405. ~~Powers of the Mayor~~

Text moved into § 5-402 Powers and duties of mayor

SUBCHAPTER 5: CITY MEETINGS, NOMINATION AND ELECTION OF OFFICERS

§ 5-501. City meetings

(a) ~~On the first Tuesday of March in each year, a meeting of legal the voters of said the city shall be held as designated on the warning for such meeting, at a place or places to be appointed by the city council of said city, and a warning shall be posted in at least three public places within the~~

~~limits of said city, and at least twelve days previous thereto, in accordance with state statute, which warning shall be signed by the city clerk, or, in case of the city clerk's failure, by the mayor, provided that, if the annual meeting shall fail to be held for want of warning before mentioned, or for any other cause, the city shall not be thereby prejudiced, and the several officers hereinafter mentioned may, at any time thereafter, be elected at a special meeting, called for that purpose, as hereinafter provided; and provided, further, that Any business or election required by this act charter or the general law to be transacted at the annual city meeting may also be transacted at such a special meeting.~~

(b) The warning for annual and special city meetings shall, by separate articles, specifically indicate the business to be transacted, including the offices and the questions to be voted upon. The warning shall contain any legally binding article or articles requested by ten percent (10%) of the registered voters of the city. The warning shall also include any nonlegally binding article or articles, including matters of state, national or international importance requested by five percent (5%) of the registered voters of the city and. Petitions requesting that an article be placed on the warning shall be filed with the city clerk no fewer than forty (40) days before the day of the annual meeting.

(c) All budgets, elections, and public questions shall be considered by Australian ballot at annual and special meetings.

(d) A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended. (Amended 2011, No. M-15 (Adj. Sess.), § 2, eff. May 7, 2012.)

Comments Advisers on the charter issues suggested reference to state statute and deletion of text describing the process; inclusion of process for getting petitioned articles onto the warning; reference to the use of Australian ballot.

§ 5-502. Publishing and posting of articles

When questions involving authorization of public improvements and the incurring of debt to pay for the same are to be referred to the voters at an annual or special city meeting, the articles of the warning ~~dealing with the same shall be posted and published as hereinafter provided in Title XI. Such articles will be posted under the caption: "Extract from warning for annual city meeting March..."~~. The extract containing such articles ~~will be signed by the city clerk or, in case of the city clerk's failure, by the mayor. In addition to being posted and published in extract form as above provided, such articles will be included in the full warning to be posted in at least three public places within the limits of said city, at least twelve days prior to the annual city meeting; for such meeting shall be posted as provided by state statute.~~

Comments: Both PSG and JPG suggest deletion as shown and reference to state statute.

§ 5-503. Special city meetings to authorize improvements and incur debt

The city clerk, when directed by the city council, or when requested in writing by ~~five~~ten percent (10%) of the ~~legal voters of said city~~ to do so, shall call a special meeting of the voters of the city in the same manner as is provided for the calling of the annual meeting; ~~in case of the failure of the city clerk to call such special meeting as aforesaid, that duty shall be performed by the mayor; except that s~~Special meetings to authorize public improvements and the incurring of debt to pay for the same shall be warned as hereinafter provided in ~~Title XI~~Subchapter 11 of this

charter. The city council shall call the special meeting within 60 days of the application being received by the city clerk. The city council may rescind the call of a special meeting that it initiated by itself, but not a special meeting called upon the application ~~petition~~ of ten percent (10%) of the ~~registered~~ voters. (Amended 2011, No. M-15 (Adj. Sess.), § 2, eff. May 7, 2012.)

§ 5-504. ~~Method of Election of officers~~

All officers shall be elected by Australian ballot, according to ~~the general law of the state~~, except as when otherwise provided in this ~~act~~ charter. Candidates' names shall appear in ~~such order on the ballot as shall be drawn by lot and by~~ under the direction of the board of civil authority. Provisions for write-in votes shall be available for voters. ~~The ballot box at the annual meeting or any special meeting called as provided in the event the annual meeting shall fail to be held shall be kept open for a minimum of nine consecutive hours between 6 a.m. and 7 p.m. as shall be designated on the warning for such meeting; and no business except election of officers and matters that by law must be balloted upon, shall be transacted at any annual or special meeting, unless directed by the city council, until after seven o'clock p.m.. Persons shall be checked against the legal voting list before being admitted to city or special meeting procedures taking place after seven o'clock p.m.~~

Comments JPG and PSG suggest reference to state statute and deletion of text about ballot box

§ 5-505. ~~Placing of voting machines~~ Conduct of elections

~~The city council shall direct the placing and opening of as many sets of voting machines as there shall be districts in said city, at the place where the annual or any special meeting of the city shall be held, and at such other polling places as the city council may direct, for receiving votes for all officers to be elected and other ballot issues to be voted upon. The number of the district shall be distinctly marked on each voting machine, and notice shall be posted pointing out where the voters of each district shall vote, and the machines shall be so located as, in the opinion of the city council, will best accommodate the voters. The city clerk and board of civil authority shall conduct elections in accordance with general laws of the state.~~

Comments Obsolete text; topic covered in state law.

§ 5-506. Voter checklists of Voters

~~Checklists of the voters of the city shall be made in conformity with the laws of this state and this act for all such meetings by the board of civil authority, and the city council shall divide such checklists of voters according to districts and shall arrange the names of the voters in each district in alphabetical order, which checklists so divided as aforesaid shall be certified by the mayor and city clerk as the checklist for each district respectively, and shall be kept at the polling place of such district. All persons who are legal voters in city meetings shall be entitled to have their names added to the checklist for the district where they reside, at the time such check list is compiled and no person shall vote for any city officers or other item on the warning unless the person's name is on such checklist. The city clerk and board of civil authority shall manage voter qualification, registration, checklist, and absentee balloting in accordance with general laws of the state.~~

Comments Obsolete text is replaced with reference to state statute

§ 5-507. Presiding officer at city meetings

~~All city meetings shall be called to order by the mayor. The mayor shall preside at all city meetings, but the mayor may at the mayor's discretion designate a moderator to preside during all or any part of the city meeting.~~

Comments City meeting and moderator are obsolete. Business is conducted by Australian ballot,

~~§ 5-508. Method of voting tax appropriation~~

~~The tax appropriation consists of three separate items of schools, general fund, and recreation, which shall be voted upon separately by separate ballot, during regular voting hours.~~

Comments/change: JPG and PSG suggest that this section is unnecessary and obsolete . It specified separate votes on tax appropriations for schools, general fund, and recreation. It is not necessary to have a separate ballot item for recreation, and § 807 Recreation governance states that the recreation budget shall be an integral part of the city budget, so this contradiction is deleted.

§ 5-509. Election of city officers

At the annual meeting ~~the said city, Montpelier voters~~ shall elect from among the legal city voters thereof a mayor for a term of two (2) years; a city clerk for a term of three (3) years; a city council member from each district for a term of two (2) years, one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years, other elective city officers, and two (2) school commissioners, each for a term of three (3) years, except that ~~three school commissioners shall be elected in 1974 and each third year thereafter;~~ and one a council member from each district for a term of two years, who Each elected officer shall hold office until ~~their~~ a successors are has been duly elected and qualified.

§ 5-510. Certificates of nomination

Certificates of nomination for city offices to be filled at annual city meetings shall be filed by the candidate, or with the candidate's written assent, with the city clerk not less than thirty (30) nor more than forty (40) calendar days before such meeting. ~~The list of candidates so nominated and sample ballots shall be posted in at least three public places in the city at least four days before such meeting.~~ All nominations for ~~such~~ city offices shall be made by certificate signed by twenty-five (25) or more voters, in accordance with state law, ~~but the same need not be under oath or statement of residence or designation of political party.~~ Candidates running for city council need a certificate signed by twenty-five (25) or more voters from the specific district in which they reside. A voter shall not sign more than one certificate for the same office except when there are multiple seats to be filled.

§ 5-511. Canvassing of ballots

At the close of the balloting at any city election or annual or special city meeting, the city clerk and the board of civil authority as hereinafter constituted, and such other election officers as may be designated by ~~said~~ the board of civil authority, shall canvass the ballots cast for all officers and for any proposals ~~voted upon by~~ on the ballot. The clerk shall and report the results in accordance with state statute. ~~to the meeting a list of candidates for whom votes have been cast for each office and the number of votes such candidates have received, and any other result, which shall be recorded by the city clerk. and the~~ The candidate who has received a plurality of the votes cast for each respective city office shall, by the mayor or moderator, be declared elected to that office. But an Any election for state or county officers or representatives to the

general assembly shall, in all cases, be conducted according to the general law of the state.

§ 5-512. ~~Other~~ Vacancies in city offices

A vacancy in an elective office occurs upon the death, resignation of the office holder, inability to serve, removal from the city, and in the case of a council member, removal from the district. ~~All other vacancies~~ Vacancies occurring in an elective office with more than 90 days of unexpired term remaining, excepting a vacancy in the office of council member or school commissioner, shall be filled by the city council until the next annual meeting of the city. The unexpired term of any office filled as provided in this section shall, at the next annual meeting of the city, be filled by election for the balance of ~~said~~the term in accordance with general law. [17 V.S.A. § 221]

~~§ 5-513. Vacancies created~~ *Text moved into § 5-512 as per recommendation of JPG*

§ 5-514. Reconsideration and rescission

(a) Action taken on a warned article at an annual or special meeting may be submitted to the voters at a subsequent annual or special meeting on motion of the city council or pursuant to a petition requesting reconsideration or rescission signed by not less than ten percent (10%) of the registered voters and filed with the city clerk within 30 days following the date of the annual or special meeting at which the action was taken.

(b) A majority vote in favor of reconsideration or rescission shall not be effective unless the number of votes in favor of reconsideration or rescission exceeds two-thirds (2/3) of the number of votes cast for the prevailing side at the original meeting. [effective May 7 2012]

§ 5-515. School budget vote

The school budget shall be voted ~~by~~as a separate ballot item at annual meeting during regular voting hours. [effective May 7 2012]

Comment clarification that it is a separate proposition or ballot item – not separate ballot.

SUBCHAPTER 6: SCHOOLS [J. Paul Giuliani (JPG), Paul S. Gillies (PSG), and Steve Jeffrey (SJ) – individuals with charter expertise and advisors to the Montpelier Charter Review Committee – were asked to offer comments on the Charter as we started the review process 11/2012. Their comments on Subchapter 6 are included below.]

§ 5-601. School commissioners

The exclusive management and control of the public schools and of all school property of the city shall be vested in a board of seven (7) school commissioners for terms of three (3) years.

Comment: 10/24 JPGiuliani (JPG) suggests adding after commissioners “elected at large” and an additional final sentence “Except as otherwise provided in this charter, the board of commissioners shall have the powers, authority, and responsibilities conferred by general law on boards of school directors.”

§ 5-602. Election of board officials

The board of school commissioners shall annually, not later than the second Wednesday after the first Tuesday in May, elect one of their number chairman of said board, one of their number vice-chairman, one of their number secretary of said board, and one of their number treasurer of said board. The board shall require its treasurer and

other commissioners it deems necessary to give bond to the city to the satisfaction of the board for faithful discharge of their trust. If the board shall require a bond with a fidelity company as surety, the expense thereof shall be paid from the school fund. The board may, by agreement with the city council, provide that its treasurer be covered under a blanket bond to be contracted as authorized by Section 9 of Title IX. In such event, an equitable proportion of the cost of such blanket bond shall be paid out of the school fund.

Comments: 10/24 JPG suggests correction to the reference related to bonds – should read Subchapter 9-Administration, section 910 – Officers’ Bonds 10/24 Steve Jeffrey (SJ) asks Why May? Shouldn’t this date be March immediately following their election? Do you really want the treasurer as a board member? I think they should be separate if they have any authority or duties – separation of powers.

§ 5-603. Vacancy in the office of school commissioners.

A vacancy in the office of school commissioner with more than 90 days of unexpired term remaining shall be filled by the remaining members of the board of school commissioners under the next annual meeting of the city.

Comment: 10/24 JPG suggests correction of “under” to read “until” and addition of a final sentences “A vacancy on the board of school commissioners shall occur upon the death, removal from the city, or resignation of a commissioner. A vacancy shall be deemed to exist in when a commissioner is absent from four (4) consecutive regular meetings without the consent of a majority of the remaining commissioners.”

§ 5-604. Superintendent of Schools.

The board of school commissioners shall, at the meeting specified in Section ~~2~~ 602 above or at any subsequent meeting, appoint a superintendent of schools who shall not be one of their number. The board shall fix the compensation of the superintendent of schools, and said compensation shall be paid in the same manner as other expenses for the support of schools.

§ 5-605. Duties of superintendent of schools.

The superintendent of schools shall perform such duties in connection with the public schools of the city as shall be assigned to the superintendent by the board of school commissioners. The superintendent shall annually report to the city council such statistics as are required to be kept by law and such other information as the board of school commissioners shall direct.

Comment: 10/24 JPG suggests inserting after “public schools of the city” “as prescribed by general law and”

§ 5-606. Term of office

The superintendent of schools may be appointed for a term not to exceed three years. The board of school commissioners may remove the superintendent of schools for causes of incapacity, neglect of duty, or misconduct. Said board shall by appointment fill all vacancies in such office.

§ 5-607. Annual school report

The board of school commissioners shall submit to the city council, on or before **February 15** of each year, its annual report on the status of the schools. Said report shall include an estimate of the necessary expenditures for the support of schools for the ensuing year, the amount of school income to be received from sources other than local taxation and a recommendation of the amount of money to be raised by local taxation for the support of schools for the ensuing year. Said report shall be published with the report of city officials.

Comments: Charter Revision Committee suggests replacing “or before February 15 of each year” with “a date agreed upon with the council,” because February 15 is too late. 10/24 SJ comments “Again, way too late. Town Report needs to be out not less than 10 days before Town Meeting.

§ 5-608. Requisition of school fund

The board of school commissioners shall, from time to time as the same shall be required, make requisitions on the city council for warrants on the city treasury for such sum of money as they shall require for the payment of the

expenses of the schools, which warrants in the aggregate in any year shall not exceed the amount of the school fund established as provided by Section 13 of Title VI of this act.

Comment: 10/24 JPG adds to the final sentence "except to meet obligations imposed by law on the city or on the board of school commissioners." The reference is actually to "Section 613 of the subchapter"

§ 5-609. Deposit of school revenues

All moneys received by the school board from tuition and other sources, except from the city treasurer on requisition as provided in the preceding section, shall be turned over to the city treasurer, unless specifically exempted by the city council. The board of school commissioners shall have no authority to expend any money which may be received by them from any source, except such as may be received from the city treasurer on requisition as above provided, or unless specifically exempted by the city council.

Comment: 1/19 Paul S Gillies (PSG) asks What does "unless specifically exempted by the city council" mean? (it occurs twice in section 609) "I suspect it is something that never happened and is unneeded in the charter."

§ 5-610. Borrowed funds appropriated to school fund

All money received from notes or bonds issued by authority of the legal voters as provided in Title XI of this act for improvements relating to schools or school property shall be appropriated to the school fund, and may be spent by the board of school commissioners for the purpose for which issue of said notes or bonds was authorized.

Comment: 10/24 JPG adds text at 3 places: following "this act" in line 1 – "or otherwise" following "school property" in line 2 – "or for the payment of expenses relating to the operation of the public school system" following "school fund" line 3 – "or to a subaccount thereof," Also, "Title XI" should read "Subchapter 11" 1/19 PSG comments "Is 610 consistent with 608? What is the council's power to control spending by the school board?" Committee notes that occurrences of "this act" are replaced in other subchapters with "this charter"

§ 5-611. Payment of school notes and bonds

The board of school commissioners shall include in its estimate of necessary expenditures for the support of schools and its recommendation of the amount of money to be raised by local taxation for the support of schools, which estimate and recommendation are provided for in ~~Section 7 of this title~~ Section 607 of this subchapter, the amount of money required for payment of principal and/or interest on any bonds or notes heretofore or hereafter issued by the City of Montpelier for school purposes and said amount shall be specifically designated in said estimate and recommendation by the board of school commissioners. The city in voting money for school purposes at any annual or special meeting shall include in the amount voted for the support of schools said amount of money needed for the payment of principal and/or interest on bonds or notes heretofore or hereafter issued by the city for school purposes. Said amount of money required for the payment of principal and/or interest on bonds or notes as hereinbefore set forth shall be used by the board of school commissioners for the purpose of paying said principal and/or interest. In case of conflict between this section and other provisions of this charter, this section will prevail.

Comment: 1/19 PSG When any section requires a sentence like the last one above, somebody has tried to take a shortcut to amend sections of the charter that might be in conflict; it's not a good sign when you have to include it.

§ 5-612. Financial report to city treasurer

The board of school commissioners shall each year, after its accounts have been audited, make available to the city treasurer, on request, all vouchers showing money expended during the preceding year, which vouchers shall be kept by the school system.

§ 5-613. School fund

The city council shall annually appropriate such dollar amount as may be voted for the support of schools at the annual city meeting or any special city meeting duly warned and held for that purpose, all such moneys as shall be received from the state for the use of schools, all moneys and income from tuition and any other sources for the use of schools, and the income of any other property or money donated by any person to the city for the use of schools,

all money as may be received from the federal government for the use of schools and money received from any source and specifically designated as money to be used for schools, the total amount of which shall be kept by the city treasurer, unless especially exempted by the city council, and the city council shall authorize warrants drawn on the city treasury for the payment of the same to the treasurer of the board of school commissioners, upon requisition made by such board, at such times and for such amount, not exceeding in the total for the year the amount of the school fund, as such requisition shall designate.

Comment: 1/19 PSG This suggests that the school board has plenary authority to spend. The question of authority keeps coming up. The idea that the city council can “especially exempt” some funds from being kept by the city treasurer is odd. This is likely unnecessary.

§ 5-614. Compensation

The school commissioners shall receive as compensation for their services such sum as may be voted to them at the annual meeting of each year.

SUBCHAPTER 7: CITY ORDINANCES

§ 5-701. Council authority

The city council may ~~make, alter, adopt, amend, or repeal, and enforce any resolution, by-law, regulation, or ordinance which it may deem necessary and proper for carrying into execution the powers granted by this act~~ adopt, amend, or repeal, and enforce any resolution, by-law, regulation, or ordinance which it may deem necessary and proper for carrying into execution the powers granted by this act ~~charter and state law or for the well being of said the city, in accordance with 24 V.S.A § 2291. provided such resolution, by-law, regulation, or ordinance shall not conflict with the federal or Vermont constitutions or federal laws or laws of this state or this act.~~

Comment: Reference to 24 V.S.A. § 2291 suggested by JPG and PSG

§ 5-702. ~~Enactment~~ Ordinance adoption, notice, ~~Procedure~~ and effective date

~~No A~~ proposed by-law, regulation or ordinance shall be ~~effective~~ adopted upon its passage at the time of its introduction ~~but the same shall be laid upon the table at least until the next regular meeting of the city council.~~ completion of the process that includes public notification and public hearing prior to passage by the council. ~~Such by-law, regulation, or~~ The adoption or amendment of an ordinance shall be forthwith published by title only in some newspaper of general circulation in said city, together with a notice that the city council is to consider the same at its next regular meeting, and a copy thereof shall be conspicuously posted in the city clerk's office. warned in accordance with 24 V.S.A. § 1972 in addition to posting on the city website and public notice six (6) days prior to effective date. At least six days before its effective date, such by-law, regulation, or ordinance shall be published at least once in some newspaper of general circulation in said city. An ordinance takes effect 15 days after passage unless the city council or the clerk receives a petition signed by 5% of the voters calling for a public vote to disapprove the ordinance.

Comment/changes: New language updates and clarifies this section, making it consistent with current procedures, including the specification that a Montpelier ordinance takes effect 15 days from the date that the council completes its adoption process. Updates to § 702 allow for deletion of § 703. JOdum concurs.

§ 5-703. Notice before final action.

~~In the enactment or general revision by said city council of a body of by-laws, regulations, or ordinances, no notice or publication in respect thereto shall be required beyond the conspicuous posting of a copy of the same in the city clerk's office and publication of an appropriate notice in some newspaper of general circulation in said city forthwith upon introduction, and at least ten days prior to final city council action upon the same. A printed copy of such body of by-laws, regulations, or ordinances shall be available at the city clerk's office for delivery to any adult inhabitant of the city at least ten days before the effective date of such body of by-laws, regulations, or ordinances.~~

§ 5-704. Record of ordinances

The city clerk shall prepare and keep in the city clerk's office the ordinances ~~finally~~ passed by the council, ~~together~~ with a complete index of the ordinances according to subject matter. City ordinances shall be available on the city website.

§ 5-705. ~~Penalty for~~ Violation of an ordinance

~~Any person who shall violate any by-law, regulation, or ordinance adopted pursuant to the authority of this title may, on conviction of such violation, be fined not in excess of five hundred dollars (\$500.00) and committed to a correctional facility designated by the state commissioner of corrections for a term not exceeding three months, in addition to or in lieu of fine, at the discretion of the court. If any person convicted of violation of a by-law, regulation, or ordinance adopted under the provisions of this title shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitations herein contained, such person shall be committed to the correctional facility designated by the state commissioner of corrections under the same regulations, and for the same term and in the same manner provided by law when fines in criminal matters are not paid. All fines, penalties, taxes, and moneys paid for licenses and permits under authority of this title shall belong to the city and shall be paid into the city treasury. The violation of an ordinance shall be enforced according to state statute, 24 V.S.A. § 1974 and 1974 (a).~~

Comment/change: PSG and SJ suggest deletion because the text is obsolete and partly contradictory with state law. New language references the relevant state statute.

§ 5-706. Actions in tort

~~In addition to the~~any fine and other punishment ~~above~~ provided for ~~any~~ violation of a by-law, regulation, or ordinance ~~adopted under the authority of this title~~, the City of Montpelier may have and maintain an action in tort founded on this statute against any person damaging or destroying ~~any of the city~~ property of said city, or injuring or corrupting ~~any of~~ the water supply or water system of ~~said~~the city, and may recover treble damages against such person.

§ 5-707. ~~Violations by Non-residents.~~ Public nuisances

~~If any person while residing without this state and owning real or personal property within this state shall, personally or by the person's agents or servants, violate any by-law, regulation, or ordinance lawfully made by the city council, the city may sue for and recover the penalty for violation of such by-law, regulation, or ordinance, in an action founded on this statute and the ordinance. In such suit, the city shall proceed in the same manner as in civil actions against persons residing without the state having property within the state. In prosecutions for public nuisances, possible relief for the city may include damages and injunction relief, as well as~~

orders to authorize the city to remedy the nuisance, if possible, and charge the offending party.
Comment/change: JPG and PSG suggest deleting old, obsolete language in this section, addressing violations by non-residents. New language recommended by JPG allows the city to address issues that are public nuisances and makes old language in § 708 redundant and unnecessary.

§ 5-708. Liability for damages

~~A person violating any by law, regulation, or ordinance of the city shall be liable in damages to the city or to any person who shall sustain damages as the direct result of said violation and such damage may be recovered in an action declaring upon such by law, regulation, or ordinance.~~

Comment: PSG finds this suggestion problematic and outside the proper authority of a charter.

SUBCHAPTER 8: BOARDS AND COMMISSIONS

§ 5-801. Green Mount Cemetery Commissioners

~~The commissioners of Green Mount Cemetery~~ commission ~~shall constitute a board of cemetery commissioners and shall have charge of all public cemeteries and burial grounds in the city with the same power and authority as similar officials in towns. Commissioners of said the Green Mount Cemetery shall be elected at the annual meeting of the city to comply with the charter of said the Green Mount Cemetery and. They and the city treasurer shall have all the authority and carry out all the conditions made by the charter of Green Mount Cemetery. Said These~~ commissioners shall be five (5) in number, and one shall be elected at each annual meeting for a five-year (5) term. ~~Commissioners already in office shall continue to serve until their terms are completed.~~ Vacancies on the board shall be filled by the remaining commissioners until the next annual meeting of the city.

§ 5-802. Parks commissioners

~~The board of park commissioners~~ parks commission shall consist of five (5) members, one of whom shall be elected at each annual meeting for a five-year (5) term. ~~Commissioners already in office shall continue to serve until their terms are completed.~~ Vacancies in the board commission shall be filled by the remaining commissioners until the next annual meeting of the city. ~~Said The~~ commissioners shall have charge of the construction, maintenance, and control of all public parks within the city. The term "public parks" shall not be construed to include recreational fields and playgrounds.

Comments: committee created option for appointment or consolidate at some future date. See new section 808

§ 5-803. Board of civil authority

(a) The city council, city clerk and the justices of the peace resident in the city shall constitute the board of civil authority ~~which for the city, and, in conjunction with the city assessor and city clerk shall constitute a board for the abatement of taxes and shall be governed by the general laws of the state in respect to the abatement of taxes. The board of civil authority and the board for the abatement of taxes shall perform all the duties imposed by law upon such boards in towns, except as otherwise provided in this act~~ charter.

(b) All meetings of the board of civil authority and the board for the abatement of taxes shall be called by the mayor who shall request the city clerk to notify the members thereof of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five (5) days before such time appointed. If the mayor fails to call a meeting of the board of civil authority when such meeting is required by law, the city clerk shall call such meeting and shall notify the members.

(b) The board of abatement, consisting of the board of civil authority, the city assessor, and the city treasurer, shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering the abatement of paid taxes as provided by law 24 V.S.A. §1535. All requests for the abatement of paid taxes shall be filed with the city clerk at least five (5) days before the date of such meeting. The city clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least fifteen (15) days prior to such meeting and also five (5) days prior to such meeting.

(c) A minimum of one-third (1/3) of the members shall constitute a quorum. Annually, at the first meeting of the board of civil authority after the annual city meeting, the members of the board shall elect one of their members as chair of the board to serve until after the next city election. The chair shall preside at each meeting of the board. The city clerk shall preside at each meeting until the presiding officer is chosen. The board of civil authority shall meet before all annual or special meetings, state and national elections, and before city party caucus dates for the purpose of adding and purging the voter checklist.

Comment/change: New language and reorganization of old language creates two separate sections for the Board of civil authority and the Board for abatement of taxes, including the features that are unique to their function in Montpelier and referencing general state law as appropriate. PSG says 'In every town, the clerk is a member of the BCA and it should be so stated in charter text. Also a reference to 24 V.S.A. § 1535 is a good addition to this, as that general law section defines the reasons you can request abatement, while this section is silent.' Updates to § 803 and § 804 allowed for deletion of § 808.

§ 5-804. Meetings of the Board of Civil Authority Board for abatement of taxes

(a) The board for abatement, consisting of the board of civil authority, the city assessor, and the city treasurer, shall be governed by the general laws of the state in respect to abatement of taxes. The board for abatement shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering abatement of paid taxes as provided by general law. [24 V.S.A. §1535] All requests for the abatement of paid taxes shall be filed with the city clerk at least five (5) days before the date of such meeting. The city clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least fifteen (15) days prior to such meeting and also five (5) days prior to such meeting.

(b) All meetings of the board of civil authority and the board for the abatement of taxes shall be called by the mayor who shall request the city clerk to notify the members thereof of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five (5) days before such time appointed. In event of failure of If the mayor fails to call a meeting of the board of civil authority or the board for the abatement of taxes when such meeting is required by law, the city clerk shall call such meeting and shall notify the members. thereof of the time and place of such meeting by written notice mailed to each member at least five days

~~before such time appointed. A minimum of one-third of the members shall constitute a quorum. Annually, at the first meeting of the board of civil authority after the annual city meeting, the members of the board shall elect one of their members as chair of the board to serve until after the next city election. The chair shall preside at each meeting of the board. The city clerk shall preside at each meeting until the presiding officer is chosen. The board of civil authority shall meet before all annual or special meetings, state and national elections, and before city party caucus dates for the purpose of adding names to the checklist.~~

§ 5-805. Planning commission

The planning commission ~~of the City of Montpelier~~ shall consist of seven (7) members appointed by the city council for two-year (2) terms in accordance with general law, Title 24, V.S.A., as amended, Chapter 91, §§ 4322-4323. The planning commission shall perform such planning functions and duties as may be required by the city council, charter, ordinances, or applicable state laws.

§ 5-806. ~~Board of Adjustment~~ Development review board

The development review board ~~of adjustment of the City of Montpelier~~ shall consist of five (5) regular members and two (2) alternate members, appointed by the city council for three-year (3) terms in accordance with general law, [Title 24, V.S.A., as amended, Chapter 117, § 4461.] The development review board of adjustment shall, upon the request of an interested person, hear the appeal of any decision or act taken by the administrative officer in accordance with the procedures outlined in Title 24, V.S.A., as amended, Chapter 91, sub-chapter 8; and perform such other duties as may be required by the city council, charter, ordinances or applicable state laws. A quorum ~~of the board of adjustment~~ shall consist of a minimum of three (3) regular or alternate members up to a maximum of five (5) regular or alternate members ~~and a minimum of three (3) regular or alternate members.~~ Alternate members may serve on the board when one or more regular members are unable to attend a meeting. The development review board of adjustment shall be further governed by the rules and procedures ~~for the board of adjustment~~ as provided in the city ordinances.

§ 5-807. Recreation governance

(a) The city may establish, maintain and conduct a system of public recreation including playgrounds; may set apart for such use any ~~other~~ land or buildings owned or leased by ~~it~~ the city; may acquire land, buildings and recreational facilities by gift or purchase; ~~and~~ may issue bonds therefore as provided by law and equip and conduct the same; may employ a director of recreation and other employees as necessary ~~assistant~~; and may expend funds for the aforesaid purposes.

(b) The ~~legislative body~~ city council may conduct the same through a department ~~or bureau~~ of recreation; ~~Alterenately, the council~~ or may delegate the conduct thereof to a recreational board created by ~~them~~ the council, or to ~~a~~ the school board, or to any other appropriate existing board or commission.

(c) ~~If the council chooses to appoint a~~ The recreation board, if of the City of Montpelier shall consist of five (5) members appointed by the ~~legislative body~~ council for three-year (3) terms, ~~or in the case of a commission, elected at large at the annual meeting of the city.~~

board shall perform such planning functions and duties as may be required by the ~~legislative body~~council, charter, ordinances, or applicable state laws.

(d) The recreation ~~board~~ budget shall be an integral part of the city budget and under the control of the ~~legislative body~~city or its designee.

Comments/change; To clarify and update this section, the committee deletes the option to create a "bureau of recreation," preserving 4 remaining options for governance – municipal department of recreation; delegating governance to a) appointed recreation board or b) school board or c) another existing city board or commission. In c) committee eliminates language stating "in the case of a commission, elected at large at the annual meeting of the city."

Committee revised (d) to clarify that recreation budget is an integral part "of the city budget and under the control of the city or its designee."

§ 5-808. ~~Meetings of Board of Abatement.~~ Council authority over boards and commissions

~~The board of abatement, consisting of the board of civil authority, the city assessor, and the city treasurer, shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering the abatement of paid taxes as provided by law. All requests for the abatement of paid taxes shall be filed with the city clerk at least five days before the date of such meeting. The city clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least fifteen days prior to such meeting and also five days prior to such meeting.~~

(a) City council has the authority to create new boards and commissions. City council also has the authority to consolidate or eliminate any city boards and commissions not required by law.

(b) Upon approval of two-thirds (2/3) of its members, the council has the authority to remove a member of a board or commission who has unexcused absences at four or more consecutive meetings of the respective board.

Comment/change Old text in § 5-808 moved to § 5-803. New language proposed for § 5-808. Committee recommends this new section to address council authority to create and eliminate/consolidate boards and commissions, and remove non-participating members. In addition, future situations may arise when there is little or no interest in running for a position (Green Mount Cemetery Commission and Parks Commission are elected) or being appointed to a position (Rec Board, Conservation Com., Tree board and several others are appointed).

§ 5-809. Youth members

The city council may appoint youth members to city boards and commissions, in addition to the regular appointed members. Youth members shall be enrolled in a secondary school at the time of appointment. Appointments shall last one year, commencing in the beginning of the regular school year calendar.

Comment/change; Committee recommends new section to give council authority to appoint youth members to boards and commissions, with qualifications and no power to vote.

SUBCHAPTER 9: ADMINISTRATION

§ 5-901. Fiscal year

The fiscal year of the City of Montpelier shall begin the first day of July and end of the 30th day of June each year, or as otherwise authorized by the legal-voters of the city.

§ 5-902. Annual city budget

The city manager shall prepare and submit a proposed fiscal budget to the city council in December or in compliance with their agreed upon schedule, on or before March 1st of each year. The city council shall have the authority to setchange the budget submission date, ~~when in the opinion of the council it is in the best interests of the city to change the date.~~

Comment/change: Charter's date of March 1 for the manager's preparation of the budget is deleted. New language reflects current process for setting a schedule for preparing the proposed fiscal budget and council's authority to set budget submission date.

§ 5-903. Council action on the budget

The city council shall review the annual city budget as submitted by the city manager at budget meetings established by the council. The meetings of the city council upon the budget shall be open to the public. During its review of the proposed budget, the city council may add or increase budget programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for fixed debt service requirements.

§ 5-904. Administrative officers

The administrative officers of the ~~City of Montpelier~~ shall be those provided by law for towns except as otherwise provided by this charter. ~~Such~~ Officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

§ 5-905. City clerk and city treasurer

The city clerk shall be elected ~~and the city treasurer shall be appointed.~~ Following their election ~~and qualifications, the city clerk may appoint one or more assistant city clerks and assistant city treasurers, respectively.~~ In the event of a vacancy in the office of city clerk ~~or city treasurer~~, the assistant city clerk ~~or assistant city treasurer, respectively,~~ shall assume the duties of ~~such the~~ office until such time as the vacancy is filled. The powers, authority, and responsibilities of the city clerk shall be those prescribed by general law in addition to those set forth in this charter.

Comments/change: Committee reorganizes text to make separate sections for the clerk and the treasurer, indicating that the authority and additional duties of the clerk are defined in general laws of the state. The treasurer is now a council appointed officer and city employee (see § 317 Council appointments).

§ 5-906. ~~Administrative code~~ City treasurer

The city treasurer shall be appointed by the city council. The treasurer shall serve as an officer and employee of the city under the city manager's administrative control.

~~The administrative code of the City of Montpelier shall provide for the administration of city government by various departments and divisions and defining the functions and duties of each.~~

Comments: There is no administrative code. Committee agreed to delete text about administrative code and recommends making this section apply to the treasurer, since it is now a council appointed officer and city employee (see 317 Council appointments, § 1006 Powers and

duties of CM, and § 1007 City Manager Appointments)

§ 5-907. Personnel administration and benefits

The city council may adopt rules relating to personnel administration, including the following: job classification, tenure, retirement, pensions, leaves of absence, vacation, holidays, hours of work, group insurance, salaries, layoffs, reinstatement, promotion, demotion, dismissal, transfer, injury, and settlement of disputes and appeals.

~~§ 5-908. Payment of contractual accrued liability~~

~~In case a contract or contracts shall be made pursuant to Section 6 above with one or more insurance companies or associations of recognized standing, or with any retirement group, plan, or fund established by the State of Vermont, any accrued liability existing at the time of execution of such contract or contracts may be paid over a period of not more than twenty (20) years if the other contracting party or parties agree. The city council is hereby authorized, as a specific exception to the restrictions of this charter prohibiting the creation of indebtedness by the city council, to contract for the payment of such accrued liability over a period not to exceed twenty (20) years, or to issue a note or notes of the city in the amount of such accrued liability, said note or notes to be payable within a period of not more than twenty years.~~

Comments/change: SJ As for § 908, it does appear to me that this was specific for the purpose of coming into VMERS and allowing the city either amortize through VMERS or to bond to pay to purchase prior service credits for employees. This is no longer needed in the charter.

§ 5-909. Annual city report

A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of city money and of the affairs of the city generally, together with the report of the board of school commissioners, auditors, and other city officials, shall be annually published under the direction of the ~~mayor, city manager, and a~~ A reasonable number shall be made available for distribution among the voters of the city at least ten (10) days prior to the annual city meeting. Such report shall include estimates of receipts and proposed expenditures of the city for the ensuing year.

Comments: WF ~ annual report is and has always been the responsibility of the city manager.

§ 5-910. Officers' bonds

~~All officers required by this charter or the general law to give bonds, and all officers from whom the city manager may require bonds, or as required by state statute, shall annually give bonds to the city, to the satisfaction of the city manager, for the faithful discharge of their respective trusts. Such bond shall be given before the officer concerned enters upon the officer's duties. If the city manager requires a bond with a fidelity company as surety, the city shall pay the expense thereof. The city manager may, in the city manager's discretion, contract for one blanket bond to cover all city officials and employees required to furnish bonds. Such blanket bond may, with the concurrence of the board of school commissioners and other boards or agencies requiring bonds from officers and employees under their control, cover the treasurer of the board of school commissioners and other officers or employees under control of such boards.~~

Comments: PSG says with edits as shown in line 1 above, this section is consistent with bonding requirements in Subchapter 6 - Schools, section 602 – Election of board officials;

SJ says on bonding, your section mirrors most parts of the general municipal law except that it

charges the manager to require bonds of some people he or she wishes to have bonded beyond those named in law and explicitly allows the purchase of a blanket bond (which is VLCT's PACIF's method of bonding for all its members).

~~§ 5-911. Authority of police officers~~

~~All police officers and the city sheriff appointed under authority of this charter shall have authority to serve anywhere within this state and return process in criminal causes returnable within the state, and for such duties there shall be taxed and allowed the fees provided by law for a sheriff for similar services. Such fees shall be paid into the city treasury and shall belong to the city whenever such officer shall be under pay from the city. Said police officers and city sheriff shall have the same powers and liabilities as are prescribed by law for constables of towns in all matters arising under the criminal and police laws of this state, and the ordinances and police regulations of the city.~~

Comments/change: Committee's charter advisers say it is covered by general law and is redundant.

SUBCHAPTER 10: CITY MANAGER

~~§ 5-1001. Appointment, eligibility, and qualifications~~

~~The city manager shall be chosen and appointed by majority vote of the city council for an indefinite term, solely on the basis of the city manager's professional qualifications. The city manager, and need not be a resident of the City of Montpelier or the State of Vermont at the time of appointment, but shall be expected to reside in the city during the city manager's tenure of office unless other conditions are approved by the council.~~

Comment/change; Committee recommends giving the council the authority to decide about a residency requirement for the city manager and allowing this decision to be made when the council prepares an employment contract with a new city manager.

~~§ 5-1002. Compensation of the City manager employment contract~~

~~The city council shall enter into a written agreement with the city manager establishing terms of employment, including fix the salary and related benefits. of the city manager.~~

~~§ 5-1003. Oath of office~~

~~The city manager shall be required to take anthe oath of allegiance and the oath of office as prescribed in the Constitution of the State of Vermont before entering upon the city manager's duties. (See Subchapter 14 General, § 1401 Oath of Office)~~

Comment/changes City manager takes the same oaths as other city officers – the Oath of Allegiance to the State and the Oath of Office, as prescribed in the State Constitution and as they appear in subchapter 14 General § 1401 Oaths of office. (§ 1401 is updated to correctly and completely present Chapter II of the State Constitution § 56 Oaths of Allegiance and Office)

~~§ 5-1004. Removal of the city manager~~

~~The city manager may be removed from office by a majority vote of the city council at a duly warned meeting for that purpose, as provided by general law or employment contract. At least thirty (30) days prior to the effective date of such removal, the city council shall by majority vote~~

of its members adopt a resolution stating the reason for the removal, and cause a copy of such resolution to be given to the manager. ~~The manager shall have the right to reply in writing and request a public hearing upon the reasons for the dismissal. The public hearing in this matter shall be held not earlier than twenty nor later than thirty days after the filing of a request for public hearing with the city clerk.~~ The city council may by such resolution immediately suspend the manager from active duty, but shall continue the manager's salary until final dismissal, ~~at which time any unpaid balance of the manager's salary for the next three calendar months shall be paid unless otherwise contracted between the council and city manager.~~

Comment/change; Committee recommends revising this section; referring to general law and the city manager's employment contract that address conditions for dismissal rather than defining a complex process in the charter.

§ 5-1005. Vacancy in ~~the~~ office of city manager

During times of vacation and planned absences, the city manager designates an acting city manager to perform the duties of the office. In the event of a vacancy in the office of city manager, or during the temporary absence or disability of the city manager, the city council, by resolution of the majority of its members, may appoint an "acting city manager" to perform the duties of the office; ~~and~~ The council shall set ~~fix~~ the compensation of the person so appointed. The acting city manager shall have all the powers and duties of the city manager, except ~~the power to appoint and remove officials.~~ any appointment or removal of officials or employees by the acting city manager shall be confirmed by the city council. ~~The city council shall make temporary appointments to fill any vacancy in an office appointed by the city manager.~~

Comments/change: Committee revises text so that during vacation and planned absences, the city manager designates an acting manager to perform the duties of the office, most likely the assistant city manager. Council would appoint an acting city manager in the event that the city manager is really absent from work; is medically unable; or fails to make the appointment.

§ 5-1006. Powers and duties of ~~the~~ city manager

The city manager shall be the administrative head of the city government; ~~The city manager and shall be responsible to the city council for the administration of the affairs of the city, and for carrying out the policies of the city council. The powers and duties of the city manager shall be as follows:~~

- (a) ~~Ensure~~ The city manager shall see that all laws and ordinances are enforced; ~~and~~
- (b) ~~Shall exercise~~ administrative control over all departments ~~herein created or that may be created by administrative codes; and~~
- (c) ~~Shall make~~ appointments and removals as provided in this charter; ~~and~~
- (d) ~~Shall prepare~~ the annual fiscal budgets to be submitted to the city council ~~on or before the date set each year by the city council; and for review and adoption prior to annual meeting~~
- (e) ~~Shall attend~~ meetings of the city council, take part in the business discussion, provide requested and relevant data, and make ~~such~~ recommendations for the determination of policy as the city manager may deem expedient; ~~and~~

(f) ~~Shall act~~ Act as purchasing agent for all city departments, except schools; ~~and~~

(g) ~~Shall fix the~~ Set salaries and wages of all employees under the city manager's jurisdiction in accordance with this charter, fiscal budgets, and personnel policies; ~~and~~

(h) ~~Shall administer~~ Administer the personnel policies, job classifications, and pay plan; and is authorized to take final action on all personnel issues for positions under the manager's administrative control

(i) ~~May delegate~~ Delegate responsibility for administrative duties to department heads and subordinate officers; and

(j) ~~Shall perform~~ Perform such other duties as may be prescribed by this charter or required by the city council.

§ 5-1007. City manager appointments

Except for those appointments made by the city council as provided for in this charter, the city manager shall make the following appointments: chief of the fire department; chief of police; director of public works; director of planning and community development, finance director, senior center director, city engineer, superintendent of streets, water and sewers, city grand juror, zoning administrator, city assessor, civil defense director, building inspector, assistant to city manager, city sheriff, city constable, health officer, pound keeper, parks director/tree warden, recreation director, employees, credit union loan board, tax collector, and such other officers and employees subordinate officers as may be required by law, by this charter, or by the city council. City manager appointments shall serve indefinitely or as defined by contract unless removed by the city manager.

Comment/change: Committee removes obsolete offices; clarifies that city manager has authority for both appointments and removals; updates list of currently appointed positions; recommends adding that appointments serve indefinitely or as defined by contract, unless removed by the city manager.

~~§ 5-1008. Termination of appointments~~

~~The appointments of the city manager shall continue in effect until ninety (90) days after a new city manager is appointed by the city council and assumes the city manager's duties, at which time they shall terminate, and the new city manager shall fill all vacancies by appointment in accordance with this charter.~~

Comment/change: Deletion of this section is recommended. Committee and charter advisers find it a very confusing and controversial provision. It is unnecessary and redundant because the city manager has power to hire and fire (§ 1006).

§ 5-1009. Non-interference by the city council

(a) Neither the city council as a body nor any of its members shall dictate or attempt to dictate the appointment of any person to office or employment, nor the removal of any person from office or employment by the city manager. The city manager may seek the advice of the city council or its members in matters of appointment or employment, but shall be free to exercise the city manager's own judgment.

(b) In addition, neither the city council nor any of its members shall collectively or individually give orders either publicly or privately to any department head or employee of the city under the jurisdiction of the city manager but shall deal solely through the city manager, except for purposes of inquiry.

Comments: PSG General law doesn't include the authority to seek advice of the council. I prefer this approach.

SUBCHAPTER 11: INDEBTEDNESS, ~~SINKING FUND~~; BONDS AND NOTES FOR IMPROVEMENTS

§ 5-1101. Powers

The city may issue bonds or notes for any improvement authorized by general or special law including this charter. The word "improvement," as used in this subchapter, shall have the meaning ascribed to it by the general laws of the state § 1751(3)) and shall include, ~~apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks, the~~ acquisition and construction of facilities for the production and delivery of heat and of devices, facilities, and other measures to conserve energy or promote efficient energy use, and the acquisition or construction of any other work or improvement for which municipalities of the state may now or hereafter be authorized to ~~raise money~~ incur debt.

Comment: JPG proposes edits shown above. PSG suggests it would be stronger if it referred to general state law on the subject of indebtedness.

§ 5-1102. Submission to voters, public improvements

(a) When the city council shall determine that the public necessity or interest demands improvements, ~~(other than improvements relating to schools or school property)~~ and that the cost of the same will be too great to be paid out of the ordinary ~~annual income and~~ revenue of the city, ~~it~~ the council may by vote of two-thirds (2/3) of all its members order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the ~~legal~~ voters of the city at an annual or special meeting ~~to be~~ warned and held for that purpose.

(b) The city council shall, on receipt of a petition signed by 10% of the voters, promptly order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the voters of the city at an annual or special meeting to be warned and held for that purpose.

Comment: JPG proposes edits shown and comments general law requires 10% petition, noting that propositions of incurring bonded indebtedness can be advanced by petition, although it doesn't happen often.

§ 5-1103. Submission to voters, school improvements

When the school board ~~of school commissioners~~ shall determine that the public necessity or interest demands improvements relating to schools or school property, or upon a petition signed

by at least 10% of the voters, and that the cost of the same will be too great to be paid out of ordinary ~~annual income and~~ revenue of the city, ~~if the school board~~ the school board may by vote of two-thirds (2/3) of all its members request the city council to order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the ~~legal~~ voters of the city at an annual or special meeting to be warned and held for that purpose. The city council shall, on receipt of such a request from the school board of school commissioners or by petition, promptly order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the ~~legal~~ voters of the city at an annual meeting or special meeting to be warned and held for that purpose.

Comment: JPG proposes edits shown, Drafting subcommittee asked JPG for clarification about the term "revenue of the city" in this section about schools. JPG responds 5/8 The term "revenue" in 5-1103 encompasses all city income, regardless of source, purpose or nature. The school system being a department of the city, not a separate coterminous municipality like a town school district, it is city revenue that provides its support. The fact that school funds are maintained and accounted for separately from other city funds doesn't alter the fact that the school fund contains city revenue.

§ 5-1104. Warning

The warning calling such meeting shall state the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the improvements, and the maximum amount of debt to be incurred therefore and shall fix the place where and the date on which such meeting shall be held and the hours of opening and closing of polls.

§ 5-1105. Notice of meeting

The city clerk shall cause the warning of such meeting ~~or the extract thereof provided for in Section 2 of Subchapter 5 to be published as provided by general laws of the state. in a newspaper of known circulation in said city once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. The city clerk shall also cause certified copies of such warning or extract to be posted in six public places within said city not less than 14 nor more than 20 days immediately preceding such meeting.~~

Comments: JPG proposes edits as shown. Tying the notice dissemination to general law obviates the likelihood of something falling between the cracks. [See also Subchapter 5: City Meetings, Nomination and Election of Officers – § 503 Special City Meeting - that states the council shall call a meeting within 60 days of the application being received]

§ 5-1106. Authorization

When a majority of all the voters voting on such proposition at an annual meeting; or special city meeting, ~~provided the total number of voters voting on such proposition at such special meeting is equal to at least ten percent of the number of names on the check list of persons qualified to vote at the last annual meeting,~~ shall vote to authorize such improvements and the incurring of debt to pay for the same, the city council (or, if the improvements relate to schools or school property, the board of school commissioners) shall be authorized to make such improvements.

Comment: JPG suggests deletion of obsolete text as shown above.

§ 5-1107. Conduct of meetings

The qualifications of voters at all such city meetings shall be the same as the qualifications of voters at annual city meetings, and such meetings shall be conducted in the same manner as city meetings are conducted. The vote on the question of making the improvements and incurring a debt shall be by Australian ballot in the form provided by general laws of the state. ~~The form of ballot to be used shall be substantially as follows:~~

~~Shall the city make the following public improvements, viz: (stating them), and incur not exceeding \$_____ debt to pay for the same?~~

~~If in favor of this proposal make a cross (X) in this square []~~

~~If opposed to this proposal make a cross (X) in this square []~~

Comment: JPG suggests inserting "Australian" before "ballot"; adding reference to general law and deletion as shown. PSG suggests referring to general law.

§ 5-1108. City council action

When the incurring of a debt has been authorized by the voters in the manner above provided, the city council shall determine by resolution whether notes or bonds are to be issued and the terms thereof. ~~Notes for this purpose shall mean obligations payable to or to the order of a named payee, or to bearer, without interest coupons attached, and shall mature within ten years from date at such time or times and in such amount or amounts, not exceeding the amount fixed by vote of the city meeting, as the city council may by resolution establish.~~

Comment JPG proposes deletion of language that is out of date, for instance, coupon bonds haven't been issued since 1986 because of changes in federal tax law.

§ 5-1109. Bonds, maturities

All bonds issued under this subchapter shall be payable serially, the first payment to be deferred not more than five (5) years after date of issue and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than twenty-five (25) years from the date of issue, ~~or within such period in excess of twenty-five years as may be otherwise permitted by law.~~

Comments – committee questions whether this section is necessary in light of general state law?

Does the city leave this to the bond bank? JPG response: I think you want to leave this section in the charter. If the City has a charter limit of 25 years, it gives the council a little more flexibility in arranging debt to the city's economic advantage. Also, last line ensures that the city can take advantage of statutory maximum terms for water bonds (40yrs) sewer bonds(30yr)

§ 5-1110. Debt limits [deleting all text and adding one new sentence, shown below]

~~The city shall not incur an indebtedness for improvements which with its previously contracted indebtedness, shall in the aggregate exceed ten times the amount of the last grand list of the city. Bonds or obligations given or created in excess of the limit authorized hereby and contrary to the provisions hereof shall be void. In determining the amount of city indebtedness permitted by this subchapter, obligations created for current expenses, for the water supply system, for an income-producing public sewage disposal system, for parking meters and publicly owned parking facilities which produce income, and temporary loans created in anticipation of the collection of taxes shall not be taken into account. Sinking funds and other moneys set aside for the sole purpose of paying outstanding bonds or notes which are subject to the above limit shall be deducted. There shall also be deducted any indebtedness created for any purpose authorized by the general statutes, which by the terms of such statutes is made exempt from debt limit~~

~~restrictions which otherwise would apply.~~ The city's debt limits shall be calculated as provided by general laws of the state.

Comment/change; JPG proposes deletion of all old text and replacement with one new sentence that references general laws of the state. Using the general statutory debt limit allows the council flexibility to develop and revise a debt management policy as circumstances dictate. Also, tying the city's debt limit to the general statutory formula allows the statutory exclusions to the debt limit calculation to apply.

§ 5-1111. Specifications

The city council shall ~~determine~~approve the rate of interest, the date, the denominations, the time and place of payment, and the form of such bonds or notes. The city council may provide that the bonds or notes be sold on a competitive bid basis or by negotiated sale ~~bids fixing the rate of interest, and if so sold, the accepted bid shall fix the rate of interest the bonds are to bear.~~

Comment; JPG proposes the edits shown above. This provision gives the Council the ability to arrange for the issuance and sale of debt to entities other than the Bond Bank. For instance, some of the City's water and sewer infrastructure is financed through U. S. Department of Agriculture loans, evidenced by the City's bonds. The Council needs the flexibility to accommodate different financing scenarios.

§ 5-1112. Taxes to meet interest and payments

At the time of voting a general tax levy, the city shall provide annually for the assessment and collection each year, until such bonds or notes are paid, of a tax sufficient to pay the interest on such bonds or notes and ~~such~~the part of the principal as shall become due prior to the time the taxes are due in the next following year.

§ 5-1113. Advertisement

Bonds of the city shall be advertised for sale as provided by general laws of the state. ~~The bonds issued under this chapter shall be sold at not less than par and accrued interest to the highest bidder if the bonds are sold bearing a specified rate of interest, or the highest bidder agreeing to accept the lowest rate of interest if the bonds are sold on bids fixing the rate of interest, after being advertised at least once not less than five nor more than thirty days before the date of sale in a newspaper published in the county and in a Vermont daily newspaper, which may be the same newspaper, and in case of issues exceeding \$250,000 also in some financial paper published in Boston, Massachusetts or New York, New York. The advertisement shall state the amount, date and denomination of the bonds, date of maturity, rate of interest, or that the bidding shall be based thereon, and the time and place where the bids will be received. The city council may reject any and all bids. In case all bids are so rejected, they may advertise and call for new bids in the manner hereinbefore provided, or in case, after the bonds have been advertised for sale as herein provided, no bids have been received, or all bids have been rejected and the whole or any part of the bonds remain unsold, those unsold may be sold by the city council at private sale at not less than par and accrued interest.~~

Comment/change; All text is recommended for deletion because it is archaic. New text is one sentence that references general laws of the state.

§ 5-1114. Execution

All bonds and notes issued under this subchapter shall be signed by the mayor and treasurer of

the city, and in addition bonds shall bear the seal of the city. ~~The coupons to such bonds shall be signed by or bear the facsimile signature of the treasurer.~~ The bonds or notes shall contain a statement that they were issued for the purposes mentioned in and in conformity with the provisions of this charter or applicable provisions of the general laws, and such statement shall be conclusive evidence of the same and of the liability of the city to pay the bonds or notes and the interest thereon in an action by a person who in good faith holds such bonds or notes.

Comment; JPG suggests deletion because coupon bonds are a thing of the past

§ 5-1115. Record by treasurer

The city treasurer shall keep a record of every bond or note issued under this subchapter, stating ~~therein~~ the number and denomination of each bond or note, when issued, and the rate of interest ~~thereon~~. The treasurer shall also keep a record of payments of interest or principal, ~~and, if coupons are taken up, shall record the fact and deface the same. When notes or bonds are paid the city treasurer shall keep a record of the same, and such notes or bonds shall be cancelled.~~

Comment; Committee deletes redundant text.

~~§ 5-1116. Record~~

~~All ordinances or resolutions required by this subchapter to be enacted by the city council or the board of school commissioners shall be duly recorded in the office of the city clerk.~~

Comment; JPG no reason to keep this provision relating to the recording of resolutions and ordinances; it is covered in general law. Delete it.

§ 5-1117. Use of unexpended bond proceeds

(a) The proceeds of all bonds or notes shall be used for the purpose for which they were authorized. However, any unexpended balance remaining after carrying out the purpose for which they were authorized, other than school purposes, may, by vote of any annual or special city meeting duly warned and held for that purpose, be authorized for any purpose for which bonds may be issued, in accordance with general law, or transferred to the general fund of said city or to the a sinking fund established by the council. ~~as hereinafter provided.~~

(b) Any unexpended balance remaining after carrying out a purpose relating to schools or school property for which bonds or notes were authorized may, in addition to other uses permitted by law ~~vote of an annual or special city meeting, may be transferred to the school fund, or the above mentioned a sinking fund.~~

Comment; JPG offers clarifying edits above. 5/24 Committee is unclear about why unexpended bond proceeds cannot, with voter approval, go to the general fund (or the school fund). What is the “can of worms, specifically?” JPG: Since the time this charter provision was enacted, federal tax law has gone through quite an evolution. In a nutshell, the proceeds of bonds issued for capital improvement s can be expended only for the purposes for which they were issued. If, after accomplishing the purpose for which the bonds were issued, there remain unexpended bond proceeds, those proceeds can be used only for financing another capital improvement, or put to another use permitted by law. Transferring unexpended bond proceeds to the general fund or the school fund opens a huge can of worms under federal tax law. Also, state law has evolved over the years to the point where today unexpended bond proceeds can be used for one of three purposes: enhancing the project for which the bonds were issued, spent on a different capital project (with voter approval), or (the default) deposited into a sinking fund to pay the bonds as

they come due. As modified, the new language in 5-1117 conforms to both state and federal law.

§ 5-1118. Bonds or notes for refunding - authorization, procedure

The city may issue bonds or notes to refund the principal and interest of bonds or notes then outstanding and for any other purpose authorized by the general laws of the state. Such refunding bonds or notes shall be authorized and issued as provided by law.

Comment; JPG proposes added language. The suggested text doesn't expand the authority of the Council. It removes any uncertainty or ambiguity as to the council's authority to use refunding bonds and notes as a means of liquidating any city or school deficit. The council has that authority under general law, and all this new language seeks to do is to make it clear that the benefits of the general law apply to all manner of refunding.

§ 5-1119. Temporary loans in anticipation of taxes and for current expenses

~~The city council shall have authority to borrow money in any fiscal year in anticipation of taxes in an amount not to exceed 90% of the amount of taxes assessed for such year, or 90% of the amount of taxes assessed for the prior year if the taxes for the current year have not been assessed, and may issue the city's notes therefore. Such notes shall be signed by the mayor and by the city treasurer and shall be payable within twelve (12) months from the date of issue from the tax receipts in anticipation of which such notes were given, but they shall nevertheless be negotiable and shall constitute general obligations of the city. Such notes shall be designated "tax anticipation loan", but the proceeds shall be considered as revenue of the city in ascertaining the amount which may be expended in any one year. The city council shall have the authority to borrow in anticipation of the receipt of taxes and other revenue, in anticipation of the receipt of grants, in anticipation of the issuance of bonds, and for current expenses as provided by the general law.~~ [24 V.S.A. § 1773 and § 1786]

Comment/change: JPG proposes deletion of old language could be interpreted to limit the council's authority to affect short term borrowing. The new text replaces § 1119 and § 1120 (allowing for deletion of old text in § 1120). Statutory authority is 24 VSA 1773 and 1786.

§ 5-1120. Temporary loans for current expenses

~~At any time or times in any fiscal year of the city, the city council may borrow money not in excess of a specified sum for the purpose of paying the debts and expenses of the city due and to become due before the close of the fiscal year, and to issue the city's notes therefore, as provided by law. Such notes shall be signed by the mayor and the city treasurer and shall be payable within twelve months from the date of issue from the proceeds of the annual tax for the following year or the proceeds of loan in anticipation thereof, but they shall nevertheless be negotiable and shall constitute general obligations of the city and may be refunded as provided by law.~~

Comment see comment/change on § 1119, indicating that § 1120 can be deleted.

§ 5-1121. Limitations

The credit of the city shall not be pledged, except in the manner herein provided, and the city council shall not expend in any year a sum of money in excess of the revenues of the city for that year or increase the indebtedness of the city, except, as provided by this charter or to meet obligations imposed by law.

Comments JPG The new suggested text is intended to make it clear that there are some instances in which the city has no choice but to spend in excess of revenues. In practice, this sort of excess spending has occurred in spite of the contradictory message in § 5-1121.

§ 5-1122. Special indebtedness for water purposes, sewage disposal, and heat improvements For the purpose of owning, operating, improving and managing its public water works system, a public sewage disposal system, heat facilities and devices, facilities and other measures intended to conserve energy use, promote efficient energy use, or any combination thereof, the city may pledge all or any part of the net revenues of such enterprises in the manner provided by general law.

~~For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or any combination thereof, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system, public sewage disposal system, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or any combination thereof by pledging, assigning, or otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof. To that end the city council shall have full power to authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the city council. Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the city council unless and until at least a majority of the legal voters of the city present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, sewage disposal system, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or a combination thereof, and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section shall be made plainly to appear in or upon each evidence of indebtedness. Such certificates shall be legal investments for savings banks and trust companies in the state. (Amended 2011, No. M-6, § 4, eff. May 6, 2011.)~~

Comment/change; JPG proposes new text that is clear and comprehensible, replacing the old, obsolete, lengthy text. Statutory authority for revenue bond financing is found in 24 V.S.A. Ch. 53, Subchapter 2

§ 5-1123. Powers of the city not limited

The powers hereinabove granted shall not be construed in limitation, diminution, or in substitution for, but in addition to, power provided by law for municipalities generally in authorizing and incurring indebtedness for public improvements or otherwise, all of which general powers shall inure to and be exercisable by the ~~City of Montpelier~~.

§ 5-1124. City finances

Except as hereinafter provided, the money raised by taxation from fines and penalties and from other lawful sources shall constitute the entire sum for which appropriations and payments are to be made by authority of the city council, except that money raised by bonds or notes as hereinafter authorized shall be appropriated and paid out in the manner set forth in this charter.

Comment: committee is not clear about what this section adds to the charter, but JPG recommends holding it because it gives the city's creditors an assurance that the universe of city revenues is under the exclusive control of the city council. Creditors and taxpayers want to know that there is no "off book" accounting and appropriation.

§ 5-1125. Budget surplus and deficit

Unless otherwise disposed of in the manner provided by law, any surplus existing at the end of the fiscal year shall be carried forward as revenue in the general fund or school fund, as appropriate, for the next ensuing fiscal year. Any deficit existing at the end of the fiscal year shall be liquidated in the manner provided by law.

Comment/change; JPG proposes this new section to deal exclusively with the existence of a surplus or deficit at the end of the fiscal year. What's being proposed here tracks with the general law dealing with school district surpluses and deficits. By default, a surplus is carried forward as revenue in the next year's budget. However, the voters can dictate that a different use be made of the surplus. What's proposed here is recognition that voters have a say in the disposition of a surplus. With respect to year-end deficits, the general law provides a few options for its liquidation. The charter confirm that the council has available to it all of the alternatives under the general statute. Committee notes that this section is about the annual budget and the general fund, not indebtedness and it could be added to Subchapter 9 Administration, and JPG indicates that he has no preference about where this provision is placed in the charter.

SUBCHAPTER 12: ASSESSMENT AND COLLECTION OF TAXES; ESTABLISHMENT OF WATER AND HEAT RATES

§ 5-1201. Assessment of taxes and establishment of tax rate

The city council shall assess such taxes upon the grand list of the city as ~~the city voters~~ at any annual or special meeting warned for that purpose ~~and may vote~~ have approved for the payment of debts and current expenses of the city, for carrying out any of the purposes of this charter, for the support of schools ~~in said city~~, and for the payment of all state and county taxes and obligations imposed ~~upon said city~~ by law. The vote of the city shall be upon the specific sum of budgeted tax appropriation for the support of all city departments, grants, schools, recreation and senior citizens. The city council shall establish a tax rate based upon the true grand list as appraised by the city assessor, and shall deliver the same to the city treasurer for computation and collection. ~~Any general statutory provisions insofar as they pertain to expressing in the vote~~

~~the specific sum or rate per cent on the dollar of the grand list for highway purposes or other necessary expenditures shall not apply to any action taken by the City of Montpelier in regard to voting money for city purposes.~~

(b) The city shall have the authority to change the way that the annual fiscal budget is approved, enabling voters to approve the entire municipal budget instead of or in addition to voting on the budgeted tax appropriation amount. Voting on the entire municipal budget shall take effect when such process is adopted by the majority of the voters at an annual or special meeting duly warned for this purpose in accordance with general law.

Comment/change; New, additional language in (b) offers opportunity to change the way that the fiscal budget is approved if – at some time in the future - the council or voters want to change from voting on the budgeted tax appropriation amount to voting on the entire budget. Also, obsolete, obscure last sentence recommended for deletion.

~~§ 5-1202. Warrant and Notice of tax bill and due date to non-resident taxpayer~~

~~Thirty (30) days before the due date for the payment of taxes or before the first installment payment thereof, the city treasurer shall send issuance of a warrant against the person or property of a non-resident all municipal taxpayers, the city treasurer shall give such non-resident notice in writing of the tax bill, the amount thereof, and the “due date” by which time within which the same maythis amount must be paid to the city treasurer. Said notice may be delivered to such non-resident taxpayer or sent by certified mail to the last and usual place of abode, or to the last address given by said non-resident taxpayer as the address to which notices should be sent.~~

Comment/change; Edits to § 1202 consistent with current procedures and ordinances on preparation and mailing of tax bills. (Warrants for delinquent accounts are addressed in §1205.)

~~§ 5-1203. Tax payment schedule~~

~~Except as hereinafter provided, all other taxes assessed upon the grand list of the City of Montpelier shall be due and payable in equal installments, or as the city council may provide by ordinance. Default in payment of any installment due shall render the full amount of such tax overdue. Any special tax assessed on the grand list of said city shall be payable in one installment within thirty days after the above provided notice a penalty based on the payment amount that is in default. Any special tax assessed on the grand list of saidthe city shall be due and payable in one installment within thirty days after the above provided noticeas the city council shall provide by ordinance.~~

Comment/change; Text edits in and reorganization in § 1202 and § 1203 make them consistent with current procedures and ordinances on preparation of tax bills.

~~§ 5-1204. Delinquent taxes~~

~~At the expiration of ninety days from the date of the notice above provided, the city treasurer shall issue a warrant against all taxpayers delinquent in payment of installments of taxes permitted to be paid in installments for the full amount of their unpaid taxes. Penalties and interest as provided by ordinance and by law shall be added to each delinquent tax.~~

Comment/change; All text is recommended for deletion because this topic is covered in additions to § 1205.

§ 5-1205. Warrants on delinquent taxes, water, sewer, thermal energy bills

Within thirty (30) days following the due date, the treasurer shall prepare Wwarrants for taxpayers and property owners delinquent in payment of taxes, water, sewer, or thermal energy bills. The treasurer issued as above provided shall be delivered these warrants forthwith to the city sheriff tax collector for collection, together with a rate bill of such delinquent with penalties and interest as provided by ordinance and by law. Such warrants shall remain in full force until all the taxes and other delinquent payments thereon have been either collected, abated, or have become outlawed under the general law.

Comment BHill recommends 1205 edits to reflect current policy

§ 5-1206. Lien upon real estate

All taxes lawfully assessed upon real estate in ~~said~~the city as well as charges for water, sewer services, heat, and any special assessments shall constitute an underlying lien on such real estate, and shall enjoy priority in law over all other liens regardless of whether such other liens have priority in time.

Comment JPG suggests new text. BHill says this allows city liens to preclude other liens in the case of foreclosure.

§ 5-1207. Application of payment on delinquent taxes

Payments made on the account of a delinquent taxpayer shall be applied: first, to all outstanding personal property taxes for which said delinquent taxpayer is responsible; second, to real estate taxes for which said delinquent taxpayer is responsible. ~~Provided, h~~However, that the holder of a mortgage or other lien upon real or personal property of a taxpayer may make payment on said taxpayer's account and may specify that such payments be applied on the tax assessed against the property covered by such mortgage or lien. Any taxes paid shall be applied to penalty, interest and oldest outstanding delinquency in that order first.

Comment BHill says this section reflects current policy and practice.

§ 5-1208. Water and sewer rates

The city council shall establish rates to be paid for the use of water supplied by the city water system; and sewage disposal and benefit charges. ~~such rates shall be called water rates. Such Wwater rates and sewage disposal charges shall be and are hereby made a lien in the nature of a real estate tax upon the real estate so supplied with water and public sewers, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.~~

Comment JPG says this applies to sewer disposal charge - add "sewer"

§ 5-1209. Water meters

The city council may provide for use of meters or other mechanical devices as a basis of charging users of water supplied by the city water system, and may in its discretion provide for use of such devices by all users of specified classes.

§ 5-1210. Thermal energy rates

The city council shall establish rates to be paid for the use of heat and improvements supplied by the city for the production and distribution of heat, and such rates shall be called heat rates. Such heat rates shall be a lien in the nature of a real estate tax upon the real estate so supplied with heat, improvements for the delivery of heat, or both, and shall be collected and enforced under

such regulations and ordinances as the city council shall prescribe.

§ 5-1211. Heat meters

The city council may provide for use of meters or other devices as a basis of charging users of heat supplied by the city system and may in its discretion provide for use of such devices by all users of specified classes.

§ 5-1212. Tax collector

Delinquent taxes, fees, charges, and assessments shall be collected by the city tax collector, appointed under ~~Section~~ § 1007 Appointments of Subchapter 10 City manager, whose powers and duties, ~~in addition to shall be~~ those provided by general law, ~~shall be those of the city sheriff~~. The tax collector's compensation and terms of employment shall be determined by the city council.

§ 5-1213. Property tax credits - sprinklers

By resolution or ordinance, the city council may grant credits equal to no more than 10 percent of the annual municipal property tax, or reductions of up to 10 percent of the appraised valuation, for residential and nonresidential buildings equipped with an operating fire sprinkler system approved by the fire chief in accordance with applicable codes and ordinances.

SUBCHAPTER 13: ~~PUBLIC WORKS; SPECIAL ASSESSMENTS;~~ TAKING PROPERTY FOR PUBLIC PURPOSES

§ 5-1301. ~~Laying out streets, sidewalks, sewers, heat facilities and devices, facilities, and other measures to conserve energy or to promote efficient energy use~~ Taking property for public purposes

The city council, upon notice to persons affected, may lay out, make, maintain, alter, establish, install, construct, discontinue or repair the following: any street, road, highway, lane, alley, transportation path or sidewalk; any heat facilities and devices or other measures to conserve energy or promote efficient energy use in the city; any public facilities, parks, playing fields and other improvements deemed necessary by the council; any municipal buildings; any water source, treatment, storage, delivery, sale, transmission and distribution facilities within and without the city; and any sewer and storm water collection, transmission, separation, treatment and disposal facilities as the public health or the public good shall require.

~~The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley, sidewalk, or any heat facilities and devices, facilities, and other measures to conserve energy or to promote efficient energy use in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants and facilities for the production and distribution of heat within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city. [19 V.S.A.~~

~~chapter 7 Municipal condemnation authority for highways] (Amended 2011, No. M-6, § 6, eff. May 6, 2011.)~~

Comment/change: Committee strongly recommends incorporating all new language in § 1301 and § 1302 that present the city's current procedure for taking property for public purposes. Old text is recommended for deletion because it is complicated and based on taking property for highways. Including the new language allows for deletion of several other sections with old, out of date language, specifically §§ 1306, 1314, 1315, 1316, 1317, 1318, 1319, and 1320.

§ 5-1302. Procedure for taking ~~land and other~~ property [deletion of all old text, replace with new] ~~In taking land and other property for the purposes stated in the preceding section, the city council shall proceed in the same manner as is provided by law for selectmen municipalities in taking land for highways. Any person aggrieved by the proceedings shall have like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in taking land for highways. Such appeal, if taken from the appraisal of damages only, shall not prevent the city from proceeding with its work as though no appeal had been taken.~~

(a) Highways and urban renewal: In taking land and other property for the purposes of laying out roads and highways, the city council shall proceed in the same manner as is provided by law for municipalities in taking land for highways. In taking land and other property for the purposes of urban renewal, the council shall proceed in the same manner as is provided by law for municipalities in taking land for urban renewal.

(b) Other public purposes: For all other purposes stated in Section 1301, when the city council determines that interests in real estate are needed or when a municipality votes to purchase additional lands or interests therein, or when, in the exercise of any of the powers or functions authorized by general law or its charter it becomes necessary for public use and benefit to take, damage, or affect an interest in real estate, and the owner refuses to release or convey the same to the city for a reasonable price, the city council, shall set out the necessary lands or interests therein and cause the same to be surveyed. They shall appoint a time and place for hearing and give at least ten (10) days notice before such hearing to the persons evidencing a recorded interest therein either personally or by written notice left at the residence or place of business of such person. At such hearing the council shall determine the damages sustained by such interested persons. The damages agreed upon or assessed shall be paid or tendered to such persons before taking possession of the lands. Upon payment or tender of damages as determined by the council, the city shall be entitled to take possession of such property. Nothing in this section shall be construed to authorize the taking, by condemnation proceedings, of property of any religious, charitable or educational society, institution or organization, unless held, owned, or used by it for commercial purposes, without the written consent of the trustees or governing body of such society, institution or organization, unless two-thirds (2/3) of the voters at an annual or special meeting duly warned for that purpose vote against the proposition.

(c) Notice to mortgagee and application of payment. When such lands are encumbered by mortgage, the city council shall cause the same notice to be given to the mortgagee or assignee thereof as is required to be given to the owner, and the damages agreed upon or otherwise determined, as finally ascertained, shall be paid to the property owner and the mortgagee or assignee.

(d) Removal of improvements. When the city council decides to take lands, in their order for that purpose, they shall fix a time and notify the owner or occupant thereof. Within such time the owner shall, if so ordered, remove his buildings, fences, wood or trees, which, in the case of enclosed or improved lands, shall not, without the consent of the owner, be less than three (3) months nor until compensation for damages to such lands is tendered or paid. If such obstructions are not removed within such time, the council shall remove them at the expense of the city.

(e) Record of orders and proceedings. Orders and proceedings of the council under the provisions of this section, with the survey of the lands taken, shall be recorded in the land records of the city or in the land records of the town in which such lands are located.

(f) Disagreement as to damages. When the owner of such land does not accept the damages awarded by the city council, the council and the owner may agree to refer the question of damages to one or more disinterested persons whose award shall be made in writing and shall be final.

(g) Petition, appointment of commissioners. When a person having an interest in such land is dissatisfied with the action of the council in locating and setting it out or with the damages awarded therefor by them, such person may apply by petition to the superior court for the county in which such land lies within 60 days of the recording of the order of the city council. The petition with a citation shall be served on the city clerk as a writ of summons requiring entry to be made therein within 21 days from the date of service. The court shall appoint three (3) disinterested commissioners, who shall inquire into the amount of damages sustained by the persons interested therein.

(h) Notice, hearing, report, costs. The commissioners shall give the clerk and the petitioners six (6) days' notice of the time and place of the hearing. When they have completed their inquiries, they shall report to the court. Upon hearing, the court may accept or reject the report, in whole or in part, may make such orders as are necessary for locating and setting out such land and for the removal of obstructions thereon, may render judgment for the petitioners for such damages as they have severally sustained, may tax costs for either party, and may award execution in the premises.

(i) Title to vest on payment of damages. When the damages finally awarded are paid to the person entitled thereto, title to such lands or the right to damage or affect lands shall vest in the city.

(j) Definitions. The following words and phrases as used in this chapter shall have the following meanings:

(1) "Necessity" means a reasonable need which considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Necessity includes a reasonable need for the project in general as well as a reasonable need to take a particular

property and to take it to the extent proposed. In determining necessity, consideration shall be given to the:

(A) adequacy of other property and locations

(B) quantity, kind, and extent of cultivated and agricultural land which may be taken or rendered unfit for use, immediately and over the long term, by the proposed taking

(C) effect upon home and homestead rights and the convenience of the owner of the land

(D) need to accommodate present and future utility installations within the improvement area

(E) need to mitigate the environmental impacts of the improvements and

(F) effect upon grand lists and revenues.

(2) Damages resulting from the taking or use of property under the provisions of this chapter shall be the value for the most reasonable use of the property or right in the property, and of the business on the property, and the direct and proximate decrease in the value of the remaining property or right in the property and the business on the property. The added value, if any, to the remaining property or right in the property which accrues directly to the owner of the property as a result of the taking or use, as distinguished from the general public benefit, shall be considered in the determination of damages.

(3) "Interested person" or "person interested in lands" or "property owner" means a person who has a legal interest of record in the property taken or proposed to be taken.

Comment/change; See comment/change for § 1301.

§ 5-1303. Special assessments - Streets, sidewalks, ~~and~~ heat production and distribution improvements

The city council, in laying out or establishing new streets, highways, or facilities for the production and distribution of heat, and in making, altering, or repairing sidewalks, and in grading ~~and~~ paving, ~~acadamizing, curbing, and guttering~~ streets and highways, either at the time of laying out or ~~improving the street or making the sidewalk or~~ after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, or heat improvements, including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby. (Amended 2011, No. M-6, § 6, eff. May 6, 2011.)

Comments this provision creates the ability for the city to have a somewhat self-administered TIF (tax increment financing district) it is a useful tool.

§ 5-1304. Special assessment - Heat improvements

The city council shall have the power to create an energy district of the City of Montpelier or part thereof and to incur indebtedness for or otherwise finance by any permitted means acceptable facilities for the production and delivery of heat and ~~of~~ devices, facilities, and other measures to conserve energy or to promote efficient energy use on properties within the district. Participation by any property owner in these improvements is subject to city council approval. Persons who participate with an eligible project or projects shall be subject to the requirements of this special assessment. The city council shall establish the criteria and procedures for participation in this special assessment.

§ 5-1305. Special assessment - Sewers and drains

Every person whose particular drain shall empty into any common sewer, either at the time of the construction of the common sewer or thereafter, or who in the opinion of the city council shall receive benefit thereby for draining the person's premises, or whose lands shall be benefited by the proximity of such common sewer, or the owners of lands adjoining or abutting streets in which a common sewer is to be laid, may upon notice be assessed by said city council a just share toward the expense of laying and constructing such common sewer. Such assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

~~§ 5-1306. Right of appeal~~

~~From any assessment made upon any land or other property or the owner thereof, there shall be the same right of appeal to the county court as is provided by law for appeal from the proceedings of selectmen in the laying out of highways. The same proceedings shall be followed in respect to such appeal, so far as the same shall be applicable, and the decision of the county court in the matter of such appeal shall be final, when the record thereof is duly recorded in the land records of said city. Such appeal shall not delay the laying out or building of such new highway or street, or the making, altering, or repairing of a sidewalk or sewer, if taken from the assessment only.~~
Comment New language in 1301 and 1302 eliminate the need for this section, which is obsolete

§ 5-1307. Record of special assessments

When the city council shall make assessments, ~~it~~the clerk shall immediately make out a statement of all such assessments, giving the name of the owner and describing the land or other property assessed, and shall cause the same to be properly recorded and indexed in the city clerk's office. The city clerk shall, as soon as such assessments have been recorded as above provided, deliver a copy of the same to the city treasurer for collection.

§ 5-1308. Notice and time of payment

The city treasurer shall forthwith notify each person so assessed by mail. The notice shall state the nature of the assessment, the amount of the same, and the time of payment. ~~Said time of payment~~ due date shall not be later than thirty days after date of notice as noted on the bill.

§ 5-1309. Record of payment

Payment, when made, shall be entered on the record of assessment. Recording as provided ~~in Section 6~~ above shall be required before such assessment becomes a lien on the land or other property affected.

§ 5-1310. Warrant for collection of special assessment

~~(a) If the owner of lands or other property assessed by authority of this subchapter shall neglect for the space of thirty days after notice of such assessment has been mailed by the to pay to the city treasurer the billed amount of such assessment within, or in case of an appeal to the county court for the space of thirty (30) days after the due date as noticed on the assessment, final decision of the county court, if such final decision upholds the assessment, has been recorded in the office of the city clerk, to pay to the city treasurer the amount of such assessment, the city treasurer shall issue a warrant for collection of the same and deliver said the warrant to the city sheriff tax collector for collection.~~

(b) In case of an appeal, if the court upholds the assessment and it has been recorded in the

office of the city clerk, payment shall be due within thirty (30) days after the final court decision, and the city treasurer shall issue a warrant for collection of the same and deliver this warrant to the tax collector for collection.

§ 5-1311. ~~City sheriff~~ Tax collector authority to sell property

The ~~city sheriff~~ tax collector shall have authority to sell at public auction so much of said land or other property as will satisfy such assessment and all legal fees, and will proceed in the same manner in the collection of such assessment as collectors of town taxes are authorized and required by law to proceed in selling real estate at public auction for the collection of town taxes. ~~The city sheriff shall receive the same fees as are provided by law for collectors of town taxes in proceedings in collection of town taxes.~~ All other remedies given towns by law for collection of town taxes are given the ~~City~~ of Montpelier for collection of all legal assessments made under the provisions of this subchapter.

Comment/change; Edits replace the obsolete title “city sheriff” with reference to the correct city officer, who is a city employee and not entitled to a portion of taxes collected..

§ 5-1312. Lien not vacated

While the final resolution is ~~The pendency of proceedings on an~~ appeal from an assessment made under the provisions of this subchapter, the city shall not vacate the lien created by such assessment, but shall suspect the same until final determination of the proceedings. The liens for all city assessments shall not be vacated or dissolved. ~~(Amended 2011, No. M-6, eff. May 6, 2011.)~~

§ 5-1313. Sufficient description

Whenever a description of lands or buildings is required in making assessments, or in the recording thereof, reference to the deed of conveyance to the last record owner thereof, giving the date of the same and the volume and page of the land records where the same is recorded, or the street upon which the same is situated and the number, shall be a ~~sufficient~~ minimum description.

Comments Odd and obsolete; this is covered by standard office procedures and is unnecessary; but in a foreclosure or bankruptcy, having this information recorded in the land records will be of great value to the city.

~~§ 5-1314. Taking property for public improvements~~

~~Whenever, under the provisions of this charter, the city council is required to give notice for the taking of land or other property for public purposes or for the awarding of damages or for the laying of assessments, a citation shall be issued. Said citation shall be signed by the city clerk, shall contain the names of all persons to whom notice is to be given and shall be issued not less than six nor more than sixty days before the time of hearing by the city council thereon. Notice shall be given to all owners and other persons having an interest of record in the land or other property affected.~~

Comments: delete, replaced and updated by new 1301 and 1302

~~§ 5-1315. Citation and time of serving~~

~~Such citation shall be served by any sheriff, constable, or police officer in the city upon the persons named therein not less than six nor more than sixty days prior to the time of hearing.~~

Service of such citation may be accepted by any or all persons named therein, by endorsing their acceptance in writing thereon.

Comments Delete 5-1315 through 5-1319: General condemnation law covers this area. these provisions now archaic and at odds with general rules of civil procedure. Retaining this language is going to create a problem someday.

~~§ 5-1316. Citation served on non-residents~~

~~Such citation may be served on any person not an inhabitant of this state by leaving a true and attested copy of such citation, with the officer's return thereon endorsed, with or at the residence of the person's known agent or attorney, if the person has one in this state; and, if not, with or at the residence of the occupant of the land or buildings to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be left by said sheriff, constable, or police officer with the city clerk for such persons owning or otherwise interested in such land or other property. Said city clerk shall mail to the last known post office address of such person, in a registered package, a true and attested copy of such citation. Said city clerk shall make a certificate of the city clerk's doings touching said copy.~~

~~§ 5-1317. Officer's return~~

~~The return of such sheriff, constable, or police officer upon the original citation, and the certificate of the city clerk with the registry receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and the return thereon, with said certificates of the city clerk and registry receipts, shall be made a part of the record of said proceedings, and shall be filed in the office of the city clerk.~~

~~§ 5-1318. Citation served on persons having other interests~~

~~If at any stage of the proceedings for the taking of land or other property for public purposes, or for the making of assessments thereon by the city council, or at any proceedings subsequent thereto, it shall appear that any person owning or having other interest of record in such land or other property shall not have been duly notified, the city council shall cause a citation to be issued and served on such person as above provided for persons originally cited. The city council shall further cause such proceedings to be postponed to such time as will permit such citation so issued to be served as provided in this subchapter.~~

~~§ 5-1319. Proceedings not voided for failure to give notice~~

~~No proceedings instituted by the city council in pursuance of a citation issued as provided in this subchapter nor any proceedings subsequent and pertaining thereto shall be void on account of failure to give notice to any person or persons interested therein, or for that reason be dismissed. Such proceedings shall be suspended until such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons had been duly notified by the original citation. If the person so notified shall appear, the person may be heard upon all matters therein pending in which the person may be interested.~~

~~§ 5-1320. Correction of citation record~~

~~At the time of issued of the citation hereinbefore provided, a copy thereof, duly certified by the city clerk as a true copy, shall be filed in the office of the city clerk and an appropriate notice~~

shall be entered in the land record index system under the name of each person owning land or other property affected. The filing of such copy and the entry of such notice shall serve to join any person or persons subsequently acquiring an interest of record in land or other property affected, as though such person or persons had been included in the original citation and as though service had been duly made or accepted as provided in this subchapter.

SUBCHAPTER 14: GENERAL

§ 5-1401. Oath of allegiance, oath of office²

All elective officials of the city shall, before assuming office, take, subscribe, and file with the city clerk the following two oaths, as prescribed by the Constitution of the State of Vermont, chapter 2 § 56.

Oath or Affirmation of Allegiance

"I _____ solemnly swear (or affirm) that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (If an oath) So help me God. (If an affirmation) Under the pains and penalties of perjury."

Oath or Affirmation of Office

"I _____ do solemnly swear (or affirm) that I will faithfully execute the office of _____ ~~off~~for the City of Montpelier and will therein do equal right and justice to all persons to the best of my judgment and abilities, according to law. (If an oath),- sSo help me God. (If an affirmation) Under the pains and penalties of perjury. or I so affirm."

Comment/change: PSG When the city clerk is required to administer an oath, the official language to use is in § 56 of the State Constitution, including the oath/affirmation of Allegiance and the oath/affirmation of Office. Committee recommends edits so that the charter includes the full text of the Oath/Affirmation of Allegiance and the Oath/Affirmation of Office, as prescribed by the Constitution of the State of Vermont.

§ 5-1402. Savings clause

The passage of this act shall not affect any ordinance, resolution, or by-law lawfully enacted, ordained, and established under the provisions of the ~~acts~~charter hereby amended by this act, and ~~not inconsistent with the provisions of this act~~, but the same shall be and remain in full force and effect until repealed, altered, or amended.

§ 5-1403. Title of charter

This act shall be designated as the eCharter of the City of Montpelier. A copy of this act shall be kept in the office of the Montpelier city clerk ~~of the City of Montpelier~~, to which copy shall be affixed a certificate under the hand of the secretary of state and the seal of the State of Vermont that the laws therein contained are statute laws of the State of Vermont, and such certified copy shall be an authentic record of such laws.

~~§ 5-1404. Continuation in office~~

~~The mayor and council members of said city, and all city officials holding office therein by~~

~~virtue of the general laws of this state or the acts hereby amended shall hold office until expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state, or the provisions of this act.~~

Comment/change: All text is recommended for deletion because it was a transitional provision that is no longer useful or necessary.

§ 5-1405. Amendment of ~~the~~ charter

~~This act charter may be altered, amended, or repealed by the general assembly whenever the public good shall require, in accordance with general laws of the state. A copy certified by the secretary of state of all acts in alteration, amendment, or repeal shall be kept in the office of the city clerk of the City of Montpelier, and said copy shall be certified by the secretary of state as provided in the preceding section.~~

Comment/change; Committee updates text and adds reference to general law to define the process for charter changes.

§ 5-1406. Transfer of property, rights, privileges, and franchises

All property, rights, franchises, rights of action, land records, and other records belonging or appertaining to the former town and village of Montpelier shall belong and appertain to the City of Montpelier. All rights, privileges, and franchises heretofore granted to the Village of Montpelier, by any act of the legislature, or existing under any law, or by virtue of any contract relating to the water works formerly possessed by said village, are hereby confirmed under the City of Montpelier.

Comment: PSG a living monument to the history of the place, without much point

§ 5-1407. Penalties, forfeitures or suits not affected

This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act.

Comment: PSG transitional and unnecessary provision; it relates to some former change that necessitated a change in the way the officials were treated; it has lost its context and ought not to continue as part of the charter, however, committee hesitates to delete it!

§ 5-1408. Continuation of acts not amended

The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments. Nothing in this act shall exempt the city from the legal jurisdiction of the water conservation board.

Comment PSG another transitional provision that relates to something past that necessitated a change in the way the officials were treated; it has lost its context and ought not to continue.

§ 5-1409. Application of state statutes

Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of said city, all provisions of the statutes of this state, relating to towns or town officers shall apply to said city, and to the several officers thereof corresponding to like officers of towns. ~~In such statutes the words "selectmen" and the "board of civil authority" shall include "city council" and the words "first selectmen" shall include "mayor".~~

Comment PSG this has been said again and again throughout the charter-it can go without harm

~~§ 5-1410. Inconsistent acts repealed~~

~~All acts and parts of acts affecting the charter of the City of Montpelier inconsistent with this act are hereby repealed.~~

Comment: PSG this is transitional, and it needn't be in the charter; committee agrees to delete it

§ 5-1411. Separability of provisions

If any provision of this act, or the application of such provision to any person, body, or circumstances, shall be held invalid, the remainder of this act, or the application of such provisions to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

~~§ 5-1412. Charter effective~~

~~This act shall take effect when adopted by the majority vote of the legal voters of the city of Montpelier present and voting at an annual or special meeting of said city duly warned for that purpose, and upon legislative approval in accordance with the laws of the State of Vermont.~~

Comment/change; Committee recommends deletion of this section because the charter became effective long ago, and this provision can be safely removed.

Date: August 7, 2013
To: Montpelier City Council
From: Montpelier Charter Revision Committee – Elizabeth Dodge, Michael Doyle, Earl Fechter, Page Guertin, Jonathan Williams, Nancy Sherman – Chair
Andrew DeVitis and Luke Rafferty – VISTA Volunteers and staff
Re: Report of the Montpelier Charter Revision Committee

In October 2012, the Charter Revision Committee received its charge, “to analyze the contents of the city’s charter regarding anachronisms and items to be deleted, amended, or added.” The six committee members have reviewed the 14 subchapters of the charter in detail, gathering input from lawyers and professionals who have knowledge and experience related to municipal charters, city staff, and other reliable sources. We have researched state statutes and other municipal charters in our effort to propose revisions to the Montpelier Charter so that the City of Montpelier has the authority and responsibility to conduct business in a manner that best serves the long term interests of all residents.

We submit our work product to the council (see MplrChrtrREVISIONS 8.01.2013). Our proposed revisions are clarifications and updates of the charter text. The committee recommends reorganizing some sections for clarification, and when text moves from one section to another, it is underlined and appears like new text, even though it has been in another part of the charter. There are many recommendations for deleting obsolete and unnecessary charter text. Numerous deletions are replaced with new language that is consistent with current policy and procedures of city government, or with a reference to the general laws of the state that define that charter provision.

The committee has been cautious about recommending significant changes to the charter, except when it is appropriate to recommend adding language describing a current procedure to replace language that is archaic, incomprehensible, or contradictory. When particular standards or procedures are appropriate for the Montpelier city government and distinct from general law, the committee recommends new language to include them in the charter. Similarly, references to general laws of the state are included in our recommendations when they are the best definition of how city government should operate.

A brief summary of recommended changes to each subchapter follows, although the committee urges the council and interested residents to read our complete document which includes comments from the advisers who generously gave their time to answer numerous questions as we carried out our charge and worked our way through the charter.

The committee strongly recommends all the additions, changes, and deletions, with one exception. The new text proposed for addition to § 101(b) which addresses Fire District No. 1 is a significant change that is beyond the scope of the committee’s charge. We include this new language in the charter document, but refer this proposition to the council for its consideration.

SUMMARY ~ MONTPELIER CHARTER PROPOSED REVISIONS
August 7, 2013 ~ See also MplrChtrrREVISIONS 8.07.2013

A. Significant Change to the Charter of the City of Montpelier

Subchapter 1: INCORPORATION AND GRANT OF POWERS

- **§ 101(b) City of Montpelier** New language provided to the Charter Revision Committee, addressing the merger of Montpelier Fire District No. 1. This is a significant change to the charter which is outside the scope of the committee's charge. The committee refers this issue to the council for its determination.

B. Recommendations for Deletions, Amendments, and Additions to the Charter

Subchapter 1: INCORPORATION AND GRANT OF POWERS

- **§ 104 Change of form of government** Committee, with input from advisers, recommends deletion of this unusual departure from state law; the issue of firing the city manager is addressed in subchapter 10.

Subchapter 2: CITY VOTING DISTRICTS

- **§ 201 City voting districts** New language confirms 3 voting districts for the city that are currently in place.

Subchapter 3: CITY COUNCIL

- **§ 301 Powers and duties of city council** Relocation and reorganization of existing text. New section and language listing 6 basic powers and duties of the council; acquire property, promote public health, adopt personnel policies, authorize expenditure of funds, provide for citizen participation, and set regulations for streets. Previously, the charter did not define or list the powers and duties of the council.
- Clarification about vacancies and replacement of members when absent 4 or more meetings
- Clarification about duties of president, vice president, parliamentarian
- Clarification about meetings, quorum (majority or 4 members), public meeting law
- Update of list of council appointments
- **§ 321 Ex-officio appointments** New language gives council the powers of the board of water and sewer commissioners, local board of health, and the local board of liquor control, powers which the council has exercised for many years
- **§ 322 Prohibitions and conflicts of interest** New language to go into the charter, reflecting established city policy and procedures that should be part of the charter.

Subchapter 4: MAYOR

- **§ 402 Powers and duties of city council** Committee proposes a reorganization of existing text with no substantial changes except requiring a statement explaining the reason for vetoing a council vote. Two "old" sections - § 404-Powers of Mayor and § 405- Duties of Mayor – are merged and become new text in § 402 with a new title Powers and Duties of Mayor. "Old" 402 text on vacancy in the office of mayor is moved into 403, also about vacancy.

Subchapter 5: CITY MEETINGS, NOMINATION AND ELECTION OF OFFICIALS

- **§ 501 City meeting - § 506 Voter checklist** Advisers on the charter issues suggest referencing state law that defines annual meeting, notice and elections as well as deletion of old language that attempted to define these detailed procedures.
- ~~§ 5-507. Presiding officer at city meetings~~—This section is recommended for deletion, as suggested by charter advisers. City meeting and moderator are obsolete. Business is conducted by Australian ballot,
- **§ 508 Method of voting tax appropriation** This section is recommended for deletion, as suggested by charter advisers. It specified separate votes on tax appropriations for schools, general fund, and recreation. It is not necessary to have a separate ballot item for recreation, and § 807 Recreation governance states that the recreation budget shall be an integral part of the city budget, so this contradiction is deleted.
- **§ 5-512. Other Vacancies in city offices** Text from § 5-513 merged with § 5-512, as recommended by charter advisors, allowing for deletion of 5-513. Vacancies created.

Subchapter 6: SCHOOLS

The committee did not review this part of the charter. It is outside the scope of our charge.

Subchapter 7: CITY ORDINANCES

- **§ 702 Ordinance adoption, notice, and effective date** New language updates and clarifies this section, making it consistent with current procedures, including the specification that a Montpelier ordinance takes effect 15 days from the date that the council completes its adoption process. Updates to § 702 allow deletion of § 703.
- **§ 705 Violation of an ordinance** This section is recommended for deletion because the text is obsolete and partly contradictory with state law. New language references the relevant state statute.
- **§ 707 Public nuisances** Old language in this section, addressing violations by non-residents, is obsolete. New language recommended by JPG allows the city to address issues that are public nuisances and makes old language in § 708 redundant and unnecessary.

Subchapter 8: BOARDS AND COMMISSIONS

- **§ 803 Board of civil authority and § 804 Board of abatement of taxes** New language and reorganization of old language creates two separate sections for these two boards, including the features that are unique to their function in Montpelier and referencing general state law as appropriate. An advisor noted that the clerk is a member of the Board of civil authority, and it should be so stated in the charter, as well as reference to the general law section that defines the reasons you can request abatement. Updates to § 803 and § 804 allowed for deletion of § 808.
- **§ 807 Recreation governance** To clarify and update this section, the committee deletes the option to create a “bureau of recreation,” preserving 4 remaining options for governance – municipal department of recreation; delegating governance to a) appointed recreation board or b) school board or c) another existing city board or commission. In c) committee eliminates language stating “in the case of a

commission, elected at large at the annual meeting of the city.” Committee revised (d) to clarify that recreation budget is an integral part “of the city budget and under the control of the city or its designee.”

- **§ 808 Council authority over boards and commission** Committee recommends this new section to address council authority to create and eliminate/consolidate boards and commissions, and remove non-participating members. In addition, future situations may arise when there is little or no interest in running for a position (Green Mount Cemetery Commission and Parks Commission are elected) or being appointed to a position (Rec Board, Conservation Com., Tree board and several others are appointed).
- **§ 809 Youth members** Committee recommends new section to give council authority to appoint youth members to boards and commissions, with qualifications and no power to vote.

Subchapter 9: ADMINISTRATION

- **§ 902. Annual city budget** Charter’s date of March 1 for the manager’s budget proposal is deleted. New language reflects current process for setting a schedule for preparing the proposed fiscal budget and council’s authority to set budget submission date.
- **§ 905. City clerk and § 906 City treasurer** Committee reorganizes text to make separate sections for the clerk and the treasurer, indicating that the authority and additional duties of the clerk are defined in general laws of the state. The treasurer is now a council appointed officer and city employee (see § 317 Council appointments). Old language in § 906 is deleted – there is no administrative code.
- ~~**§ 908. Payment of contractual accrued liability**~~ This entire section is deleted because it was added for a specific purpose and will not be useful or needed again.
- ~~**§ 911. Authority of police officers**~~ This section is deleted because the committee’s charter advisers say it is covered by general law and is redundant.

Subchapter 10: CITY MANAGER

- **§ 1001 Appointment, eligibility and qualifications** Committee recommends giving the council the authority to decide about a residency requirement for a city manager, and allowing this decision to be made when the council prepares an employment contract with a new city manager.
- **§ 1003. Oath of office** City manager takes the same oaths as other city officers – the Oath of Allegiance to the State and the Oath of Office, as prescribed in the State Constitution and as they appear in subchapter 14 General § 1401 Oaths of office. (§ 1401 is updated to correctly and completely present Chapter II of the State Constitution § 56 Oaths of Allegiance and Office)
- **§ 1004 Removal of city manager** Revisions are recommended for this section, referring to general law and the city manager’s employment contract that address conditions for dismissal rather than defining a complex process in the charter.
- **§ 1005. Vacancy in the office of city manager** Text is revised to indicate that during vacation and planned absences, the city manager designates an acting manager to perform the duties of the office, most likely the assistant city manager. Council would appoint an acting city manager in the event that the city manager is incapable

- of performing the job; is medically unable; or fails to make the appointment.
- **§ 1007. City manager appointments** Committee removes obsolete offices; clarifies that city manager has authority for both appointments and removals; updates list of currently appointed positions; recommends adding that appointments serve indefinitely or as defined by contract, unless removed by the city manager.
- **~~§ 1008. Termination of appointments~~** Deletion of this section is recommended. Committee and charter advisers find it confusing and controversial. It is unnecessary and redundant because the city manager has power to hire and fire (§ 1006).

Subchapter 11: ~~INDEBTEDNESS; SINKING FUNDS;~~ BONDS AND NOTES FOR IMPROVEMENTS

- **§ 1110. Debt limits** All text is recommended for deletion and replacement with one new sentence that references general laws of the state. Using the general statutory debt limit allows the council flexibility to develop and revise a debt management policy as circumstances dictate. Also, tying the city's debt limit to the general statutory formula allows the statutory exclusions to the debt limit calculation to apply.
- **§ 1113. Advertisement** All text is recommended for deletion because it is archaic. New text is one sentence that references general laws of the state.
- **§ 1119. Temporary loans in anticipation of taxes and for current expenses** All text is recommended for deletion and replacement with a new sentence that references general laws of the state. The new text also addresses loans for current expenses and allows deletion of §1120.
- **§ 1122. Special indebtedness for water purposes, sewage disposal, and heat improvements** New text that is clear and comprehensible is recommended, replacing the old, obsolete text.
- **§ 1125. Budget surplus and deficit** New section is recommended so that the charter confirms that the city council has available to it all of the alternatives under the general statute.

Subchapter 12: ASSESSMENT AND COLLECTION OF TAXES, WATER AND HEAT RATES

- **§ 1201 Assessment of taxes and establishment of heat rate** New, additional language offers opportunity to change the way at the fiscal budget is approved, if at some time in the future, the council or voters want to change from voting on the budgeted tax appropriation amount.
- **§ 1202. ~~Warrant and a~~ Notice of tax bill and due date** **§ 5-1203. Tax payment schedule** Text edits and reorganization in both sections to make them consistent with current procedures and ordinances on preparation of tax bills.
- **§ 1204. Delinquent taxes** All text is recommended for deletion because this topic is covered in additions to § 1205 Warrants on delinquent taxes, water, sewer, thermal energy bills

Subchapter 13: ~~PUBLIC WORKS;~~ SPECIAL ASSESSMENTS, TAKING PROPERTY FOR PUBLIC PURPOSES

- **§ 1301 Taking property for public purposes and § 5-1302. Procedure for taking property** Committee strongly recommends incorporating all new language in these

two sections that present the city's current procedure for taking property for public purposes. Old text is recommended for deletion because it is complicated and based on taking property for highways. Including the new language allows for deletion of several other sections with old, out of date language, specifically §§ 1306, 1314, 1315, 1316, 1317, 1318, 1319, and 1320.

- **§ 1311. ~~City sheriff~~ Tax collector authority to sell property** Edits replace the obsolete title "city sheriff" with reference to the correct city officer.

Subchapter 14: GENERAL

- **§ 1401 Oath of allegiance; oath of office** Committee recommends edits so that the charter includes the full text of the Oath/Affirmation of Allegiance and the Oath/Affirmation of Office, as prescribed by the Constitution of the State of Vermont, chapter 2, § 56.
- **§ 1404 Continuation in office** All text is recommended for deletion because it was a transitional provision that is no longer useful or necessary.
- **§ 5-1405. Amendment of charter** Update of text and reference to general law is included to define the process for charter changes.
- ~~§ 5-1412. Charter effective~~ This section is recommended for deletion because the charter became effective long ago, and this provision can be safely removed.

Title 24 Appendix: Municipal Charters

Chapter 5: CITY OF MONTPELIER

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City of Montpelier, Vermont
“The Smallest Capital City in the United States”

Mayor John Hollar

City Council:

Tom Golonka, President
Thierry Guerlain, Vice President
Andy Hooper, Parliamentarian
Alan H. Weiss
Anne Watson
Jessica Edgerly Walsh

William J. Fraser
City Manager
wfraser@montpelier-vt.org

Jessie Baker
Assistant City Manager
jbaker@montpelier-vt.org

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Jessie Baker, Assistant City Manager
Gwendolyn Hallsmith, Director of Planning & Community Development
Kevin Casey, Community Development Specialist
Re: Council Goal Update on:
*Maintain an environment that is hospitable for businesses to thrive throughout Montpelier.
*Create a hospitable environment for residential growth.
Date: August 9, 2013

During the City Council’s 2013 goal setting session, it was requested that regular updates be provided to the Council on the established goals. In this communication we will provide updates on the goals, “maintain an environment that is hospitable for businesses to thrive throughout Montpelier” and “create a hospitable environment for residential growth.”

Goal: Maintain an environment that is hospitable for businesses to thrive throughout Montpelier

The *National League of Cities* defines economic development as, “the process of building strong, adaptive economies” and goes on to state that, “Dedicated leadership is needed to raise awareness, help develop and communicate a common vision, and motivate stakeholders into action. Although leadership can come from many places within the community, local elected officials are particularly well-positioned to take on this role.” (<http://www.nlc.org/find-city-solutions/center-for-research-and-innovation/economic-development/the-role-of-local-elected-officials-in-economic-development>.)

The City Council and City Government are both committed to ensuring successful economic development within the City of Montpelier with the goal established by the Council as “Maintain an environment that is hospitable for businesses to thrive throughout Montpelier.” Staff and the City Council have both articulated the need for specific economic development priorities and activities to be established to meet this goal. This is hard work that requires both an understanding of the complex nature of economic development as well as a concise vision of where we want to go

as a City. Below we outline current efforts and plans for moving forward with activities to meet the Council's goal.

Develop a Comprehensive Economic Development Strategy

In order to meet the Council's goal, the Office of the City Manager and the Department of Planning and Community Development will revisit the idea of creating an "Economic Development Committee" as discussed at the October 24, 2012 City Council meeting. This Committee, comprised of key business leaders and professionals in Montpelier, will assist in helping the City and Council identify, fine-tune, and implement the economic development priorities of the City.

To start, this Committee will review the "Goals for the Montpelier Economy" as established by the Montpelier Master Plan (linked here <http://www.montpelier-vt.org/upload/pages/406/files/master-plan-2010-09-08-economics-livelihoods.pdf> and specifically referenced on pages 159-180.) The Committee will make recommendations to the Council about these strategic goals and how to prioritize and operationalize them in the next year, two years, and five years expressed through an Economic Development Strategic Plan. As indicated by the Council, priorities of this Economic Development Strategic Plan would include changing the narrative and presenting Montpelier as business friendly through brochures, communications and marketing, increasing activities around business recruitment and retention, and the expanding the use of the Montpelier Business Loan Fund and other tools the City has to promote economic development. This Strategic Plan will then be implemented through the Community Development Specialist with oversight by the City Manager's Office, Council, and Committee.

There are several advantages to this approach. Through the development of an Economic Development Strategic Plan, crafted by partners and experts in the community and implemented through the City departments, we capitalize on the policy-makers in our community and unique position municipal government affords to conduct economic development activities. For example, creative siting and business location may require tools that the city uniquely has access to such as land acquisition, establishing funding and financing options accessible to municipalities, and applying municipal tools such as tax stabilization, for new developments. Additionally, municipal infrastructure improvements (such as District Heat Montpelier, paving initiatives, and bike-friendly initiatives) are proven economic drivers. By tasking City staff with implementing an Economic Development Strategic Plan including such priorities, we ensure that the entire strength of the municipal organization is behind these priorities. Finally, by tasking the Community Development Specialist with implementing the goals of the Strategic Plan (including business recruitment and retention) we can ensure that there is a primary contact for new business looking to locate here who can walk them through the processes. This may include general education about all the permitting processes, information on available sites, insight on infrastructure options, and general connections to other partners across the City. There is a risk that Montpelier will be seen as less business friendly if developers do not have a specific point of contact within City government to help them through municipal processes. Beverlee Pembroke-Hill historically has served in this role.

In terms of maintaining an environment that is hospitable for businesses to thrive, Montpelier is unique. We are built-out to a large extent, there are specific historic preservation advantages and challenges, and we are in a floodplain. Innovative development will always require actions of the Council which should, from the start, be informed by their priorities. With municipal staff focused

on economic development through the plan laid out above, there will be a direct reporting line to inform the implementation of these priorities during all stages of the process.

Upper Floor Development

Several efforts are underway to address upper floor development in Montpelier. As presented to the Council on May 22, 2013, the City has a plan for upper floor development at the Multi-Modal Transit Center on Taylor Street that will be implemented upon the successful acquisition of the property. Additionally, there has been increase interest in the redevelopment of the upper floors of the Dickey Block. Staff are assisting the potential developer as requested and helping to facilitate further discussions.

Montpelier Business Loan Fund

The Montpelier Business Loan Fund (MBLF) has traditionally been used as a fund to help struggling businesses. Staff are working with two entrepreneurs who are interested in starting a food related startup, working with VEDA to leverage MBLF dollars effectively. Community Development has also received a loan application for an existing business looking for assistance in debt payments in order to insure long term viability of the business.

Goal: Create a hospitable environment for residential growth

Update on Zoning Process

The Planning Board Chair, Vice Chair, and Planning Director will be meeting weekly over the summer to draft another version of the zoning for the Planning Commission to take up in September. There has not been a lot of progress, although we have been working through some of the most controversial sections of the ordinance.

Update on Implementation of Barriers to Housing Committee

One of the top recommendations of the Barriers to Housing Committee was that the City host a design competition for housing, which we did last year. We publicized it widely and consulted with the neighborhoods to identify additional judging criteria. Both neighborhood meetings were very well attended – over 30 people at both meetings. This resulted in some changes to the proposed zoning to incorporate neighbors comments.

The regulatory strategies the committee identified include the following. These are under consideration by the Planning Commission but no decisions have yet been made.

- Change setbacks for infill housing
- Explore adopting a Housing Preservation ordinance that would address the problem of losses in the housing stock due to demolition by neglect and conversion to office space. See Appendix B, Jack McCullough's memorandum of 10/13/11, and Appendix C, Section 4, Subsection b.
- Explore incentives for infill development (side yards, vacant lots, and etc.) see, for example, Appendix C, Section 4, subsections c & d.

- Increase the size of projects the City Zoning Administrator can approve (currently at 2, could go as high as 4)

Additional strategies included:

- Educate members of regulatory bodies to properly play their adjudicatory roles.
 - The Planning Commission had a discussion about this at their June 24th, 2013.
- Streamline approval process
 - The co-location of the Building Inspector and the Zoning Administrator has played an important role in streamlining the approval process. We are also working on making the zoning more user-friendly. One proposed change is to allow administrative approval of design review properties after the DRC meeting if there are no changes or objections.
- Adopt a comprehensive approval process (one stop process)
 - This would need state enabling legislation.
- Advocate for comprehensive permitting process at the legislature.

Update on the Use of Public Investment in Infrastructure to Generate Housing

There are a few ideas that have been discussed, but that would require policy and budget approval to implement. One is to provide funds, perhaps from the Housing Trust Fund, that would help offset the costs of installing sprinkler systems when a third or fourth unit is added to an existing large residential property. This is not a matter of municipal regulation – the State law requires it, so we do not give variances. We have a lot of large residential properties that could be converted if there was assistance with the building code compliance.

The City has been eligible for Tax Increment Financing for development since 2009, which is when we filed for Growth Center Designation. If we had a viable development project on one of the large properties in town, making an application to the State to finance the infrastructure improvements necessary for the housing would be one way to leverage public investment to generate housing.



State of Vermont
Department of Housing and Community Development
Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

*Agency of Commerce and
Community Development*

July 15, 2013

William Fraser, City Manager
City of Montpelier
29 Main Street, City Hall
Montpelier VT 05602

RE: City of Montpelier; 07110-PG-2012-Montpelier City-00004
Grant Agreement Offer

Dear Mr. Fraser:

Enclosed for your consideration is the Grant Agreement between the City of Montpelier and this Agency. Please review the offer carefully. **Prior to signing the Grant Agreement your Legislative Body is required to adopt a resolution, Form PM-1 (enclosed). This form states the acceptance and responsibility of the terms and conditions of the Grant Agreement, designates the person with the overall responsibility, and authority to execute all appropriate documents.** If it is satisfactory, please sign the cover page and return it along with the signed PM-1 form for processing by July 16, 2013. The Commissioner will then sign it and a fully executed copy will be uploaded to the Agreement Documents node online. If you would like to revise your grant agreement, please contact me with your comments.

Before a request for funds can be processed, all requirements and special conditions as stated in the Grant Agreement must be satisfied. It is important to understand that some special conditions may have already been met, and if you have any questions in this regard please contact me. We recommend that you review the requirements set out in the Grants Management Guide, paying particular attention to **the chapter on Award Conditions and Executing Your Grant Agreement**, and that you review your Grant Agreement carefully for requirements that may not be in the checklist.

If you have any questions regarding the Grant Agreement please contact me at 828-5215.

Sincerely,

A handwritten signature in cursive script that reads "Carl Bohlen".

Carl Bohlen
Community Development Specialist

CB:cmb
Enclosures
cc: Kevin Casey



GRANT AGREEMENT RESOLUTION - SINGLE GRANTEE**Form PM-1**

WHEREAS, the (check one) ☐ Town ☒ City ☐ Village of Montpelier
has applied for funding under the Vermont Community Development Program, as provided for in 10 VSA Ch. 29, and has received an award of funds under said provisions; and

WHEREAS, the Agency of Commerce and Community Development has tendered a Grant Agreement
07110-PG-2012 to this municipality for said funding:

Now, THEREFORE, BE IT RESOLVED as follows:

- 1) that the legislative body of this municipality accepts and agrees to the terms and conditions of said Grant Agreement;
- 2) that (Name) Kevin S. Casey Title Community Development Specialist
is hereby designated as the person with overall Administrative responsibility for the VCDP activities related to this Grant Agreement; and
- 3) that (Name) William Fraser Title City Manager
who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, hereby designated as the Authorizing Official (AO) to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

Passed this 14th day of August, 2013.

LEGISLATIVE BODY

(Typed Name)	(Signature)
<u>Mayor John Hollar</u>	_____
<u>T. Andrew Hooper</u>	_____
<u>Tom Golonka</u>	_____
<u>Anne Watson</u>	_____
<u>Thierry Guerlain</u>	_____
<u>Alan Weiss</u>	_____
<u>Jessica Edgerly Walsh</u>	_____

For Agency Use:

Processed By: _____ Date: _____

Current City License Fees

Auctioneers, transient auctioneers: \$10

Blacksmith Shop: \$10

Shooting galleries, indoor skating rinks: \$25

Bowling alleys: \$15

Circuses, Carnivals and Shows: \$100 (per day)

Dance hall, night club or dance club: \$100

Drive-in theater: \$100

Dry cleaners: \$35 (includes out of town customers)

Gasoline stations: \$35

Inn, Hotels, Motels, Tourist House, Tourist Cabins and Bed & Breakfast establishments:

Capacity under 40: \$40

Capacity 40-75: \$75

Capacity 75+: \$150

Junkyards: \$300

Vendors: \$250

Special transient vendors, Ice-cream trucks: \$50

Weekend-only vendors: \$100

Restaurants, Lunch rooms, snack shops, and victualing establishments: \$35

Taxicabs, fewer than five passengers: \$25

Taxicabs five or more passengers: \$35

Taxicab operators: \$25

Theaters, stage shows (capacity fewer than 250 persons): \$100

Theaters, stage shows (capacity 250 persons and above): \$150

Trailer Parks: \$35 per space

Trailer park space license transfer fee: \$7

Caterer: \$35

Medical Marijuana Dispensary: \$100

Sec. 9-12. FEE FOR FRACTION OF LICENSE YEAR.

A license fee schedule shall be approved annually by the City Council.

For a license issued under provisions of this title on or after September 30 of any year, for the remainder of such license year the fee shall in each case be equal in amount to one-half the amount of the fee required for such license if issued prior to April 1 of any year.

Sec. 9-202 [REPEAL]

Sec. 9-401 [REPEAL]

Sec. 9-501 [REPEAL]

Sec. 9-601 [REPEAL]

Sec. 9-701 [REPEAL]

Sec. 9-801 [REPEAL]

Sec. 9-901 [REPEAL]

Sec. 9-1001 [REPEAL]

Sec. 9-1101 [REPEAL]

Sec. 9-1302. LICENSE FEES.

~~The annual license fee shall be Three Hundred Dollars (\$300.00) to be paid at the time of application for the certificate of approved location.~~ ***In addition to the license fee***, the applicant will also be charged with costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto.

Sec. 9-1412. SPECIAL TRANSIENT VENDOR LICENSES.

In lieu of the license required under Section 9-1400, the City Clerk may issue a thirty day license or a seven day license to a person selling or offering for sale or soliciting orders for the sale of services, goods or merchandise from premises occupied temporarily as a tenant, lessee, guest or invitee. Such license shall be valid only between the dates specified thereon, and the person applying for such a license shall comply with and be subject to all the provisions of Sections 9-1402, 9-1404, 9-1405, 9-1407, 9-1408 and 191410. ~~An~~

~~applicant for a license under this section shall pay a license fee of fifty dollars for the thirty day license.~~ As used in this section, the term "merchandise" shall include plants and other agricultural or forest products.

The City Clerk may also issue a 90-day license for mobile vendor vehicles selling ice cream or other frozen products alone, or in conjunction with other goods and products (ice cream trucks). Such vendors will operate within the restrictions provided for under any city noise ordinance. ~~Applicants for such a license will pay a fee of fifty dollars.~~

Sec. 9-1416. WEEKEND-ONLY VENDOR LICENSE.

In lieu of the license required under Section 9-1400, the City Clerk may issue a license only applicable to Saturdays and Sundays to a person selling or offering for sale or soliciting orders for the sale of services, goods or merchandise from premises occupied temporarily as a tenant, lessee, guest or invitee. Such license shall be valid only on the weekends, and the person applying for such a license shall comply with and be subject to all the provisions of Sections 9-1402, 9-1404, 9-1405, 9-1407, 9-1408 and 19-1410. ~~An applicant for a license under this section shall pay a license fee of one hundred dollars.~~

Sec. 9-1701 [REPEAL]

Sec. 9-1907 [REPEAL]

Sec. 9-2001 [REPEAL]

Sec. 9-2102 [REPEAL]

Sec. 9-2301 [REPEAL]

Sec. 9-2401 [REPEAL]

Minutes of the Montpelier City Council Meeting
July 10, 2013
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Jessica Edgerly Walsh, Thierry Guerlain, Alan Weiss, Andy Hooper, Tom Golonka and Anne Watson, and City Manager Bill Fraser. City Clerk John Odum acted as Secretary of the meeting.

Mayor Hollar called the meeting to order at 6:30 PM.

13-177 Councilor Alan Weiss moved approval of the consent agenda, seconded by Councilor Guerlain. The motion carried unanimously at 6:32PM.

13-178. Councilor Weiss asked that the votes to set the Fiscal Year 2014 Municipal Tax Rate of \$0.9634 and the Downtown Improvement District Tax Rate of \$.0515 be taken separately. The mayor noted that the proposed municipal tax rate was significantly lower than anticipated.

Councilor Watson moved that the Council set a Fiscal Year 2014 Municipal Tax Rate of \$0.9634. The motion was seconded by Councilor Guerlain, and passed unanimously at 6:34.

Councilor Weiss asked that the Downtown Improvement District (DID) committee be required to submit their work plan. The mayor indicated the plan has to be approved under the active plan. Councilor Guerlain asked for some clarifications.

Councilor Guerlain moved the Council set a Fiscal Year 2014 Downtown Improvement District Tax Rate of \$.0515. Councilor Golonka seconded. The motion carried unanimously at 6:36.

13-179. Councilor Guerlain moved the appointment to the Development Review Board of Joshua O' Hara and Daniel Richardson. Councilor Edgerly Walsh seconded. The motion carried unanimously at 6:38.

13-180. Tim Shea of National Life indicated he would like the city's support as they begin the Act 248 approval process to install a 500kW ground mount photovoltaic system. He passed out a document which detailed the layout.

In response to Councilor Weiss's question, Councilor Watson indicated that the project had not been reviewed by the energy committee. Councilor Watson felt that a private solar installation was probably not within the energy committee's purview.

Councilor Guerlain commended National Life for the project.

Councilor Jessica Edgerly Walsh made a motion to authorize the Mayor to send a letter of support for the project on behalf of the council. Councilor Guerlain seconded the motion, which carried unanimously at 6:49PM.

- 13-181. The mayor opened the second public hearing for the consideration of amendments to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII. Parking and Parking Meter Zones, Section 10-716. PARKING PROHIBITED, as it relates to certain parking restrictions on East State Street at 6:49.
- The public hearing was closed at 6:50.
- Councilor Guerlain, seconded by Councilor Edgerly Walsh moved approval of the proposed amendments to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII. Parking and Parking Meter Zones, Section 10-716. PARKING PROHIBITED, as it relates to certain parking restrictions on East State Street. The motion carried unanimously at 6:51.
- 13-182. The mayor opened the second public hearing to consider proposed amendments to the City's Code of Ordinances as they relate to various licenses issued by the City at 6:51. The Clerk noted syntax corrections made at the mayor's request during the previous public hearing on the issue.
- The public hearing was closed at 6:52.
- Councilor Golonka moved approval of the proposed amendments to the City's Code of Ordinances as they relate to various licenses issued by the City, with an understanding that the clerk would present the current license fee schedule to the Council at the next meeting, for the purpose of considering further revisions. Councilor Guerlain seconded. The motion carried unanimously at 7:03.
- 13-183. The mayor opened the second public hearing to consider a proposed amendment to the City's Code of Ordinances, Chapter 4, Building Regulations, Article 11, Codes - §201-4. AMENDMENTS at 7:03. Fire Chief Robert Gowans addressed the council detailing the proposed changes to the city's sprinkler ordinance.
- The Mayor noted needed the proposal grammatical adjustments (strike the word "do" and "however" from the first sentence. Second section - change "can" to "may") and closed the public hearing at 7:07.
- Councilor Alan Weiss made a motion to approve the proposed amendment to the City's Code of Ordinances, Chapter 4, Building Regulations, Article 11, Codes - §201-4. AMENDMENTS with the grammatical changes. The motion was seconded by Councilor Edgerly Walsh and passed unanimously at 7:08.
- 13-185. The Council opened a discussion regarding Fire Department pull-boxes, placed on the agenda at Councilor Guerlain's request.
- Chief Gowans gave a report on status of the boxes. He indicated the city was spending less than \$1000 a year on maintenance, but noted that it was starting to creep up. He indicated he had no objection to their removal, but that he has heard from citizens that have concerns about doing so. He noted that it had been over 20 years since a fire had been reported from a pull box. He also indicated that representatives of the Vermont Center for Independent Living (VCIL) had no objections to their removal - and that the boxes, in fact, were not handicapped accessible.

Councilor Weiss asked about the routing of 911 calls.

Councilors had questions about the boxes' disposal if removed. Gowans reported they were popular items for sale on eBay.

In response to a question from Councilor Weiss, the Chief suggested a public notification of the removal of the boxes, if such action is settled upon by the council. He also noted that Barre City has shown interest in purchasing some of the boxes for their system

Councilor Golonka moved that the Council authorize the Fire Department to remove the pull-boxes, instruct Chief Gowans to determine their appropriate disposal method and set September 1st as the removal date for purposes of public notification. Councilor Weiss seconded. The motion carried unanimously at 7:20.

- 13-184. The Council discussed the proposed consolidation of the Central Vermont Regional Planning Commission and the Central Vermont Economic Development Corporation. Assistant City Manager Jessie Baker reported that the board received feedback from municipalities that was against merger, so the board was backing away from the proposal for the time being.

- 13-186. The status of the City Council's Goal to "provide and receive comprehensive, accessible and useful information to and from constituent groups about the City government and the community" was discussed. Assistant City Manager Baker gave an overview of the goal status.

Councilor Weiss asked if there was a specific plan for collecting feedback from the public. Baker referenced the decision to step back from the citizen survey, as well as expected enhancements to existing technological platforms in developing a plan. Weiss spoke supportively about the survey.

A brief discussion of the cost and structure of Front Porch Forum system followed.

- 13-187. Councilor Guerlain shared his delight in seeing fewer utility poles. He suggested bartering space to Fairpoint for more pole removal. He further reported that, in regards to last meeting's discussion on the north branch dam, that he was told that the emergency planning exemption the dam had received was not significantly impactful on the overall permitting process.

Councilor Weiss reported that he attended the recent Vermont League of Cities and Towns (VLCT) meeting that concerned state funding for service consolidation. He also reported that the charter committee was nearly done with its work, and that the council should provide guidance on the format with which it wants to receive the recommended changes.

Councilor Watson expressed her gratitude for the USS Montpelier glasses.

- 13-188. The Mayor reported on his lunch with the USS Montpelier crew, where he gave them a key to the city and received a plaque. The City Manager noted that there was a basket of other gifts from the crew.

The mayor addressed the content of a letter that appeared in the paper regarding fire department staffing.

The mayor also reported that the City Manager has retained another attorney to review questions over the Vermont College of Fine Arts' tax assessment. He also commended Montpelier Alive for the Independence Day celebration.

- 13-190. City Manager Fraser reported on the challenges presented by the rain, particularly in regards to district heat construction. He noted that members of the staff were planning to visit the St. Paul district heat system. Finally, he commended staff - particularly the Assistant City Manager - for their work during his vacation absence.

The Council discussed the remaining summer meeting schedule. The decision was made to drop the July 24th meeting.

Councilor Guerlain moved to adjourn, and was seconded by Councilor Watson. The motion carried unanimously at 8:03PM.



City of Montpelier, Vermont
"The Smallest Capital City in the United States"

Mayor John Hollar

City Council:

Tom Golonka, President
Jessica Edgerly Walsh
Alan H. Weiss
Anne Watson
Thierry Guerlain
T. Andrew Hooper, Parliamentarian

William J. Fraser
City Manager
wfraser@montpelier-vt.org

Beverlee Pembroke Hill,
Assistant City Manager

July 25, 2013

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on Tuesday, July 30th, and Thursday, August 1st. Thank you!

CITY OF MONTPELIER

Montpelier Community Fund Board Vacancy

(3) The Montpelier City Council is seeking individuals interested in filling an expired 1-year term on the Montpelier Community Fund Board. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or sent by e-mail to spitonyak@montpelier-vt.org) on or by Thursday, August 8th. The City Council will make this appointment at their August 14th meeting. Applicants are encouraged to attend; all municipal meetings are accessible to people with disabilities and are held in accordance with the public meeting and public records laws. Further information may also be obtained by contacting the City Manager's Office at 223-9502

William J. Fraser
City Manager

Sandy Pitonyak

From: Beth Boutin [baboutin@comcast.net]
Sent: Thursday, July 25, 2013 5:40 PM
To: Sandy Pitonyak
Cc: Eliza Dodd; Julie Hendrickson; Bernie Lambek; Warren Vail
Subject: Re: Your Term Expires in August, Beth

I would like to be reappointed.
Thanks.
-Beth

Beth Boutin
(c) 802.793.1468

On Jul 25, 2013, at 9:16 AM, "Sandy Pitonyak" <SPitonyak@montpelier-vt.org> wrote:

<image001.gif>

Attached is the ad that I have to submit to the Times-Argus. If you are interested in being reappointed, I'll only run it once; just let me know!

Thank you ...

Sandy Pitonyak

Administrative Assistant to the City Manager
City Hall - 39 Main Street
Montpelier, VT 05602
Telephone: (802) 223-9502
FAX: (802) 223-9519
spitonyak@montpelier-vt.org

<Ad - Montpelier Community Fund Board Vacancy.doc>

THE ROLE OF LOCAL ELECTED OFFICIALS IN ECONOMIC DEVELOPMENT

10 Things You Should Know



INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL



THE ROLE OF LOCAL ELECTED OFFICIALS IN ECONOMIC DEVELOPMENT

10 Things You Should Know

Christiana McFarland

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INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL



The *Role of Local Elected Officials in Economic Development: 10 Things you Should Know* was the result of a partnership between the National League of Cities Center for Research and Innovation and the International Economic Development Council (IEDC). IEDC staff were instrumental in facilitating a series of input sessions with economic development officials during their conferences in October 2009 and February 2010. IEDC staff also reviewed the guide and provided constructive feedback. NLC also recognizes the direct input and guidance provided by members of IEDC, members of NLC's CityFutures Panel on Community and Regional Development, and other local officials.

About the National League of Cities

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

Through its **Center for Research and Innovation**, NLC provides research and analysis on key topics and trends important to cities, creative solutions to improve quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences, and learn about innovative approaches in cities.

About the International Economic Development Council

The International Economic Development Council (IEDC) is the premier membership organization dedicated to helping economic development professionals create high-quality jobs, develop vibrant communities and improve the quality of life in their regions. Serving more than 4,600 members, IEDC represents the largest network of economic development professionals in the world. IEDC provides a diverse range of services, including conferences, certification, professional development, publications, research, advisory services and legislative tracking.

About the Authors

Christiana McFarland is the director of the Finance and Economic Development Program in the Center for Research and Innovation at the National League of Cities. Katie Seeger is senior associate in the Finance and Economic Development Program. Caitlin Geary, finance and economic development fellow, also contributed to the guide.

William Woodwell, editorial consultant, and Lara Malakoff, NLC senior program associate for outreach, provided editorial assistance, and Alexander Clarke, NLC manager of creative design and production, designed and managed the production of the report.

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Introduction

Economic development is the process of building strong, adaptive economies. Strategies driven by local assets and realities, a diverse industry base and a commitment to equality of opportunity and sustainable practices have emerged as those that will ensure a strong foundation for long-term stability and growth. Even within the parameters of these principles, what constitutes success in economic development and the specific strategies to accomplish it will look different from place to place. Despite these differences, leadership is consistently identified as a critical factor in effective economic development.

Dedicated leadership is needed to raise awareness, help develop and communicate a common vision, and motivate stakeholders into action. Although leadership can come from many places within the community, local elected officials are particularly well-positioned to take on this role. The political influence of elected leadership is critical to helping communities stay the course toward a vibrant economic future. From the bully pulpit to the design and coordination of public policies, mayors and councilmembers have opportunities every day to effect change and promote a strategic vision of economic growth for their community.

The goal of this guide is not to provide a one-size-fits-all solution to economic development or even to offer an Economic Development 101. Nor does this guide contend that elected officials should be economic development experts. The goal is instead to identify fundamental ways elected officials can become informed and strategic decision-makers who can connect the policy “dots,” be effective communicators and take a leadership role in economic development. The guide is based on the premise that elected officials can and should actively participate in and lead long-term development strategies that make sense for their community.

The format of the guide is a “top 10 list” of things elected officials should know about economic development in order to be effective leaders. These include:

- 1. Your local economic strengths and weaknesses.** A stronger understanding of your community’s economic profile will help you create a realistic vision and strategies for economic development.
- 2. Your community’s place in the broader regional economy.** With a firmer grasp of how your community fits into the broader region, you’re better prepared to work with other jurisdictions to share responsibility for regional economic success.
- 3. Your community’s economic development vision and goals.** Local elected officials can play a key role in building consensus for a vision and goals that provide clear direction for local economic development.
- 4. Your community’s strategy to attain its goals.** A strategic approach means linking economic development goals to specific activities, allocating a budget and staff to these activities and evaluating performance based on measurable outcomes.
- 5. Connections between economic development and other city policies.** When crafting economic development policies, it is essential to consider how other city policies (e.g., transportation or housing) affect your economic development goals.

- 6. Your regulatory environment.** Your community's regulatory process should allow for timely, reliable and transparent resolution of issues facing businesses, while still remaining true to your long-term economic development vision.
- 7. Your local economic development stakeholders and partners.** Local officials should think strategically on a project-by-project basis about who needs to be involved, the resources they bring to the table, and what it will take to get them engaged.
- 8. The needs of your local business community.** Local officials can help create an environment that supports the growth and expansion of local businesses, primarily by opening lines of communication.
- 9. Your community's economic development message.** You will want a clear, accurate and compelling message that reflects your local vision and that helps ensure broad support for economic development projects undertaken by the city and its partners.
- 10. Your economic development staff.** Local elected officials will be more effective in leading economic development activities to the extent that they forge strong relationships with staff members who work on these issues on a daily basis.

1. Your Local Economic Strengths and Weaknesses

Your community's strengths and weaknesses, such as quality-of-life amenities, infrastructure and workforce skills, determine the potential of your local economy to support economic growth. This economic profile lays the foundation for creating a realistic vision and strategic direction for economic success that is unique to your community. Information about your local economy can also help engage and educate constituents and build community support for economic development decisions.

ASSESSING YOUR LOCAL ECONOMY

IMPORTANT FACTORS	KEY INDICATORS
Economic conditions	Unemployment, types and sizes of firms/industries, wages, income, new business starts, retail sales, housing prices, types of imports and exports, number of businesses closed
Population characteristics	Population size and growth, age, education level
Labor force characteristics	Labor force participation, occupations, skills, commuter characteristics, productivity
Physical conditions	Land use, zoning, land values, condition of buildings, vacancy rates, building activity, parking facilities, condition and capacity of infrastructure, air and water quality
Business climate	Community attitudes, labor relations, business taxes and regulations, level and quality of municipal services, workforce training, access to and cost of capital, public and private infrastructure
Knowledge-based resources	Federal labs, science and research parks, industry incubators, colleges and universities, technical training schools
Quality of life	Housing availability, public services, education system, crime rate, cultural and recreational activities, parks and other natural amenities
Source: <i>Economic Development Strategic Planning</i> . International Economic Development Council, Washington, D.C., 2006, pp. 44-48.	

With the assistance of your economic development staff and input from stakeholders, you can identify factors within and outside of the control of local government that impact and shape your local economy. Identifying strengths and opportunities is crucial, but local officials also should pay attention to weaknesses and potential threats.

For example, what industries in your community and region are growing or struggling? What are the skills of your workforce, and are they sufficient to meet the needs of business? What barriers and sup-

port services exist for local entrepreneurs and small businesses? Is the local and regional housing stock diverse enough to provide for a wide range of housing needs?

All of these factors should be understood in comparison to other communities and in the context of broader economic trends. As a result of this process, you will have a stronger sense of your unique local assets, as well as what you can and should be doing to build on strengths and mitigate weaknesses.

Taking Action, Asking Questions

- What unique strengths can your community build on for economic development and growth?
- What weaknesses pose a barrier to economic development? To what extent can you mitigate these weaknesses – and how?
- How do your community's strengths and weaknesses compare to those in other communities?
- How are economic conditions changing in your city and region?

San Buenaventura, Calif. (Ventura) (population 109,000)

After many decades of slow economic growth, the traditionally blue-collar City of San Buenaventura began to realize that its anti-business reputation had actually been undermining its economic prosperity. The city had very few middle class jobs and a limited industrial base and service sector. Moreover, many high-tech firms were heavily concentrated in much of the city's surrounding area and seemed to bypass Ventura when making location decisions.

Through an analysis of the community's strengths and weaknesses, city leaders in Ventura determined that the city's location between two high-tech hubs, its pool of entrepreneurs and venture capitalists and significant quality of life amenities placed them in a unique position to expand high growth technology sectors. The city developed and pursued a strategic plan for economic development, including new activities to increase the local tax base, diversify the economy and create high value, high wage jobs.

The city created a self-sustaining fund to support the new plan, specifically growth of businesses from within the community, by using a \$5 million loan payoff from the Redevelopment Agency. The Jobs Investment Fund (JIF) provides "mezzanine capital" to expansion projects or venture capital to new projects as either loans or direct investments. JIF, managed by a private investment partner, allows for a higher return potential to the city than is traditionally available with a standard investment portfolio.

Constituents have expressed concern that the city has too great a risk exposure in these investments. "There are requests that we redirect the money from the fund back to general government operations each time we face additional budget cuts, but due to political will and improved communications with our constituents, so far we have been able to maintain funding," said Councilmember Neal Andrews. City leaders have made a special effort to bring community opinion leaders into a position where they understand what JIF is about and why it's important.

JIF has allowed the city to engage in a number of business development activities, including capital raising conferences, entrepreneurship events and a business incubator. As of January 2010, 10 firms have located in the incubator, and in 2008, Forbes magazine ranked Ventura number 68 on the "Small Business list of 100 best places to live and launch a business."

Contact:

City of Ventura
Department of Economic Development
Phone: (805) 677-3935

2. Your Community's Place In The Broader Regional Economy

Understanding your local economy also means knowing how your community fits into the broader region. Although increased competition for jobs, tax base and private investment can put political pressure on elected officials to go toe-to-toe with neighboring jurisdictions, the reality is that local economic success depends on regional economic success.

This is particularly true in the context of the global economy, where economic competition may not be with your neighbor, but with a city in China, India or Ireland. Firms engaged in global economic activity rely on a breadth of resources available in a region, including workers, transportation, housing, and amenities. In nearly all cases, one community does not have full capacity needed to support these activities. Cities that focus on competition within the region, instead of collaborating for economic development, are placing their economic future at risk.

With a firmer grasp of your community's place in the region, you're better prepared to work with other jurisdictions to share responsibility for promoting regional economic success. Cities in the Denver region, for example, work together to draw businesses and other economic activity to the region while agreeing not to compete or offer incentives to firms to locate in their specific communities. Similarly, many cities work together on regional marketing efforts, typically via participation in a regional council. These collaborative efforts attract firms, investment, and employment that benefit the entire region.

Participating in regional activities may present some political difficulties if the local economic benefits are not well understood by your constituents. Local elected officials should be prepared with the facts about how regional economic success translates into improved employment opportunities, tax base, or amenities for your city and the people who live there. Local officials can work with their staff to craft a clear, accurate message about their involvement in regional activities, and communicate this message to community through the media, neighborhood meetings or other public venues. It can serve as a starting point for a community dialogue about the importance of regional collaboration to local success.

"Too many local governments still act as if they have the luxury of merely competing with each other for tax base, especially within their region. But economically this is a sideshow or a delusion. The real economic competition is global and competing effectively requires regional collaboration."

William Barnes, *The Economic Development Game Has Changed*, Nation's Cities Weekly, 1/11/2010

Taking Action, Asking Questions

- How do you define your economic region?
- How does the economic strength of your city depend on what happens in other cities and towns in the region? How does regional economic activity provide direct or indirect benefits to your community?
- What assets does your community contribute to the regional economy (e.g., workers, housing, amenities, transportation)?
- What regional organizations, partnerships and/or activities already exist? To what extent is your community involved?

3. Your Community's Economic Development Vision and Goals

A primary challenge in the practice of economic development is choosing among many competing priorities and various activities. A clear economic vision and goals are needed to provide a framework for strategically assessing and coordinating these efforts. The vision stems from the community's values, its collective sense of local economic strengths and weaknesses, and consensus on a desired future. Goals are more tangible expressions of the vision and provide specific direction for actions.

For example, the City of Albuquerque, New Mexico's economic development initiative "thrive!ABQ" identifies the city's economic vision as a city with a vibrant business climate that's accessible, user-friendly and welcoming to all. The three primary goals of "thrive!ABQ" are:

- Albuquerque First: Retain existing businesses and industries by fostering partnerships with local businesses and increasing spending in the community.
- Albuquerque Easy: Remove barriers to conducting business within the city.
- Albuquerque Recruits: Make the city an attractive place for businesses to locate.

According to the American Planning Association's *Economic Development Toolbox* (2006), a sound economic vision and goals should:

1. Balance what the jurisdiction would like to achieve with what resources and public support the jurisdiction can realistically expect to muster in support of that vision.
2. Be consistent with the role of the jurisdiction's economy in the larger regional and state economies.
3. Be understandable to citizens without technical training or experience in economic development.
4. Be produced in a way that makes it possible to incorporate it in the jurisdiction's comprehensive plan.

If your city already has an economic development vision, make sure your policy decisions reflect the principles in the vision. In cities that do not have an economic vision, local elected officials can help initiate a community visioning effort. A well-designed visioning process will surface an array of ideas, opinions and objectives from a diverse group of stakeholders. An important role for elected officials is to help bring people to consensus and agreement on a common purpose.

"There are many possible economic futures for any given jurisdiction, there are some impossible ones as well. The challenge is to decide on a future that is not only desirable, but also possible given the factors that constrain it."

Terry Moore, Stuart Meck, and James Ebenhoh. *An Economic Development Toolbox*. American Planning Association, Washington, D.C. October 2006, p. 34

Taking Action, Asking Questions

- Does your community have a clearly stated vision and goals for economic development? If so, what are they?
- Does the vision reflect the community's values as well as its strengths and weaknesses?
- Do your constituents and key stakeholders understand and agree upon the community's vision and goals?
- To what extent do local government policies support the vision and goals?

Mission, Kan. (population 9,727)

Mission, a community less than three square miles in area, was at a crossroads when many large parcels of land became available for redevelopment. In response, the city began a planning process that involved all facets of the community, including residents, businesses and shoppers, to create a vision that would serve as the framework for future development. The vision, which ultimately called for more compact, walkable, and sustainable development, was challenged when Mission was offered a lucrative deal by a big-box developer.

With a strong commitment to the vision, Mission denied the big-box store and has accepted an offer for a new mall from a developer who has embraced the city's vision for a vibrant, pedestrian-friendly, mixed-use destination. Although the developer typically works on retail projects only, his collaboration with the city and understanding of the community vision has led him to include residential, hotel, office and entertainment as potential project components.

The city's resolve to stick with its vision also resulted in overwhelming community support for the project. Instead of Not in My Back Yard opposition, city officials received acclamation from those attending its Planning and Zoning hearings. Among the most common questions the city received from residents: "When will the project be complete?"

Contact:

City of Mission
Department of Community Development
Phone: (913) 676-8350
E-mail: MRivarola@missionks.org

4. Your Community's Strategy To Attain Its Goals

Once the economic development vision and goals are defined, it is important that they not be shelved, but that they guide and determine your community's economic development strategy. If the community has been involved in the process and believes in the vision and goals, residents will hold political leadership accountable for putting them into practice. Strategic implementation of the economic development vision involves linking economic development goals to specific activities, allocating a budget and staff to these activities, and evaluating performance based on specific, measurable, agreed-upon outcomes.

There are many local activities that can be used to accomplish your city's long-term economic vision. The types of economic development policies and tools pursued by your community will depend on those permitted by your state, as well as how your local government perceives its role in stimulating private sector economic activity.

The traditional local government role in economic development is to facilitate economic activity by offsetting the cost of doing business in your community (in terms of time, opportunity and money). Strategies include land assembly, modifying the permitting process and providing job training. More entrepreneurial roles, as well as strategies that more directly address the demand for local products, may include seeding and investing in local small businesses, matching gaps in supplier/buyer linkages and international trade promotion. Local elected officials can work with city staff, businesses and other stakeholders in the community to educate themselves about the types of programs and tools that are available to them and to decide which economic development role is best for their city.

You can also look to "best practices" in other communities; however, it is important to remember that economic development activities that work in one place will not necessarily work in another. Following economic development fads or strictly replicating another city's approach without putting it in the context of your community is a recipe for failure. Instead, elected officials can learn how and why another city was successful and adapt those practices to local realities.

Elected officials should also work with their staff to determine a set of expected outcomes, the necessary level of resources (staff and budget) needed to achieve these outcomes and performance metrics to evaluate and measure them. In the context of short-term political cycles, it may be tempting to stray from the strategy and only consider economic development in terms of traditional, more tangible successes, such as attracting a new, large employer. For this reason, it is important that elected officials and staff agree upon, are committed to and accurately measure even *incremental* economic achievements. This will allow political leaders to demonstrate success and champion all various ways the community is supporting economic activity.

Strategic implementation of economic development, from selecting activities that support the vision to accurately measuring progress, enables local governments to be more responsive in an increasingly complex and uncertain economic environment. It allows the community, staff and elected officials to be part of a "continuum" of leadership and to make more deliberate progress toward long-term economic success.

Taking Action, Asking Questions

- How do your goals drive everyday actions to develop and grow your local economy? Can you develop better strategies, if needed, which make sense for your community?
- What is the general orientation of your local government toward supporting private sector economic activity? What tools is your city willing to and able to use?
- Is your city's budget and staffing aligned with its strategies for economic development?
- How will you measure and evaluate your city's economic development efforts over time?
- What can you do to celebrate incremental successes?

Littleton, Colo. (population 43,055)

In 1987, the City of Littleton pioneered an entrepreneurial alternative to the traditional economic development practice of recruiting industries. The "economic gardening" program, developed in conjunction with the Center for the New West, is an effort to grow local jobs through entrepreneurial activity.

The approach is based on research that indicates the great majority of all new jobs in any local economy are produced by small, local businesses already in the community. According to Chris Gibbons, Littleton's director of business/industry, an entrepreneurial approach to economic development has several advantages over attraction strategies. First, the cost per job is much less than the \$250,000 to \$300,000 incentives typical in major relocations. Second, the investment is in the community and its infrastructure; should a business choose to leave, it does not take that investment with it. Third, it is a healthier approach in that a community's future is no longer tied to the whims of an out of state company. Its future is entirely a function of its own efforts and investments.

Littleton's economic strategy focuses on creating a nurturing environment for entrepreneurs and "second-stage" companies, those with 10-99 employees and/or \$750,000-\$50 million in receipts. In a typical engagement, the city's Economic Gardening team will assist a company with core strategy, market analysis, competitor intelligence, and other priority tasks. Since the start of the program, Littleton's job base has grown from 15,000 to 30,000, the retail sales tax has tripled from \$6 million to \$21 million, and the population has grown by 23 percent.

Contact:

City of Littleton
Business/Industry Affairs
Phone: (303) 795-3749

5. Connections Between Economic Development and Other City Policies

It would be nearly impossible to list all of the various ways in which local government policies interact and overlap. When crafting economic development policies, it is essential to consider how other city policies support or discourage your economic development goals. For example, are your transportation initiatives supporting local retail? Are your local workforce training programs aligned with your sustainability plans? Is the regional housing stock adequate to meet the needs of workers in your community? By thinking about policies holistically, you can avoid detrimental policy interactions and create an environment for different policies to support and enhance each other.

Policy integration has become even more important over the past 30 years as the drivers of economic growth have broadened significantly. Today, the scope of economic development and the interests and needs of the business community extend well beyond market access and transportation networks. Social and professional networks, educational institutions, quality-of-life amenities, talent and workforce skills and housing are important assets that contribute to your community's economic profile. Additionally, there is increased recognition that improvements in economic equity and the natural environment are critically important to a strong local economy.

For example, the City of Portland, Ore., has created a Sustainable City Partnership to foster a collaborative, citywide effort to integrate sustainable practices and resource efficiency into municipal operations and to strengthen existing policies and efforts. A primary partnership role for city officials and staff is to develop connections between environmental quality and economic vitality. The city has encouraged sustainable business practices and has leveraged sustainability as a key economic sector.

One strategy to ensure that all of the various sources of economic growth and the key elements impacting economic development are coordinated is to develop your economic development activities in conjunction with your community's comprehensive planning process. Some communities have formalized this process through implementation of an Economic Prosperity Element (page 14).

Taking Action, Asking Questions

- How do other city policies — in areas from transportation and housing to public safety — affect your goals for economic development?
- To what extent does your city need to change existing policies so they are aligned with and support the economic development vision and goals?
- How often do various city departments communicate? To what extent is there a shared understanding of and commitment to successful economic development across city government?
- Are your city's economic development strategies and goals reflected in the comprehensive plan? Can you add an Economic Prosperity Element to the plan?

Economic Prosperity Element

by William Anderson, Director, City Planning & Community Investment Department, City of San Diego (*American Planning Association Economic Development Blog* 5/17/2010)

Many cities and counties are adding Economic Prosperity or similar elements to their General Plans. These elements help strengthen the link between a jurisdiction's comprehensive plan and economic development. While most factors that influence economic development are beyond a local area's control, such as macro-economic trends, international competition, interest rates, financial markets, local jurisdictions do have control of factors that can make them more or less competitive in the region, nation, or world.

Some of these local factors are traditionally addressed in General Plans, such as land use capacity for industries and targeted sectors, infrastructure efficiency and cost, quality-of-life, housing affordability for the workforce, and environmental quality. Other local factors are not as directly related to land use policies, such as workforce training, education, and access to capital. These factors may be the purview of other organizations and agencies, but are also critical.

An Economic Prosperity Element, especially one tied to a regional economic development strategy, can bridge and coordinate these factors and take the General Plan beyond the role of just land use policy. It can also serve as the element that connects a region's economic development strategy focused on the needs of export-oriented base sectors, to the opportunities for community-level economic development.

Contact:

City of San Diego
Department of City Planning & Community Investment
Phone: (619) 235-5200
E-mail: AndersonW@sandiego.gov

6. Your Regulatory Environment

Your regulatory environment directly impacts the ease of doing business in your city. For business leaders, time is money; they want to know that the regulatory process provides for timely, reliable and transparent resolution of key issues. If your city's regulatory policies are riddled with delays, confusing and redundant steps and multiple approval processes, a prospective business may very well choose to locate or expand in another community.

Local officials can improve the regulatory environment for businesses by ensuring that the development review process and other policies are streamlined and transparent. The key to success is ensuring consistency and clarity about expectations, timelines, regulations, and costs. This will alleviate much of the uncertainty involved in economic development projects by allowing businesses to accurately anticipate the timing of the process and to build their plans accordingly. In addition, a better regulatory environment can promote information-sharing and better communication with local businesses so you can work together to identify potential challenges or problems.

As a local elected official, your first step is to ensure that you have an understanding of the current regulatory system and where there may be problems. This will require you to gather input from the business community about their frustrations and experiences. Working with your local chamber of commerce or other local business organizations may be helpful in this process. To gain additional perspective, you may want to consider going through the process yourself, as if you were a developer or a new business. This will allow you to have firsthand knowledge of the time, costs, hassles and clarity of the process.

When examining your regulatory process, be mindful not to throw the good out with the bad. Not all development is good development, and it is important that your regulatory processes reflect your long-term economic development vision so you can safeguard against detrimental projects. The key for your city is to find a balance and remove unnecessary delays and hurdles, while still preserving the integrity of the community's economic development vision and goals.

Taking Action, Asking Questions

- Are your local agencies charged with regulatory processes attuned to the needs of businesses, particularly efficiency and transparency concerns?
- Are there one-stop approvals or other ways to expedite review processes?
- How long does it take to get a new development proposal in front of a local planning board?
- Do businesses have access to clear information about local regulations from one source?
- Is there a designated city staff person who helps facilitate the process to ensure that things go smoothly?

7. Your Local Economic Development Stakeholders and Partners

A group of diverse stakeholders within and outside local government contribute to economic development. These include both large and small businesses, nonprofit organizations, workforce and training organizations, universities, department staff and many others. Economic development partnerships will likely change depending on the activity, so it is important to think strategically on a project-by-project basis about who needs to be involved and the resources they bring to the table.

Collaborative partnerships are especially important given the increased complexity and diversity of interests in economic development. Harnessing the breadth of resources, knowledge, leadership, and skills of stakeholders that may not typically interact is essential for effective implementation of your city's economic development strategies. By facilitating broader and deeper interaction among local government, business, the community, and economic development activities, local elected officials can ensure that policy decisions will be in tune with all of the other work that is happening in the community to advance the city's economic development goals.

Your local government may not always be the lead organization for an economic development project. Sometimes, the chamber of commerce might lead the way. In other instances, it might be a different community organization or business leader. But even if the city is just one stakeholder among many, local elected officials can make themselves available to help bring the right people and organizations to the table. Important roles for municipal leaders include: reaching out to the various parties; working to break down communication barriers; helping to facilitate consensus; and ultimately, coordinating and leveraging action.

Taking Action, Asking Questions

- Who are the key stakeholders (individuals, organizations, businesses, city staff) that can help strengthen your city's local economic development efforts?
- To what extent are stakeholders already communicating and working together on these issues?
- What will it take to break down any barriers that exist among key stakeholders and to get them to do more collaborative work?
- What resources do various stakeholders bring to the table in terms of financial support, people, skills, contacts and more?

Garland, Texas (population 238,651)

A critical objective of the Garland Economic Development Partnership (GEDP), a collaboration of government, school and business leaders, is the retention of key businesses in the local community. A suburb of Dallas, Garland has been characterized as a major manufacturing city since the 1950s and is home to numerous Fortune 500 corporations such as Kraft Foods, General Dynamics and Raytheon.

In 2006, the city recognized the “Garland Top 100” businesses based on their tax value, number of employees and electric usage. The city estimates that the “Garland Top 100” represent 13 percent of the local tax base and employ 17 percent of the total workforce. City of Garland Mayor Ronald Jones and GEDP staff has visited nearly all of the top 100 manufacturing companies in Garland to hear their concerns and challenges directly.

According to Jones, these visits were intended to make sure that elected officials understand and recognize business needs, and that the businesses understand that the city appreciates they are part of our community. During the meetings, the mayor and GEDP staff discussed a variety of key issues, including workforce training needs, utility costs, and public safety. As a result, the city developed the Dallas County Manufacturers’ Association in collaboration with Richland College to provide specialized workforce training.

Contact:

Garland Chamber of Commerce

Phone: (469) 326-7444

E-mail: paul.mayer@garlandchamber.com

8. The Needs of Your Local Business Community

Local businesses are essential to a stable and diverse local economy. In recent years, many cities have shifted their primary economic development focus away from attracting large firms from outside the community to growing new businesses from within and helping existing businesses survive and thrive. Local officials can help create an environment that supports the growth and expansion of local businesses.

In the case of entrepreneurs and small businesses, many fail not for lack of ideas, but on planning and management. By allocating resources for entrepreneurial and new business support services, local governments can help these businesses overcome critical barriers to success. Such services include small business development centers, entrepreneurship training, market information, networking opportunities, marketing assistance, business incubators and even financing opportunities.

Running a business is a full-time job, and even if local services are available, business leaders may be unaware of the assistance available to them. Even more likely, they may not automatically view the city as a resource or an ally. By making the effort to reach out and communicate with your local business community, whether through your local chamber of commerce, organized events or visiting businesses individually, local officials can gather input to help improve local business policies and demonstrate that the community cares about the success of their business.

It is important for local elected officials to bring the same commitment and enthusiasm to existing business as they do to new business prospects. The city often creates incentives or other policy packages to attract new employers, and celebrates a new, large company with ribbon cuttings and stories in the local media. By similarly celebrating local business accomplishments, you can show the city's support, increase the business's profile and draw attention to economic development success stories that often go unnoticed.

Additionally, by publicly highlighting the achievements of your local companies, you will build your city's reputation as a business friendly community. This, in turn, may encourage outside businesses to take a second look at your community as a desirable location, while providing existing businesses with even more reasons to stay in your jurisdiction.

When making policy decisions focused on business retention and expansion, including small business and entrepreneurial development, it is important to remember that many local businesses need time to mature and grow. Although this form of business support may not deliver an overwhelming, immediate economic impact, the benefits of staying the course with your local businesses can provide greater long-term pay-offs. These include a more diversified, stable economy, a business community with stronger local ties and maybe even the next, great Fortune 500 company.

Taking Action, Asking Questions

- What does your local government do to find out the needs of your business community?
- Who in government regularly communicates with individual businesses and the business community at large? How does this happen?
- To what extent do you celebrate milestones achieved by existing businesses in your community?
- What support services does your city offer to entrepreneurs and small businesses? What more could you do?

New York (population 8,308,163)

New York City provides an example of a successful, city-led effort to directly link workforce development and economic development. In 2003, Mayor Michael Bloomberg eliminated the NYC Department of Employment and consolidated the city's adult workforce programs with the Department of Small Business Services (SBS). The resulting program provides employment and training services for individuals and seeks to meet specific workforce needs of local businesses.

Much of the program's success has been due to a dual customer approach — focusing on meeting the needs of job seekers, as well as local businesses. In fact, SBS has developed two distinct brands associated with both customers. Workforce 1 provides individuals with job placement, training and advancement services and NYC Business Solutions provides a suite of services to support local businesses, including employee recruitment services from the pool of screened job candidates from the Workforce 1 program.

The effort has shown real results in New York City. In 2003, prior to the consolidation of the two programs, the workforce system only achieved 500 job placements. In 2009 the workforce system achieved 25,000 placements.

Contact:

NYC Department of Small Business Services
Strategic Initiatives
Phone: (212) 618-6759
E-mail: cneale@sbs.nyc.gov

9. Your Community's Economic Development Message

Strong communications and a compelling message are vital to successful economic development and a primary responsibility for local elected officials. An economic development message that is based on your community's collective vision and is conveyed by all key stakeholders will establish a consistent community "brand" and competitive identity to the outside world.

Local elected officials can use public speeches, interviews and other communications to rally the community around their economic development message. In addition to publicly promoting the message, local elected officials can work with their staff to ensure that all economic development partners have the information that they need to support the message or to accurately convey the message to others. This may be data about the economic role they play in the community, or marketing materials that they can use to engage others outside the community. These small steps go a long way in generating a positive reputation of your community.

Sometimes, cities let politics and minor disagreements about the direction of economic development affect their city's public image. This can detrimentally impact the confidence investors have in your community as a place to do business. Developers, business owners and others want to be assured that their investment in your community will have broad support among local leaders, residents and key partners. If those who impact the success of a business or economic development project are not unified, the confidence of the investor will falter. Local elected officials can help manage internal disputes and ensure that all stakeholders remain committed to the message and the vision it conveys.

Taking Action, Asking Questions

- How do you currently communicate about your city's economic development activities? To what extent are you using speeches, media interviews and other forums to highlight an economic development vision and goals?
- Does your city have a clear and consistent message about economic development for the outside world?
- How do your city's communications efforts dovetail with what other organizations in the community (e.g., the chamber of commerce) are doing? Are there ways to enhance coordination on communication activities?

10. Your Economic Development Staff

As discussed throughout the guide, local elected officials have clear and specific roles to play in their cities' efforts to build a strong local economy. However, success in filling these roles often depends on the relationship between elected officials and staff members who work on economic development issues on a daily basis.

As a local elected official, you are often the public face and the cheerleader for your city on economic development. When you are giving a speech, talking to a local business or discussing a new project with constituents, you must be prepared with the facts or run the risk of seeming uninformed and out of touch.

Staying up to date requires open and regular communications with and trust in your city's economic development staff. Your relationship with staff will enable you to gain a better understanding of the economic position of your city, changing local and regional conditions and your city's economic development plans and priorities. You will be better able to articulate economic goals to constituents and the media and make more informed policy decisions based on the most current information. This is especially important in the current economy, as city resources are scarcer and businesses and citizens alike are looking for informed leadership.

Local officials should begin building a strong relationship with economic development staff at the beginning of a political term or new project. Economic development is a complex topic; most newly elected officials may not have an in-depth understanding of the current economic policies or the city's long-term vision and strategy. By forging a relationship early on, local officials can come up to speed more quickly and be able to make better policy decisions in the long run.

It's also important to consider what expertise and knowledge you bring to the relationship that city staff may not have. Most elected officials come to office with a professional background in an area other than local government, such as banking, small business or healthcare. This can make you uniquely qualified to represent the city to important economic interests. With open communication, your city's economic development staff can become more aware of your skills and seek opportunities to use them.

Taking Action, Asking Questions

- How often do you talk to the key economic development staff in your city?
- Do you get regular updates, or “cheat sheets,” about the issues, trends and successes of economic development in your city?
- What are your expectations about economic development? Have you discussed this with the economic development staff?
- What economic development issues or practices could you learn more about?

Conclusion

As an elected official, you make decisions every day that impact the future of your community. It is of critical importance that your decisions and actions support your community's vision and do not work at cross purposes with existing efforts. This is particularly true in today's rapidly changing economic environment.

You can use this guide to initiate conversations — or ask questions — with key players within your community. The first step will most likely be to initiate conversations with your economic development staff about how to best use your skills and political capital to support a strategic economic direction. Even if you are already engaged in economic development, this guide can serve as a reminder of all the leadership roles needed for economic success. It can also help you identify how your economic development role should vary over time to support the changing needs of your community and economic development stakeholders.

Your city may have all the right assets, partners and tools, but may never realize its full potential without a leader to bring all the pieces together. You have the power and the ability to do what's needed to advance the cause of successful economic development for your city.





CITY OF MONTPELIER
“Capital City of the State of Vermont”

Mayoral Proclamation

- WHEREAS,** we recognize the vital role that technology has in our daily lives and in the future of our nation, whereby today many citizens, schools, libraries, businesses and other organizations use the internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and,
- WHEREAS,** critical infrastructure sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care and emergency response systems; and,
- WHEREAS,** the use of the internet at the primary and secondary school levels in Montpelier, Vermont enhances the education of youth by providing them access to online educational and research materials; and at institutions of higher education, the use of information technology is integral to teaching and learning, research and outreach and service; and,
- WHEREAS,** internet users and our information infrastructure face an increasing threat of malicious cyber attack, significant financial and personal privacy losses due to identity theft and fraud; and,
- WHEREAS,** the U.S. Department of Homeland Security has established the Office of Cybersecurity and Communications and devoted resources within it solely to support the strengthening and securing of the country’s cyber infrastructure at the state, local, tribal, and territorial levels; and,
- WHEREAS,** the Stop.Think.Connect.Campaign (www.stopthinkconnect.org or www.dhs.gov/stopthinkconnect) is a national effort coordinated by a coalition of private companies, nonprofits and government organizations to raise awareness about cybersecurity among all digital citizens, helping them to stay safer and more secure online; and,
- WHEREAS,** the Multi-State Information Sharing and Analysis Center, a division of the nonprofit Center for Internet Security, provides a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security; and the City of Montpelier, Vermont provides a comprehensive approach to help enhance the security of this City of Montpelier, Vermont; and,
- WHEREAS,** maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Montpelier’s information infrastructure and economy; and,
- WHEREAS,** the U.S. Department of Homeland Security (www.dhs.gov/cyber), the Multi-State Information Sharing and Analysis Center (www.msisac.org), the National Association of State Chief Information Officers (www.nascio.org) and the National Cyber Security Alliance (www.staysafeonline.org) have declared October as National Cyber Security Awareness Month; all citizens are encouraged to visit these sites, along with Stop.Think.Connect (www.stopthinkconnect.org or www.dhs.gov/stopthinkconnect) to learn about cyber security; and put that knowledge into practice in their homes, schools, workplaces.
- NOW, THEREFORE,** on behalf of the City Council of the City of Montpelier, Vermont, I, Mayor John Hollar, do hereby proclaim the month of October, 2013 as:

“CYBER SECURITY AWARENESS MONTH”

Signed this 14th day of August, 2013

John Hollar, Mayor

CITY SEAL:

ATTEST:

John Odum, City Clerk

CITY OF MONTPELIER

“Capital City of the State of Vermont”

Mayoral Proclamation

WHEREAS, the Ladies Auxiliary to the Veterans of Foreign Wars of the United States is conducting its 100th year of volunteer service to America; and,

WHEREAS, year after year, the organization continues to honor those who have made the ultimate sacrifice in the name of freedom by maintaining memorials to their service and sharing their history with our nation’s youth so that what our nation’s veterans have done for America will not be forgotten; and,

WHEREAS, Ladies Auxiliary VFW supports the troops currently deployed overseas; and,

WHEREAS, the 500,000 members represent the families of those who have served or are currently on foreign soil protecting our freedom; and,

WHEREAS, members volunteer nearly 2 million hours in Veterans Affairs Medical Centers and other hospitals throughout this country; and,

WHEREAS, the organization provides awards and scholarships to students based on their expressions of patriotism through art, speech, and volunteerism; and,

WHEREAS, the 2013-2014 National President, Armithea Borel, is rallying Ladies Auxiliary members behind her theme, ***“Keeping America’s Veterans & Families Strong”***, and Tuesday, August 27, 2013 will be a time to celebrate her visit to Montpelier, Vermont.

NOW, THEREFORE, BE IT RESOLVED that I, John Hollar, Mayor of the City of Montpelier, do hereby declare Tuesday, August 27, 2013 as:

“Keeping America’s Veterans & Families Strong” Day

in honor of National President Armithea Borel and all members of the Ladies Auxiliary VFW for their outstanding volunteer service to veterans and their families, the City of Montpelier, and our great country.

Signed this 14th day of August, 2013

John Hollar, Mayor

CITY SEAL:

ATTEST:

John Odum, City Clerk

14 Loomis Street
Montpelier, Vermont 05602

15 July 2013

Montpelier City Council
39 Main Street
Montpelier, Vermont 05602

Dear Members of the City Council,

Some friends and I would like to apply for a permit to have a block party Saturday, 24 August, from 4 pm until 8 pm. This will be the tenth annual block party for our neighborhood. It is essentially a private party for our family and neighbors; several Loomis Street families are organizing the event.

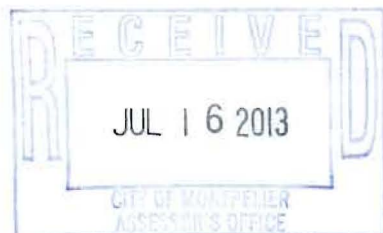
Since we plan to have a band play at the party, we would like to apply for a noise waiver. The band will start at 4 pm and play until 8 pm.

We would also be grateful if we could close the road from Park Avenue to Liberty Street from 4 pm until 8 pm. The signs might say something like "Closed to Through Traffic" so that cars could get to driveways on either side of the party. Front yards are not very big on Loomis Street, so it would be really nice to let the party spill out onto the street.

Because we were rained out in 2007, we would like to schedule a raindate of Sunday, 25 August, from 2 pm to 6 pm at the same location. If this happens, we'd like to be able to close off the road at that time.

I have circulated flyers to all residences that would be affected by this road closure, letting them know of this appearance asking for permission. One of the flyers is attached.

This family-oriented party will be a great neighborhood-building experience. We very much appreciate your support!



Sincerely yours,

Sandy
Sandy Vitzthum
223-1806

Sandy Pitonyak

From: Tom McArdle
Sent: Wednesday, July 17, 2013 4:45 PM
To: William Fraser; Jessie C. Baker
Cc: Todd Law; Sandy Pitonyak; Sandra Gallup; Zach Blodgett
Subject: sidewalk contract award recommend: Council approval
Attachments: contract award recommendation_July 2013.pdf; Bid Tab Sidewalks FY 2014.xls

Attached, please find the recommendation to award a contract for the reconstruction of sidewalks on Liberty St & Hubbard St. As we discussed, given that the City Council will not be holding their regularly scheduled meeting next week, we must ask that this matter be considered by the City Council via a phone or email poll vs consideration at a subsequent meeting. In view of the need for the contractor to order materials for the project, delaying review of the recommendation until the 1st regular meeting in August could jeopardize the project completion schedule.

If this is not acceptable or if a majority of the Council would prefer to await to a regular meeting to allow an opportunity for discussion, please let me know so that I can notify the contractors.

Thank you!

tom

*Verbal "ok's" from Alan H. Weiss and
Jessica Edgerly Walsh* 

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Thursday, July 18, 2013 9:26 AM
To: Thierry Guerlain
Cc: Sandy Pitonyak; L-Council
Subject: Re: sidewalk contract award recommend: Council approval

Ok with me
Tom

From: Timothy Andrew Hooper
Sent: Thursday, July 18, 2013 8:31 AM
To: Sandy Pitonyak
Subject: Re: sidewalk contract award recommend: Council approval

It's fine with me.

From: Thierry Guerlain [tguerlain51@gmail.com]
Sent: Thursday, July 18, 2013 8:22 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: sidewalk contract award recommend: Council approval

OK with me to proceed.

Thierry Guerlain

From: Anne Watson [anneofvermont@gmail.com]
Sent: Saturday, July 20, 2013 10:13 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: sidewalk contract award recommend: Council approval

Looks ok to me.

City of Montpelier
Department of Public Works
Memorandum

To: William Fraser, City Manager

From: Thomas McArdle, Assistant Director 

Date: July 17, 2013

Subject: Concrete Sidewalk Projects (Liberty Street & Hubbard Street)
- Recommendation of Contract Award -

This is to inform you and the City Council that competitive sealed bids for the referenced contract were opened on July 11th. Two bids were received as noted below (total base bid) with unit prices indicated on the attached bid tabulation.

Kingsbury Companies, LLC	\$258,030.00
SD Ireland Brothers	\$275,268.00

The scope of work for this construction contract regards the reconstruction and replacement of existing asphalt sidewalks with inadequate width, lack of ADA compliance, general deterioration and misalignment issues. The work areas are the northerly side of Liberty Street from Main Street to Putnam Street and on Hubbard Street from Wilder Street to East State Street. The new sidewalks, bordered with granite curbing, is consistent with the general develop design standards contained within the development & subdivision regulations for these neighborhoods.

As noted above, Kingsbury Companies submitted the lowest bid. This contractor is presently under contract with us for construction of the District Heat distribution systems. Various issues have arisen during the course of the project that have been of concern potentially affecting a recommendation to award them another construction contract. Therefore, the management of Kingsbury Companies was asked to meet with us for an interview. A primary concern regarded the availability of sufficient resources to undertake the sidewalk contract consecutively with the District Heat project. We were provided sufficient and adequate assurances that they are well prepared to undertake both projects in a satisfactory manner.

Funding for this project is provided by the FY14 retaining wall, culverts & sidewalk bond approved by voters in March in the amount of \$710,000. The amount of the low bid exceeds the engineer's estimate of probable costs by approximately \$17,000. Much of this overage is found within our bid item #12 (mobilization, miscellaneous work and clean-up). The item also includes the expense for the performance bond. This is particularly evident when compared to the other Bidder's price for this item. Further, we understand that many contractors are very busy this year which may have affected the typically competitive pricing atmosphere.

The funding available for this project must be limited to ensure other planned projects will not be restricted. Staff has identified approximately \$9,000 in potential savings that will not affect the project scope. We are also able to utilize a portion of our operating budget to reduce the impact on the amount used from the bond. Last, the paving contract came in a little under budget which can provide additional cushion if needed.

Based on the lowest bid received from Kingsbury Companies and their assurances that the project can be completed in a satisfactory and timely manner, we recommend that they be awarded the contract. We ask that the City Council designate you as the duly authorized agent to execute the contract documents on behalf of the City of Montpelier.

Enclosure

C: Todd Law, P.E., Director of Public Works
Sandy Gallup, Finance Director
Zach Blodgett, EIT, Engineering Technician

CITY OF MONTPELIER, Vermont							
Department of Public Works							
Sidewalk Reconstruction, FY2014							
Bid Opening Thursday, July 11, 2013 10:00 AM							
Final Calculations							
				Kingsbury		S.D. Ireland	
Item	Description	Est Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price
1A	PCC Sidewalk (5")	835	SY	\$ 45.00	\$ 37,575.00	\$ 67.00	\$ 55,945.00
1B	PCC Sidewalk (6")	280	SY	\$ 50.00	\$ 14,000.00	\$ 70.00	\$ 19,600.00
2	ADA Compliant Sidewalk Ramps	56	SF	\$ 35.00	\$ 1,960.00	\$ 50.00	\$ 2,800.00
3	Excavation and Demolition of Surfaces and Pavements	675	CY	\$ 15.00	\$ 10,125.00	\$ 50.00	\$ 33,750.00
4	Sub-base of Crushed Gravel	385	C Y	\$ 48.00	\$ 18,480.00	\$ 75.00	\$ 28,875.00
5	18" New Granite Curb	1,452	LF	\$ 36.00	\$ 52,272.00	\$ 40.00	\$ 58,080.00
6	Bituminous Asphalt Pavement	160	Ton	\$ 190.00	\$ 30,400.00	\$ 200.00	\$ 32,000.00
7	Monolithic Concrete Curb	10	LF	\$ 80.00	\$ 800.00	\$ 100.00	\$ 1,000.00
8	Non-woven Filter Fabric	1,109	SY	\$ 2.00	\$ 2,218.00	\$ 2.00	\$ 2,218.00
9	4"-6" Underdrain Pipe	20	LF	\$ 90.00	\$ 1,800.00	\$ 50.00	\$ 1,000.00
10	Core Existing Catch Basin or Installation of Inserta-Tee	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 1,000.00	\$ 1,000.00
11	Structure Adjustments	28	EA	\$ 650.00	\$ 18,200.00	\$ 500.00	\$ 14,000.00
12	Mobilization, Miscellaneous Work and Clean-Up	1	LS	\$ 69,000.00	\$ 69,000.00	\$ 25,000.00	\$ 25,000.00
TOTAL CONTRACT AMOUNT				-	\$ 258,030.00	-	\$ 275,268.00
Addendum					Yes Yes		Yes Yes

City of Montpelier
Department of Public Works
Memorandum

To: William Fraser, City Manager
From: Zach Blodgett, Engineering Technician
Date: July 30, 2013
Subject: State Street Storm Drain Installation
- Recommendation of Contract Award -

This is to inform you and the City Council that competitive sealed bids for the referenced contract were opened on July 29th. Three bids were received as noted below (total base bid) with unit prices indicated on the attached bid tabulation.

Courtland Construction Corporation	\$96,990.00
Kingsbury Companies, LLC	\$131,900.00
SD Ireland Brothers	\$189,285.00

The scope of work for this construction contract regards the removal of the failing 30" diameter storm drain and installation of new 24" and 30" diameter PVC with new pre-cast concrete drain manholes due to the poor condition of the existing pipe.

As noted above, Courtland Construction Corporation (CCC) submitted the lowest bid. The City of Montpelier has not worked with CCC in the past so references were contacted to confirm the quality of their work. Both references that were contacted gave very good recommendations and were highly satisfied with the work that CCC did. We were provided with sufficient and adequate assurances that they will be able to complete the project in a satisfactory manner.

Funding for this project is provided by the FY14 retaining wall, culverts and sidewalk bond approved by voters in March in the amount of \$710,000. The amount of the low bid is lower than the engineer's estimate of probable costs by approximately \$3,100.

Based on the lowest bid received from Courtland Construction Corporation and their assurances that the project can be completed in a satisfactory and timely manner, we recommend that they be awarded the contract. We ask that the City Council designate you as the duly authorized agent to execute the contract documents on behalf of the City of Montpelier.

Enclosure

C: Todd Law, P.E., Director of Public Works
Tom McArdle, Assistant Director of Public Works
Kurt Molyka, P.E., Project Engineer
Sandy Gallup, Finance Director
Zach Blodgett, EIT, Engineering Technician

CITY OF MONTPELIER, Vermont Department of Public Works											
State Street Storm Drain Installation Bid Opening Thrusday, July 23, 2013 1:00 PM Final Calculations											