This document contains amendments that are recommended for incorporation into the Town of Springfield Charter that was previously adopted on May 21, 1985.

In accordance with V.S.A. 17 §2645(a)(6), deleted matter will appear in [brackets] and new matter will appear as **underlined**.

Springfield Town Charter

Art. One. Incorporation, General Law, Miscellaneous Provisions, §§ I-[XIV] **XIII**

Art. Two. Elections And Local Officials, §§ I-IV

Art. Three. [The Administrative Service] **Town Administration**, §§ I-IV

Art. Four. Budgets and Finance, §§ I-[IX] **XII**

ARTICLE ONE

INCORPORATION, GENERAL LAW, MISCELLANEOUS PROVISIONS

I. Incorporation.

The inhabitants of the Town of Springfield shall continue to be a body politic and corporate under the name of "Town of Springfield," and as such shall enjoy all rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to, or incumbent upon them as a municipal corporation. All existing property of the town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this [C]**c**harter.

II. Application of general law/proposed charter.

A. Purpose: This document is drafted to **update** [supersede] and replace the existing [C]**c**harter **dated May 21, 1985**.

B. Application of general laws:

Except when modified by the provisions of this [C]**c**harter, or by any regulation or ordinance of the town, all Statutes of the State of Vermont relating to municipalities shall apply to the Town of Springfield.

In the event of any conflict or contradiction, either direct or implied, between the powers conferred herein and state statute, this [C]**c**harter shall prevail.

III. Powers of the town.

A. The Town of Springfield shall have all the powers and functions conferred upon towns and villages by the constitution and general laws of the state, [and shall also have] all implied powers necessary to implement such powers and functions[.]**, and such additional powers as conferred by this charter which are consistent with the constitution.** All powers and functions conferred or implied by the [C]**c**harter shall be in addition to the powers and functions conferred upon the town by laws now in force or hereinafter enacted.

B. Without limiting any of the express or implied powers granted by the charter, the Town of Springfield shall have the following additional specific authorities:

1. To adopt and enforce ordinances relating to the cleaning and repair of any premises when in such condition as to impair the general appearance of the town, to be injurious to other property in the vicinity or to be a health hazard, and to control the removal of rubbish, waste, and objectionable material therefrom.

C. [B.] Nothing in this [C]**c**harter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.

IV. Intergovernmental relations.

The [town] **Selectboard** may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other towns, cities and school systems, or one or more states or civil division or agencies thereof, or the United States or any agency thereof.

V. Ordinances.

A. Town legislation: Town legislation shall be by ordinance. Ordinances and rules promulgated pursuant thereto shall have the full force of law embodied in this [C]**c**harter.

B. Legislative body:

1. The [board of selectmen] **Selectboard** shall constitute the legislative body of the town with the power, between town meetings, to adopt, amend, repeal or enforce ordinances.

2. All [T]**t**own meeting**s**, **annual or special,** as constituted herein, in addition to [its] **their** other functions, shall also serve as a legislative body and may adopt, amend or repeal an ordinance.

   a. Ordinances to be so considered by town meeting can only be placed on the warning in such manner as authorized by this [C]**c**harter.

   b. The entire text of ordinances subject to town meeting action must be **posted on the town's website and** published in a newspaper or newspapers of general circulation as may be directed or designated by the [board of selectmen] **Selectboard**, at least thirty (30) **calendar** days before the meeting.

   c. Any ordinance to be considered by town meeting shall be reviewed by the town attorney **or other counsel engaged by the Selectboard** prior to official warning. Said attorney shall

be charged with the duty to correct such ordinance to avoid repetition, illegal or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

d. The effect of town meeting action on an ordinance shall take place upon passage unless otherwise provided [therein] **in the body of the ordinance**.

[e. Ordinances acted upon by town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the board of selectmen, or to the appointment or designation of the selectmen, or their rules of order.]

e. [f.] Ordinances passed by town meeting may not alter or limit any provision of this [C]**c**harter.

f. [g.] Any ordinance to be passed by either town meeting or the [board of selectmen] **Selectboard** must be set forth in a uniform format as follows:

1) Ordinances shall be numbered consecutively;

2) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance;

3) Ordinances shall be short titled and contain a statement of purpose;

4) Outline format shall match that used in the existing codification.

3. Ordinances adopted, amended or repealed by act of the Selectboard or by town meeting shall take effect upon passage and shall not be subject to permissive referendum, reconsideration or rescission.

C. Ordinance adoption procedure**, other than zoning and subdivision bylaws**:

1. The [selectmen] **Selectboard** shall designate the category into which action an ordinance shall fall.

2. There shall be five (5) categories of action as follows:

   a. New legislation adoption or rejection;

   b. Repeal in total of existing legislation;

   c. Major amendment - changing the nature and substance of the original ordinance;

   d. Minor amendment - minor adjustment in meaning, procedure or definition;

   e. Emergency ordinance as defined herein in paragraph F[;]**.**

   [f. Changes in the town's zoning and subdivision bylaws.]

D. Procedure for drafting, adoption, rejection, major amendment or repeal of ordinances:

1. Drafting:
   a. The Selectboard may appoint an ordinance subcommittee consisting of not more than two (2) selectboard members.

   b. If the Selectboard appoints an ordinance subcommittee, [O]**o**rdinances[, or actions related thereto] **of all categories, with the exception of emergency ordinances,** shall be drafted by**, and** [or] submitted in draft form [to an] **by the** ordinance subcommittee [consisting of no more than two (2) board of selectmen members].

2. Reporting out:

   a. **If the Selectboard appoints an ordinance subcommittee,** [T]**t**he ordinance subcommittee shall review [the] **any** ordinance [for form] **submitted to them** and report [it] out to the [board of selectmen] **Selectboard** for first review **within ninety days of submission**.

   b. Ordinances reported out for first review must be reviewed beforehand by the town attorney or other counsel **engaged by the Selectboard**, and signed by him/her signifying proper legal form and constitutionality.

   c. Copies of ordinances providing for criminal offenses should be transmitted to the state's attorney for review.

3. Introduction and first review:

   a. The proposed ordinance or action shall be introduced at a [board of selectmen] **Selectboard** meeting by the ordinance subcommittee.

   b. During first review, the proposed ordinance or action may be amended.

   c. [A final draft] **The proposed ordinance including any amendments** must be accepted or rejected at the completion of first review.

   d. Upon completion of first review, a date for second review and public hearing shall be fixed within no less than fourteen (14), but not more than [twenty-eight (28)] **forty (40) calendar** days from first review.

4. Second review and public hearing:

   a. Notice of the date of second review must be published no later than seven (7) **calendar** days before the date of second review itself.

   b. The notice shall contain either the text of the ordinance or an explanation of the nature and purpose of the ordinance along with information as to where a citizen may obtain a copy of the full ordinance text.

   c. At the time and place specified in the notice, a public hearing shall be held.

5. Amendment during second review: Should the [board of selectmen] **Selectboard** decide after the public hearing to amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in no less than fourteen (14), but no more than [twenty-eight (28)] **forty (40) calendar** days and all notice requirements to be met in subsection 4 above.

6. Final action:

a. Upon completion of the second review, the [board of selectmen] **Selectboard** shall act to adopt or reject the ordinance.

b. Failure to act in fourteen (14) **calendar** days shall constitute a rejection.

7. Repeal: The repeal of any existing ordinance shall follow the procedure prescribed herein for passage of an ordinance.

E. Minor amendments: An action classed by [board of selectmen] **Selectboard** vote as a minor amendment, pursuant to section C immediately above, may be adopted after the completion of first review.

F. Emergency ordinances:

1. To meet a public emergency affecting life, health, property or the public peace, the [board of selectmen] **Selectboard** may adopt one (1) or more emergency ordinances.

2. Emergency ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money.

3. An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the [Board of Selectmen] **Selectboard** in a form consistent with other ordinances.

4. An emergency ordinance must be clearly titled as such, contain a clear declaration of the emergency, describing it in specific terms.

5. An emergency ordinance may be adopted or rejected, **or an existing ordinance may be amended,** [with or without amendment,] at the meeting at which it is introduced, but an affirmative vote of [four] **two-thirds, but not less than three, of the** [board of selectmen] **selectboard members present** is required for adoption.

6. Emergency ordinances shall be effective upon adoption unless the ordinance specifies otherwise.

7. Any emergency ordinance shall automatically stand repealed on the sixty-first (61st) **calendar** day following [adoption] **its effective date**; this shall not prevent reenactment of the ordinance if the emergency still exists.

8. In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the [board of selectmen] **Selectboard**, the ordinance must be ratified in a manner similar to other ordinances.

9. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the manner specified in this section for emergency ordinance.

[G. Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont Statutes.]

G. [H.] Standard codes of technical regulations:

1. The [board of selectmen] **Selectboard** may adopt any standard code of technical regulations by references thereto in an adopting ordinance.

2. The procedure and requirements governing [such an adopting ordinance] **the adoption of an ordinance concerning standard codes of technical regulations** shall be the same as prescribed for ordinances generally except that the requirements of this [C]**c**harter for distribution and filing of copies of the ordinance shall include the adoption ordinance itself, but shall not include the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the town clerk for distribution or for purchase at a reasonable price.

H. [I.] Authentication and recording, codification, [printing] **publication**:

1. Authentication and recording: The town clerk shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the [board of selectmen] **Selectboard**.

2. [Printing] **Publication** of ordinances and resolutions:

   a. The [board of selectmen] **Selectboard** shall cause each ordinance and resolution having the force and effect of law to be [printed] **published**.

   b. [Printed o]**O**rdinances, resolutions, [C]**c**harters and [C]**c**harter amendments shall be **published electronically and made available in printed form for sale** [distributed or sold] to the public at reasonable prices set by the [board of selectmen] **Selectboard**.

   c. All [printed] ordinances, codes, resolutions and [C]**c**harter amendments should follow a uniform format or style [established by the initial codification following this Charter adoption].

3. Codification:

   a. Within one (1) year after the adoption of this [C]**c**harter, and at least every [five (5)] **ten (10)** years thereafter, the [board of selectmen] **Selectboard** shall provide for the uniform codification of all ordinances and resolutions having the force of law.

   b. When completed, the updated codification [will be adopted by the board of selectmen by ordinance,] shall be published in a form convenient for general use and shall be incorporated into the town code.

I. [J.] Penalties:

1. The [selectmen] **Selectboard** may provide for and authorize within an ordinance[,] penalties for the breach of any ordinance which the general law or this [C]**c**harter authorizes.

2. The town may take actions necessary to prosecute any person who violates ordinances passed under this [C]**c**harter. Said prosecution may be through the courts [or the town grand juror as may be established under this Charter].

VI. Open meetings, freedom of information.

[A. Meetings, workshops, minutes and records:

1. Meeting as defined by this Charter shall mean any occasion when a public body, created pursuant to this Charter, convenes a quorum for the purpose of voting and doing business, either in person or by telecommunication or video communication. If a meeting is by

telecommunication or video communication, all provisions of 1 V.S.A. section 312 shall be met.

2. A workshop shall be defined as the convening of any number of the voting members of a public body for free discussion of predetermined subjects, upon which no action shall be taken, but upon which a nonbinding consensus may be reached.

3. Only actions taken at meetings shall be official and binding.

4. Minutes shall be kept of all meetings, recording results of all votes and major subjects discussed, with a special effort to record comments by voting members.

5. No minutes shall be required at a workshop, but a public record of the workshop must be kept for two (2) years.

B. Executive sessions:

1. Any public body, as herein constituted, may only convene an executive session at a meeting publicly warned, by a vote of two-thirds (2/3) of the members.

2. A motion taken to go into executive session shall state the reason, in accordance with this section, but need not state the specific subject matter.

3. A body constituted under this Charter may hold an executive session for one of the following reasons:

   a. For the discussion or consideration of contracts, labor relations agreements with employees, arbitration, grievances, civil actions at law, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;

   b. The negotiating or securing of real estate purchase options;

   c. The appointment or employment or evaluation of a public officer or employee;

   d. A disciplinary or dismissal action against a public officer or employee; but nothing in this act shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

   e. A clear and imminent peril to the public safety;

   f. Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of Title 1, Vermont Statutes Annotated. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;

   g. Deliberations of a public body of the state or of any state agency or authority, or of political subdivisions thereof when considering a case which it is required by law, after hearing and evidence, to decide with finding of fact and conclusions of law.

4. The only binding action which may be taken in executive session shall be the securing of real estate or property purchase options.

5. The public body may admit persons to executive sessions whose presence it judges to be critical to deliberations.

C. Meetings/warning/agenda:

1. The regular meeting schedule of a public body shall be posted in the town clerk's office.

2. Workshops must be publicly announced.

3. Special meetings may be called upon twenty-four (24) hour prior notice to the media.

4. Emergency meetings may be called without special notice, provided efforts to notify the media and all members, verbally or in writing, is documented.

5. All regular meetings, special meetings and workshops shall have a printed agenda specifying subjects to be covered, subject to amendment in accordance with the bylaws or rules of the body.

D. Access to public records:

1. All public records, as defined by statute, shall be made available for public inspection during working hours, within a reasonable period. Efforts to produce records which require research or special efforts to pull from dead files, shall be required on a timetable with due consideration to the work load of the department, with the person making the request so notified.

2. The board of selectmen shall fix a fee for costs of recovering and reproduction of public records in consideration of their availability and effort involved in production and reproduction.]

A. All public bodies of the Town of Springfield will comply with the Vermont Open Meeting Law.

VII. Potential or actual conflict of interest, personal financial interest.

[A. At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the town relating to his/her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.

B. Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.

C. Discussions of salary and benefits shall be exempt from this prohibition.

D. Any officer or employee having such an interest shall immediately make said interest known publicly.

E. Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under Article Two, section III B.8.b.

F. Any contract, sale or action taken in violation of this section shall be voidable by the board of selectmen.

G. Officers of the town may buy/sell goods and services from/to the town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.

H. The board of selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under Article Two, section III B.8.b.

I. No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.]

A. The Selectboard shall adopt and maintain a conflict of interest policy.

VIII. Licenses, fees, charges, user fees, fees for service.

A. The [board of selectmen] **Selectboard** shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to town government, except those prescribed by state statute relating to the office of the town clerk. All fees and charges set by the [board of selectmen] **Selectboard** shall be reasonably related to actual costs.

[B. The board of selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the town over which jurisdiction is established by statute, ordinance or this Charter.

C. All licenses required by the town shall be authorized by passage and/ or amendment of a license ordinance.

D. All fees, charges, user fees or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the board of selectmen agenda for review and/or update, every three (3) years from its date of passage.]

B. [E.] No officer of the town shall collect fees or **monetary** prerequisites for his/her own use, and all fees or charges shall be accrued to [the general fund] **town funds**.

IX. Acquisition and disposition of town property.

A. The [board of selectmen] **Selectboard** shall pass [an ordinance] **a policy** governing the acquisition [or disposition] of town property, which shall outline procedures for the handling of such matters.

B. The [board of selectmen] **Selectboard** may acquire [or dispose of] real property in accordance with such [ordinance] **policy**.

C. Disposition of town property shall be accomplished in accordance with state statute.

X. Emergency powers.

A. Declaration of public emergency: The [board of selectmen] **Selectboard** may, upon majority vote, declare a state of public emergency which threatens life, property or the public health or welfare.

B. Condemnation, eminent domain: In the event of a declared public emergency which threatens life, property, the public health or welfare, duly declared by [unanimous board of selectmen] **Selectboard** action at a [duly warned] meeting **warned in accordance with state statute**, the [board of selectmen] **Selectboard, by unanimous vote,** may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to [s]**S**uperior [c]**C**ourt.

C. Civil preparedness: The town manager shall be the designated civil preparedness chair[man] and shall be duty bound to exercise the powers afforded by statute, and any powers and functions outlined by the [board of selectmen] **Selectboard** in a declared emergency. **On an annual basis, the Selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency.**

XI. Procedures for charter revision and amendment.

A. The procedures and process for [C]**c**harter amendment herein may be initiated either by a unanimous vote of the [board of selectmen] **Selectboard**, or by a citizen initiative (petition) [equal to] **of** five percent (5%) of the voters **registered at the time that the petition is submitted**.

B. The procedure for [C]**c**harter revision shall be as follows:

1. The [board of selectmen] **Selectboard** shall appoint a [c]**C**harter [r]**R**eview [c]**C**ommittee of not [less] **fewer** than [ten (10)] **eleven (11)** members, which shall include **two (2)** representatives from the [board of selectmen] **Selectboard, two (2) representatives from** the administration**, one of which must be the town clerk,** [and the community at large,] with the majority from the community at large. **All voting members must be registered voters in the Town of Springfield.**

2. Within one (1) year after appointment, the Charter [r]**R**eview [c]**C**ommittee shall report out any amendments, revisions or changes.

3. [The board of selectmen shall determine if the proposed amendments are a comprehensive revision, and shall determine the format of the article.] **All provisions of 17 § 2645, as amended, not in conflict with this charter shall be adhered to.**

4. Any changes in the [C]**c**harter must be [a]**e**ffected by a**n annual** town meeting vote with at least twenty-five (25) percent of voters participating.

C. In addition to the procedure set forth [above] in subdivisions A and B of this section, the [C]**c**harter may be revised or amended by the submission of a citizen initiative (petition) **specifying the amendment(s) or revision(s) desired and** signed by ten (10) percent of the **registered** voters. The petition and subsequent action shall conform to the requirements of state statute[s] relating to [C]**c**harter amendment procedures, [shall be subject to the determination of the board of selectmen as to whether or not they are comprehensive in nature,] and shall be approved by a**n annual** town meeting vote with at least twenty-five (25) percent of voters participating.

D. Any changes in the town [C]**c**harter shall become effective immediately upon passage by the **registered** voters and approval by the [L]**l**egislature as prescribed by statute.

E. **A comprehensive revision of this charter, as determined by the Selectboard, may be voted only once in three (3) years.** [Charter amendment revote shall be subject to the limits prescribed in Article Two, section II, subsection B(7) herein.]

[XII. Transitional procedures.

A. All boards, commissions and committees in existence upon the adoption of this Charter shall continue to exist until such time as they may be continued, consolidated or abolished under this Charter.

B. The incumbents in all town offices, not herein abolished or superseded when this Charter takes effect, who are not elected by popular vote, shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinance.

C. All employees of the town shall retain their present status upon adoption of this Charter.

D. All ordinances and bylaws of the town shall continue in force until altered or repealed, except where a contrary intent herein appears.

E. So much of the previous enabling act for the Town of Springfield and the present Charter as is now in force relative to the constitution of its sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this Charter; but all special legislation relative to the government of the town, not herein expressly saved, is hereby repealed. All general laws relative to the government of towns shall be in force in the town so far as the same can be applied consistently with the intents and purposes of this Charter, but shall be deemed superseded as to this town so far as inconsistent herewith. Existing ordinances and other town regulations shall remain in force so far as the same can be applied consistently with the interests and purposes of this Charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to bodies or officers hereby abolished and superseded, altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this Charter or by the administrative code.]

XII. [XIII.] Use of streets by public utilities and private interests.

Every public utility and private interest that desires to dig up a public street or alley for the purpose of laying pipes or wires shall first obtain from the [selectmen] **town manager or designee** a written permit stating the place where and the time when digging may be done. Upon receipt of a permit, the digging up and replacing of the street or alley shall be done under the supervision of the [selectmen] **town manager or designee.**[, they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. section 1525, in the name of the town, with costs.]

XIII. [XIV. Separability]**Severability.**

The sections of this [C]**c**harter, and the parts thereof are [separable] **severable**. If any portion of this [C]**c**harter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

ARTICLE TWO

ELECTIONS AND LOCAL OFFICIALS

I. [Form of government] **Governmental authority.**

All governmental authority of the Town of Springfield rests ultimately with the citizens and **registered** voters of the town who shall exercise their power by Australian ballot at the annual town meeting in determining:

A. The election of officers of the town;

B. The approval of the town budgets;

C. All authorizations for major bonding or borrowing;

D. All special appropriations;

E. Any articles placed on the warning which involve the expenditure of tax dollars or in [the provision of direction in the exercise of] **directing** the power vested in elected or appointed officials[.]**;**

F. Ordinances;

G. Charter amendments.

When voting by Australian ballot, the town shall a hold public informational hearing consistent with state law.

II. Town meeting/elections.

[A. Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of town officers at town meeting and elections, counting of votes, recount of votes, certification of results and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special town meetings.]

A. [B.] Meetings and elections:

1. Annual town meeting:

   a. On the Monday preceding the first Tuesday in March, beginning at 7:[30]**00** p.m. at a place designated by the [selectmen] **Selectboard**, the town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot [issues] **questions** and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

   b. A meeting so started shall be adjourned until the following day, the first Tuesday in March at which time business involving Australian ballot will be transacted.

   c. The date of the annual town meeting may be changed by a vote of the citizens at a**n annual or special** town meeting duly warned for that purpose.

2. Special town meetings:

   a. Special town meetings may be called at any time for reasons as prescribed by [C]**c**harter, by a majority vote of the [board of selectmen] **Selectboard**; or by the [decree] **call** of the town clerk upon receipt of a petition signed by no less than five (5) percent of the voters registered at the time the petition is submitted.

   b. A special town meeting, called in accordance with the above section, shall be held within sixty (60) **calendar** days from the date of the official call to meeting.

3. Warnings:

   a. Timetable and notice: Public notice of every annual or special town meeting, or town election, shall be given by a warning posted in at least [five (5)] **four (4)** public places in the town **and on the town's website**, at least thirty (30), but no more than forty (40) **calendar** days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the [board of selectmen] **Selectboard**.

   b. Contents: The warning shall contain:

      i. The date, time, and location of the meeting;

      ii. [Specific indications of s]**S**eparate articles [which reflect the business to be voted] **specifically indicating the business to be transacted**, in the language to be voted **upon**;

      iii. The signatures of a majority of the [board of selectmen] **Selectboard**.

   c. Placing of articles on a warning for the annual town meeting:

      i. Articles may be placed on the warning by:

         a) A majority vote of the [board of selectmen] **Selectboard**;

         b) A petition of at least five (5) percent of the voters registered at the time the petition is submitted.

      ii. Articles submitted by petition must be filed with the town clerk not less than forty**-seven** [(40)] **(47) calendar** days before the date of the meeting **unless modified by state statute**.

4. Power of [selectmen] **Selectboard** on Australian ballot decree:

   a. The [selectmen] **Selectboard** may cause any question not covered in section **II. A.**1.[(A)] **a.** of this article to be voted by Australian ballot at any annual or special town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.

   b. Any article to be voted by Australian ballot shall be preceded by a public **informational** hearing. The warning of the vote shall include **the** notice of **public informational hearing setting forth** [of] the time and place of said public **informational** hearing.

5. Presiding officials at town meeting and elections:

   a. The moderator shall preside at all town meetings. In the moderator's absence, the town clerk shall call the meeting to order and the first order of business shall be the election of a moderator pro-tempore to preside for the duration of the meeting.

   b. Town meetings shall be conducted in accordance with state law, this [C]**c**harter, and Robert's Rules of Order, Revised.

   c. It shall be the duty of the moderator to take such actions deemed necessary to preserve order in the conduct of business and to preserve the principles of free speech, openness and fairness in government.

d. The town clerk shall be the presiding official at all Australian ballot elections, and in cooperation with the [b]**B**oard of [c]**C**ivil [a]**A**uthority, shall assure that all laws related to elections are faithfully observed.

e. While the polls are open, the town clerk shall rule on all questions covering the conduct of **Australian ballot** elections, except the resolution of questions concerning the checklist which shall be made by the majority of the [b]**B**oard of [c]**C**ivil [a]**A**uthority members present.

f. In the absence [or disability] of the town clerk **and assistant town clerk**, should it occur before an election, the [b]**B**oard of [c]**C**ivil [a]**A**uthority shall**, upon notice, immediately meet and shall** designate an acting clerk for the duration of the election. Should such absence [or disability] occur on election day, the [b]**B**oard of [c]**C**ivil [a]**A**uthority **members present at the election,** shall designate an [on-site temporary officer] **acting clerk** to preside for the duration of the election.

6. Postponing or continuing of town meetings:

a. The [selectmen] **Selectboard** may postpone **a special town meeting** [the] vote [on any question to be voted at a special meeting] to the [later] annual **town** meeting if the date of the special **town** meeting would fall **within** seventy-five (75) **calendar** days [prior to] **of** the annual **town** meeting.

b. If a special town meeting falls within forty-five (45) **calendar** days of a later special town meeting called by petition, the [selectmen] **Selectboard** may warn the questions to be voted at such town meeting for the later town meeting, and may by resolution rescind the call of the earlier meeting.

7. Citizen initiatives/revote/re**s**cis**s**ion of articles other than election of officers:

a. Any question voted at an annual or special town meeting, except **the adoption, amendment or repeal of ordinances or of the charter and the recall of elected officials,** [Charter revision or amendment,] may be submitted for revote or re**s**cis**s**ion at a subsequent annual or special town meeting, subject to the limits contained herein.

b. Requests for revote or re**s**cis**s**ion must be by resolution of at least four (4) members of the [board of selectmen] **Selectboard**, or by a petition signed by at least five (5) percent of the voters registered on the date of the action.

c. Any [action] **request** for revote or re**s**cis**s**ion must be taken or filed within thirty (30) **calendar** days of the date the [action] **question** was first considered.

d. The town clerk shall warn a special town meeting to be held within sixty (60) **calendar** days of the date of the [call] **request** for revote or re**s**cis**s**ion.

e. The town budget shall be subject to a revote only if voted in the negative, or if voted in the affirmative at an election having a turnout of less than fifteen (15) percent of the registered voters at the time of the town meeting.

f. The phrasing and presentation of a revote on any question shall be identical to that used on initial consideration.

g. Any question voted on or considered shall be subject to revote or re**s**cis**s**ion only once in the twelve (12) months following the initial vote, except for the town budget which shall be voted until passed.

h. A proposed amendment or revision of this [C]**c**harter **that is substantially similar in substance** may be voted only once in three (3) years.

8. Tie votes:

a. A tie vote**, other than for elected office,** at any town meeting **will require an** [shall be subject to] immediate recount[,]**. If the tie is affirmed,** [the] article**s** [or election shall] **must be revoted** [subject to immediate revote] at a special **town** meeting within [the timetable prescribed by Charter] **sixty (60) calendar days.**

b. Recount**s** other than tie votes may be requested in accordance with state statute.

9. Nonproductive elections: In the event that a legal election fails to produce a person to fill any elected town office, the [board of selectmen] **Selectboard** shall, within thirty (30) **calendar** days of the election, appoint a [qualified individual] **registered voter** to serve in the position until the next annual town meeting **at which an election will occur for the term of office or remaining balance of the unexpired term, whichever is applicable**.

10. Board of [c]**C**ivil [a]**A**uthority:

[a. The board of civil authority shall consist of the Justices of the Peace residing within the town who shall be elected in accordance with state statute, the town clerk and the board of selectmen.]

a. [b.] At the first meeting following the first day of February of odd numbered years, the [b]**B**oard of [c]**C**ivil [a]**A**uthority shall elect a chair[man] and a vice chair[man] from among its members.

[c. The town clerk shall be the clerk of the board of civil authority.]

b. [d.] The [b]**B**oard **of Civil Authority** shall perform all duties as required by this [C]**c**harter, and all duties as required by statute to the extent that they are not in conflict with this [C]**c**harter.

III. Local elected officials.

A. Local elective offices to be filled by the **registered** voters of the Town of Springfield shall be only those articulated by this [C]**c**harter and shall include:

1. [Board of selectmen] **Selectboard**;

2. Listers;

3. Moderator;

4. [First constable] **Library trustees**;

5. Cemetery commissioners;

6. Town agent;

7. Trustees of public funds.

B. Provisions related generally to all elected local offices:

1. Term:

   a. Terms for elective offices shall begin officially at the point which the town clerk and [b]**B**oard of [c]**C**ivil [a]**A**uthority certify election returns as final.

   b. In the event of a recount, or unresolved irregularities in election returns, should emergency action be required, it shall be taken by the elective officials sitting at the time of the election.

2. Oath of office:

   a. Before taking any official action, an elected official shall take the oath of office prescribed by statute.

   b. A signed copy of the oath must be filed with the town clerk within one (1) week from its execution.

3. Compensation:

   a. The manner of compensation for the [selectmen] **selectboard members** and the moderator shall be fixed by the voters, and for all other elective offices, by the [board of selectmen] **Selectboard**.

   b. Expenses, actual and necessary to the performance of the duties of office may be paid, provided they are submitted through the administration for processing and payment, except as may be provided by the voters.

4. Recall of elected officials:

   a. Any elected official may be removed from office as follows: A petition signed by not less than fifteen (15) percent of the registered voters shall be filed with the [selectmen] **Selectboard**, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than thirty (30) **calendar** days prior to the filing of the petition. The [selectmen] **Selectboard** shall call a special town meeting, to be held within forty-five (45) **calendar** days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the town vote as voted in the election wherein the officer was elected, or at least one-third (1/3) of the registered voters of the town vote, whichever is greater, and a majority of the number of votes is cast for removal.

   b. If the town votes for removal of an elected officer, the office shall thereupon become vacant, and the [selectmen] **Selectboard** shall call a special **town** meeting, to be held within forty-five (45) **calendar** days of the vote for removal, to fill the vacancy until the term of the officer so removed expires. The office shall remain vacant until the next annual town meeting if such special **town** meeting would fall within seventy-five (75) **calendar** days prior to the annual town meeting.

5. Attendance: Any elected official shall be [required] **expected** to [regularly] attend all meetings.

6. Holding of more than one office:

   a. Elective offices: Nothing herein shall be interpreted as limiting any person from holding a state or federal elective office at the same time he/she holds local office, provided such

service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

b. Local appointed boards and commissions: Elected officials shall not be prevented from serving on local appointed boards and commissions, provided said service does not conflict or interfere with the proper execution of the elective office.

7. Qualification to run for [and] **or** hold local office:

a. No person shall be qualified to run for or be elected to hold an elective office unless he/she is a [duly qualified] **registered** voter in the Town of Springfield and a resident.

b. Should an elected holder of local office establish residence in some place other than Springfield, the office shall be declared immediately vacant by the [board of selectmen] **Selectboard** and said vacancy shall be filled in accordance with the provisions of the [C]**c**harter.

c. The requirements above dictate that a candidate or officeholder must actually dwell in the town, and not merely maintain a residence therein.

8. Vacancy:

a. In addition to the requirement of subsection 7 above, a vacancy shall be deemed to exist in any local office where an officer dies, resigns, is removed or recalled from office, is convicted of a felony or misdemeanor involving a breach of public trust, or is judicially declared to be mentally incompetent, or is no longer a resident.

b. The declaration of a **vacancy** [condition for forfeiture of office] shall be made by the unanimous vote of the [board of selectmen] **Selectboard**, or in the case of a [selectman] **Selectboard member**, by the other members of the [board of selectmen] **Selectboard.**[, and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the superior court as contested cases are appealed.]

C. Elected officers, duties, responsibilities and conduct:

1. [Board of selectmen] **Selectboard**:

a. Number and term: Unless altered by the procedures provided herein, the policy making body for the town shall be a five (5) member [board of selectmen] **Selectboard**, elected at large, on a non-partisan basis, to rotating, three (3) year terms.

b. Powers and duties: The [board of selectmen] **Selectboard** shall discharge all duties conferred, imposed or implied, by statute or prescribed by this [C]**c**harter, for [boards of selectmen] **Selectboards**, except as herein limited, or specifically transferred to the town manager. Further, unless stated in this [C]**c**harter, the powers and duties of any elected or appointed office not created by this [C]**c**harter, shall be conferred on the [board of selectmen] **Selectboard**. All committees of the **Select**board, and all citizen boards and commissions shall be advisory in nature, unless a specific legal or policy making function is otherwise provided by state law or ordinance as limited by this [C]**c**harter. In this [C]**c**harter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers which the [board of selectmen] **Selectboard** would otherwise have.

c. Organization of the [board of selectmen/chairman, vice chairman] **Selectboard/chair, vice chair**:

i. The [board of selectmen] **Selectboard** shall have a chair[man] who shall be elected annually by a majority vote of the five (5) members.

ii. The **Select**board shall, in a similar manner, choose a vice chair[man] to serve in the absence or disability of the chair[man].

d. Duties of the chair[man]:

i. The chair[man] shall be the official head of the town for all ceremonial purposes.

ii. The chair[man] shall preside at all meetings of the [board of selectmen] **Selectboard** and may participate in all proceedings as a regular member.

iii. All duties of an administrative nature, except as otherwise provided by this [C]**c**harter, shall be exercised by the town manager as provided herein.

e. Meetings: **All meetings will be conducted in accordance with Vermont Open Meeting Law.**

i. Organizational meeting:

a) Within seven (7) **calendar** days after the annual town meeting, the [board of selectmen] **Selectboard**, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a chair[man] and vice chair[man], and the adoption of rules for the transaction of business.

b) The town clerk **or designee** shall preside at the organizational meeting of the [board of selectmen] **Selectboard** prior to the election of the **Select**board chair[man].

c) The **Select**board may transact any other business required at that meeting.

ii. Regular meetings:

a) The **Select**board shall hold regular meetings at a regular time, twice a month, with allowances for one (1) monthly meeting during the months of June, July and August.

[b) The time and place of regular board of selectmen meetings shall be publicly announced to the media.]

iii. Agenda:

[a) The chairman or vice chairman shall, with the town manager, prepare a written agenda for each regular meeting of the board of selectmen.]

a) [b)] Any [board of selectmen] **selectboard member**, citizen in attendance, or the **town** manager, may **only** request at the start of the meeting that items be added to the agenda, provided all [selectmen] **selectboard members** present so vote to add the item.

iv. [Quorums/v]**V**otes:

[a) Three (3) members shall constitute a quorum for any board meeting except as provided otherwise by this Charter.]

a) [b) All voting shall be by individual roll call vote.] **The minutes of the meetings will record the vote of each selectboard member.**

[c) No action of the board shall be valid or binding unless acted upon by the affirmative vote of three (3) or more members of the board unless otherwise provided for by this Charter.]

v. Clerk/minutes:

a) The town clerk **or the town clerk's designee** shall be the official clerk of the **Select**board and shall be responsible for minutes in a form prescribed by [the board.] **Vermont's Open Meeting Law.**

[b) The board of selectmen may employ a stenographer to assist the town clerk in the discharge of duties related to minutes.]

vi. Special meetings and workshops:

a) Special meetings may be called at any time by the chair[man], or the vice chair[man] in the absence of the chair[man], or by written request, signed by three (3) **select**board members.

[b) Notice of a special meeting shall be served, in a reasonable manner, on all members of the board of selectmen.

c) Notice of the special meeting shall be released to the local news media.

d) Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.

e) If an emergency meeting of the board of selectmen is required, on very short notice, every possible effort shall be made to notify the media.]

vii. Public meetings/citizen input/executive session:

[a) All meetings of the board of selectmen shall be open to the public, and shall comply with all the pertinent provisions of this Charter.

b) Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.]

a) [c)] The **Select**board may, upon a vote of four (4) members hold an executive session to discuss any action in accordance with the provisions of [Article One, section VI of this Charter] **Vermont's Open Meeting Law**.

[viii. Correction of irregularities: Any irregularities or defects in the notice of or conduct of any meeting of the board of selectmen may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the board.]

viii. [ix.] Vacancies: A vacancy on the [board of selectmen] **Selectboard** shall be filled by a majority vote of the remaining **Select**board, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

2. Listers:

   a. There shall be two (2) elected listers elected on a non-partisan basis for three (3) year terms which shall not coincide.

   b. The chief assessor shall serve as a third lister.

   c. Duties and responsibilities of the listers shall be in accordance with state statute and **the provisions of this charter** herein limited.

   d. Vacancies on the [b]**B**oard of [l]**L**isters shall be filled by a majority vote of the [board of selectmen]**Selectboard**, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

3. Moderator:

   a. There shall be a moderator elected on a nonpartisan basis for a one (1) year term, who shall perform all duties prescribed by this [C]**c**harter and state law.

   b. Should a vacancy occur in the office of moderator, it shall be filled by a majority vote of the [board of selectmen] **Selectboard** for the unexpired term.

[4. Town constable:

   a. There shall be elected a town constable, who shall serve a one (1) year term.

   b. The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.

   c. The constable shall be in attendance at all town meetings thereby serving as a sergeant at arms to assist the moderator as necessary in the maintenance of order.

   d. The constable shall have powers of service equal to a deputy sheriff under Vermont Statute.

   e. The constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the chief of police.

   f. A vacancy in the office of constable shall be filled by a majority vote of the board of selectmen.]

4. [5.] Cemetery [c]**C**ommissioners:

   a. There shall be elected five (5) [c]**C**emetery [c]**C**ommissioners for a term of five (5) years on a rotating basis.

   b. The town clerk shall be a sixth (6th) [c]**C**emetery [c]**C**ommissioner, but shall not vote.

c. The [c]**C**emetery [c]**C**ommission shall advise the [board of selectmen] **Selectboard** regarding the condition, operation and maintenance of cemeteries, but shall in no way supervise administration of cemetery personnel.

d. The town clerk shall, under the direction of the [c]**C**emetery [c]**C**ommissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.

e. The [c]**C**emetery [c]**C**ommissioners shall issue and update regulations regarding cemetery use, interment and burial fees.

f. Vacancies in the office of [c]**C**emetery [c]**C**ommissioner shall be filled by a majority vote of the [selectmen] **Selectboard**, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

5. [6.] Trustees of public funds: **Public funds are funds received from private outside sources for specific long term purposes and are maintained separate from the general operating fund. The Town of Springfield has a fiduciary responsibility to maintain these funds in accordance with any restrictions placed on the funds at the time that they were received.**

a. There shall be elected **on a rotating basis,** three (3) trustees of public funds, each to serve a three (3) year term.

[b. The town treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings.]

b. [c.]The trustees shall perform all duties as provided for by statute as limited or defined by [C]**c**harter.

c. [d.]The trustees shall be charged with maximizing the return on all invested funds while maintaining their security. In service of this goal, they shall file with the [board of selectmen] **Selectboard** an annual plan outlining the program of investments for the year.

d. [e.]All funds entrusted to the trustees shall be audited yearly as part of the town's annual audit.

e. [f.]Vacancies on the trustees of public funds shall be filled by a majority vote of the [board of selectmen]**Selectboard**, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

IV. Appointed non-administrative officials.

A. General provisions applying to all appointed positions:

1. The appointed positions herein shall all be appointed by a majority vote of the [board of selectmen]**Selectboard**.

2. Terms of appointment shall begin immediately upon [board of selectmen] **Selectboard** action and run for a period as specified herein.

3. All appointees shall be administered the oath of office in the form as provided for by statute.

4. Appointees may be afforded compensation or reimbursement for expenses as determined by the [board of selectmen] **Selectboard**.

[5. For the purposes of the administrative code, within one (1) year after the adoption of this Charter, all appointees, positions, boards and commissions shall be required to submit a proposed ordinance to the board of selectmen outlining duties and responsibilities, which the board of selectmen shall amend and adopt.]

5. [6.]To the highest degree possible, the [board of selectmen]**Selectboard** shall strive for a balance of opinion on all appointive positions, boards and commissions.

6. [7.]Although operating independently, all appointive boards and commissions shall be required to cooperate with the [board of selectmen] **Selectboard** in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the town report, and also to file any other reports requested by the [board of selectmen] **Selectboard**, and be in attendance at any meeting so requested by the [board of selectmen] **Selectboard**.

7. [8.]If an appointed official misses three (3) consecutive regular scheduled meetings of the appointed body for reasons other than health or personal emergency, that office may be declared immediately vacant by the [board of selectmen] **Selectboard**. [The official shall be entitled to a hearing before the board prior to a final determination.]

8. [9.]Elected officials shall serve in appointed positions, boards and commissions if the specific membership of the board or commission calls for their service, subject to the limits outlined herein.

9. [10. Members of the administrative service]**Town employees** may serve in appointive positions as limited by [C]**c**harter, but may not vote on any issue directly affecting their position or conditions of employment.

B. Appointed positions:

1. The following positions are created by this [C]**c**harter, their functions to be governed by the applicable state statute, as limited by [C]**c**harter or ordinance:

[a. Weigher of coal]

a. [b.]Fence viewers

b. [c.]Tree warden

[d. Surveyor of wood and lumber]

c. [e.]Pound keeper

d. [f.]Town clerk

e. [g.]Town attorney

f. [h.]Town treasurer

[i. Grand juror]

g. [j.]Delinquent tax collector

h. Town constable

i. The Selectboard shall appoint a town constable, who shall serve a one (1) year term.

ii. The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.

iii. The constable shall be in attendance at all town meetings thereby serving as a sergeant at arms to assist the moderator as necessary in the maintenance of order.

iv. The Selectboard may assign additional responsibilities to the constable as necessary or convenient.

v. A vacancy in the office of constable shall be filled by a majority vote of the Selectboard.

C. Appointed boards and commissions established by charter:

1. Planning [c]**C**ommission:

   a. The [board of selectmen]**Selectboard** shall appoint the members of the [p]**P**lanning [c]**C**ommission in accordance with state statute. **All members shall be registered voters in Springfield.**

   [b. The duties and responsibilities of the planning commission shall be in accordance with state statute as limited herein.]

2. [Zoning Board of Adjustment] **Development Review Board**:

   a. The [board of selectmen]**Selectboard** shall appoint the members of the [zoning board of adjustment]**Development Review Board** in accordance with state statute. **All members shall be registered voters in Springfield.**

   [b. Duties and responsibilities of the zoning board of adjustment shall be in accordance with state statute as limited herein.]

3. Housing [a]**A**uthority:

   a. The [board of selectmen]**Selectboard** shall appoint members of the [h]**H**ousing [a]**A**uthority. **All members shall be registered voters in Springfield.**

   b. The [h]**H**ousing [a]**A**uthority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield.

   c. The [h]**H**ousing [a]**A**uthority shall also advise the [board of selectmen] **Selectboard** on housing issues generally when so requested.

4. Airport [c]**C**ommission:

   a. So long as there is [an]**a regional, state owned** airport in Springfield, the [board of selectmen]**Selectboard** shall appoint an [a]**A**irport [c]**C**ommission, the number of members to be decided by the [board of selectmen]**Selectboard**.

b. The purpose of the [a]**A**irport [c]**C**ommission shall be to advise the [board of selectmen] **Selectboard** on airport related matters.

c. The [a]**A**irport [c]**C**ommission shall serve as the airport advisory committee as prescribed by state statute.

D. Boards, commissions, committees created by [board of selectmen]**Selectboard** action:

1. The [board of selectmen]**Selectboard** may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission or committee.

2. In doing so, the action must clearly state the reason for the creation of the body.

3. Any body created under this section **(IV.D.)** shall not have an effective life of more than three (3) years. At the end of that period the mandate creating the committee shall terminate and the [board of selectmen]**Selectboard** shall be required to review the reason for the body's existence and may act to reconstitute the body.

ARTICLE THREE

[THE ADMINISTRATIVE SERVICE]**TOWN ADMINISTRATION**

I. The town manager.

A. Appointment: The [board of selectmen]**Selectboard** shall appoint, with no fewer than four (4) affirmative votes, a town manager.

B. Qualifications: The town manager shall be appointed solely on the basis of his/her executive and administrative skills, [based on] education, training and [exprience] **experience** relative to the duties of the town manager, and without reference to political belief or personal relationships.

[C. Term of appointment: The manager may be appointed for an indefinite term.]

C. [D.]Residency: The person appointed as town manager [need not be a resident of the town, or state, at the time of appointment, but must assume residence within a period judged reasonable by the board of selectmen, but not to exceed six (6) months.] **must become a resident of Vermont within six months (6) of appointment and may be required to become a resident of the Town of Springfield within a period of time judged reasonable by the Selectboard at the time of appointment.**

D. [E.] **Terms/c**onditions of employment/compensation: The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the **Selectboard** [board of selectmen on the manager's anniversary date] **on a date convenient for the annual budgeting process**, after negotiations in executive session between the **town** manager (candidate) and the [selectmen]**Selectboard**.

E. [F.]Town manager/evaluation: Before the [board of selectmen] **Selectboard** determines the subsequent annual compensation of the **town** manager, the **Select**board and **town** manager shall be required to hold an evaluation session in executive session, at which **time** the **town** manager shall present **his/her** management goals for the coming year based on townwide goals articulated by the [board of selectmen]**Selectboard**, and shall be evaluated by the [board of selectmen]**Selectboard** regarding performance in relation to such goals set out for the previous year **and the Selectboard may also employ commonly used evaluation practices in the town management profession**.

F. [G.]Oath and bond: Before entering into the duties of office, the town manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the town clerk. The **town** manager shall execute a bond in favor of the town for the faithful performance of his/her duties in a sum determined by the [board of selectmen]**Selectboard, or shall purchase comparable insurance coverage**. The premium for said surety shall be paid by the town.

G. [H.]Town manager removal: The town manager may be removed [at the discretion of] **for cause by** the [board of selectmen]**Selectboard** with no less than four (4) affirmative votes**.** [, after the following procedure is followed:]

1. The **Select**board shall draft, in executive session, a resolution stating its intent to remove the **town** manager. Said resolution must state the reasons for removal and must be served upon the **town** manager personally, not more than five (5) **calendar** days from the date of drafting.

[2. Within five (5) working days from the date of service of the resolution, the manager must file with the board of selectmen, a written request for a public hearing. Failure to file said notice shall constitute waiver of the right to a hearing.

3. No less than fifteen (15) days, but no more than forty-five (45) days from the deadline prescribed in paragraph 2 above, the board of selectmen shall schedule a meeting, or public hearing, for the purpose of considering the resolution.

4. Final action on the resolution shall be taken within five (5) days of the hearing in paragraph 3 above.

5. During the period in which the above proceedings transpire the manager shall be on administrative leave and accrue full salary until official date of action on the resolution.]

2. [6.]Action by the [board of selectmen]**Selectboard** in the removal of a **town** manager shall be final.

[6. In the event of the removal of a manager for reasons other than poor performance or wrongful conduct, the board of selectmen may negotiate severance pay to the maximum of six (6) months.]

H. [I.]Acting town manager/vacancy in the office:

1. In the event that the town manager shall be absent from the town for a period exceeding two (2) consecutive weeks, he/she shall designate an acting **town** manager who shall exercise the duties of **town** manager. The **town** manager may overrule the actions of the acting **town** manager.

2. In the event that illness or injury renders a **town** manager unable to discharge his/her duties **for a period exceeding two (2) consecutive weeks**, or in the event that the **town** manager is suspended or placed on administrative leave, the [board of selectmen]**Selectboard** shall declare a vacancy in the office and appoint an acting town manager to serve until such time as the **town** manager is able to assume regular duties or a new **town** manager is [selected]**appointed**.

3. An acting **town** manager appointed to fill a declared vacancy in the office shall have all the powers and perform all **the** duties of the **town** manager and shall be compensated at a rate of pay not inconsistent with the responsibilities of the position **as determined by the Selectboard**. An acting **town** manager shall not serve for more than one hundred eighty

(180) **calendar** days**, unless the Selectboard determines there are either extenuating circumstances that warrant an extension of that time period or the Selectboard removes the town manager**.

4. In no case shall a select[man]**board member** act as town manager.

I. [J.]Responsibilities of the town manager and authority.

1. In general: The town manager shall be the chief administrative officer of the town. He/she shall be [responsible] **accountable** to the [board of selectmen]**Selectboard** for the administration and general supervision of all business affairs and property placed in his/her charge pursuant to this [C]**c**harter, state statute, or otherwise.

2. Limits to authority in general:

   a. **In addition to the limits on authority enumerated in state statutes,** [T]**t**he authority of the **town** manager shall in no way extend to:

      i. The calling or administration of elections;

      ii. The assessment of taxes or property valuation judgments;

      iii. Judicial or legislative functions of the [board of selectmen]**Selectboard**, or other [legal bodies, boards and commissions] **town public bodies**;

      iv. Direct supervision of the town clerk or town treasurer in statutory duties except as otherwise provided by this [C]**c**harter.

   b. The **town** manager may, upon request, advise or counsel officials in the performance of the above duties.

   c. The town manager may not serve in any elective position in the [T]**t**own [of Springfield]. He/she may, however, serve on appointed [boards and commissions] **public bodies** relevant to town functions in an ex-officio status, as may be determined by the [board of selectmen]**Selectboard**.

3. Authority and duties in particular: **In addition to the authority conferred by state statute,** [T]**t**he **town** manager shall be charged with full authority to, and be responsible for the following:

   [a. To organize, reorganize, continue or discontinue such town departments as the board may determine;]

   a. [b.]To direct and supervise the administration of all departments, offices and agencies of the town except as otherwise provided by the [C]**c**harter or statute;

   b. [c.]To carry out the policies determined by the [board of selectmen]**Selectboard** and report to the **Select**board on their disposition;

   c. [d.]To maintain an appropriate budget control system;

   d. [e.]To keep the [board of selectmen]**Selectboard** informed on the financial condition of the town, including monthly and year end reports showing in detail all [receipts]**revenues** and expenditures for town functions.

e. [f.]To keep the [board of selectmen]**Selectboard** informed as to the future needs of the town and make proper administrative provisions for long term planning, in all areas within the scope of the duties of the **town** manager.

f. [g.]To make such reports as the [board of selectmen]**Selectboard** may require, or the **town** manager deems appropriate, or may be required by law [or ordinance] regarding any and all functions under his/her supervision.

g. [h.]To keep full and complete records of the actions of the **town** manager's office.

h. [i.]To be present at all regular [board of selectmen]**Selectboard** meetings unless excused by the **Select**board, and to have the right to attend and take part in all special meetings of the [board of selectmen]**Selectboard** and subcommittees thereof, except when the removal of the **town** manager is being discussed. [Nothing herein shall deny the manager any rights outlined in section H town manager removal.]

i. [j.]To appoint, upon merit [and fitness] alone, and, when the **town** manager deems necessary for the good of the **town** service, suspend or remove any subordinate official, employee or agent under the **town** manager's supervision as provided for in this [C]**c**harter. **Not withstanding appeals of town manager decisions to the Selectboard, the town manager shall have the exclusive authority to hold subordinate employees, officers or agents responsible for the faithful discharge of their duties.** All such appointments may be without definite terms unless for provisional, temporary or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the [personnel rules and regulations]**employee handbook**. The **town** manager may authorize the head of a department, or of an office responsible to the **town** manager, to appoint and remove subordinates in such office or department.

j. [k.]To ensure the proper and equitable administration of the town's [personnel system] **human resources function**.

k. [l.]To [fix the compensation of] **make recommendations to the Selectboard as to compensation for** town employees as provided in this [C]**c**harter.

l. [m.]To remain ultimately responsible to the [board of selectmen]**Selectboard** for all administrative actions under his/her jurisdiction [although he/she may hold subordinate employees offices or agents responsible for the faithful discharge of their duties].

m. [n.]To draft an annual budget document and capital expenditure plan as provided in the financial section of this [C]**c**harter.

n. [o.]To examine, or cause to be examined, with or without notice, the affairs of any department under his/her control, or the conduct of any officer or employee thereof. For this purpose, the **town** manager shall have access to all books, papers, files, reports or records of all departments that may be necessary for the proper performance of his/her duties.

o. [p.]To ensure the preservation of the public peace, health and safety of persons and property, and see to the enforcement of this [C]**c**harter, ordinances and **to compliance with** state and federal laws as applicable.

p. [q.]To be the general purchasing agent for the town.

q. [r.]To have charge and supervision of all town buildings, properties, and facilities, all repairs thereon, and all construction by the town [unless otherwise voted].

r. [s.]To [supervise and] expend all special appropriations of the town as if they were a separate town department[, unless otherwise voted by the town or provided in this Charter].

s. [t.]To cause to be collected [by the town treasurer, or to collect,] all taxes due the town, except as otherwise provided by statute.

t. [u.]To cause duties of municipalities not committed to the care of any particular officer to be duly performed and executed.

u. [v.]To perform such other duties consistent with his/her office as may be required by a vote of the [board of selectmen]**Selectboard**, by law, ordinance or mandate not inconsistent with this [C]**c**harter.

4. Accountability[, noninterference] and appointive power: The town manager shall be responsible to the [board of selectmen]**Selectboard** for the proper and efficient administration of the departments under his/her charge as outlined above in this [C]**c**harter. Neither the [board of selectmen] **Selectboard**, any individual member of the **Select**board, nor any of its committees or committee members shall dictate the appointment or discharge of any town employee by the town manager, or in any manner interfere with his/her exercising of judgment in the appointment and discharge of employees in the administration.

5. Noninterference with administrative discretion and supervision: Except for the purposes of formal inquiries**,** [or] investigations**, suspensions and terminations** made under this [C]**c**harter, the [board of selectmen] **Selectboard** and its members shall deal with the administration, town officers and employees, who are subject to the **town** manager's direction and supervision, solely through the town manager. Neither the [board of selectmen]**Selectboard** or any of its members shall give orders to, or request any action publicly or privately of any town employee. Communications for the purposes of information and background shall be considered proper when approved by the **town** manager.

II. Administrative departments.

[A. Plan of administrative organization: Within one (1) year after the adoption of this Charter, the town manager shall submit to the board of selectmen a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. Said plan shall be reviewed and acted on within thirty (30) days from submission.]

A. [B.]Department heads: Each town department shall have a designated department head appointed by the **town** manager who shall supervise and control the department and employees therein. The **town** manager may, at any time, assume the duties of a department head.

B. [C.]Departmental rules and regulations: Whenever judged necessary by the town manager, department heads shall draft rules and regulations to be approved by the town manager which shall govern and regulate the affairs of a department consistent with this [C]**c**harter and general law.

C. [D.]Creation, reorganization, consolidation or abolition of administrative departments: Departments within the [administrative service]**town administration** can only be created, reorganized, consolidated or abolished by formal action of the [board of selectmen]**Selectboard**.

III. Administrative code.

A. [Submission and adoption: On a timetable prescribed by the board of selectmen, but not to exceed two (2) years in length, the town manager shall assemble an administrative code for

review and approval by the board of selectmen, which]**The administrative code** shall [consist of] **include**, but not be limited to the following:

1. A copy of the town [C]**c**harter;

2. A properly indexed and codified volume of all town ordinances;

3. A copy of the town's [personnel rules and regulations]**employee handbook**, classification and pay plan;

4. A copy of the town's financial **and** purchasing and procurement [regulations]**policies**;

5. Any and all collective bargaining agreements and departmental rules and regulations;

6. Enabling **town** legislation, ordinances and resolutions for all town [boards, commissions and committees,] **public bodies** accompanying an updated list of all elected and appointed officers[;]**.**

[7. A copy of the plan of administrative organization.]

B. Distribution and availability:

1. Copies of the administrative code shall be considered an official document to which a person may refer for up-to-date information on the town.

2. The document shall be [placed] **made available** in the town hall [and library]for free public access [- and sufficient copies made for sale to citizens at a cost of production fixed by the board of selectmen].

[C. Administrative code up date: The town clerk shall be responsible for the accurate maintenance and update of the administrative code.]

IV. Administrative and policy functions prescribed by charter.

A. Department of assessment:

1. There shall be a department of assessment to consist of a chief assessor, the elected listers, as prescribed by [C]**c**harter and state statute, and such assistants and support staff as may be recommended by the town manager and approved by the [board of selectmen] **Selectboard**.

2. The chief assessor shall be appointed or removed by the town manager with the advice and consent of the [board of selectmen]**Selectboard**.

3. The town manager shall not participate in the process of property valuation and assessment.

4. The department of assessment shall have the same powers, discharge the same duties, proceed in the discharge thereof, and in the same manner be subject to the same liabilities, as are prescribed for [assessors, listers or boards of] listers under the laws of the State of Vermont, except as herein provided. **The elected listers and the chief assessor shall constitute the Board of Listers for the purposes of tax grievances.**

[5. The department of assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.

6. The department shall review, or cause to be reviewed, their appraisals of all real property in the town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.]

5. [7.] All employees in the department of assessment shall be governed by applicable rules and regulations promulgated under this [C]**c**harter.

B. Town clerk, [grand juror,]town treasurer, town attorney:

1. The [board of selectmen]**Selectboard** shall appoint and remove, on the basis of qualifications and performance alone, a town clerk, [grand juror,]town treasurer and town attorney.

2. The duties of the town clerk, and town treasurer shall be as prescribed by statute, except as provided herein.

3. The town attorney shall, except as otherwise provided herein, represent the town in all legal matters.

[4. The term of the grand juror shall not exceed three (3) years. He/she shall be responsible for the prosecution of violations of local ordinances. The salary of the grand juror shall be fixed by the board of selectmen and he/she shall be responsible to the board in the performance of his/her duties. The grand juror shall be duty bound to work in cooperation with the town manager and administrative service. The grand juror may recommend to the board of selectmen the appointment of staff who shall be part of the administrative service.

5. Appointments of the town clerk, grand juror, treasurer and town attorney shall be validated by the voters at the next annual town meeting following the appointment. Until validation, all appointments shall be temporary.]

4. [6.]Removal of a town clerk, [grand juror,]town treasurer or town attorney shall be by a process identical to removal of the town manager as outlined in [Article Three, section I, H.] **ARTICLE THREE, section I.G.**

5. [7.]Compensation for the town clerk, town treasurer and town attorney shall be recommended by the **town** manager and approved by the [board of selectmen]**Selectboard**. Any and all fees collected by the town treasurer and town clerk, pursuant to statutory duties, shall accrue as general fund revenues to the town.

6. [8.]Support personnel, supplies, material and equipment for the town clerk and town treasurer shall be provided by the [board of selectmen]**Selectboard** upon recommendation by the town manager.

7. [9.]The [board of selectmen]**Selectboard** or the town manager may seek legal services outside the offices of the town attorney whenever judged in the best interests of the town.

8. [10.]All staff provided to the town clerk, [grand juror]and town treasurer shall be part of the [administrative service]**town administration** and be subject to all rules and regulations promulgated under this [C]**c**harter.

9. [11.]The town clerk may designate an assistant town clerk or clerks**, subject to approval by the town manager**.

10. [12.]In the absence or disability of the town clerk, town treasurer or town attorney, the [board of selectmen]**Selectboard** shall ensure that the functions are continued and shall have the power to appoint temporary substitutes.

C. [Personnel system]**Human Resources Department**:

1. Merit principle outlined: All employment actions relating to town officers and employees shall be made [solely] on the basis of merit**,**[and fitness] **except for employees subject to collective bargaining agreements**.

2. [Personnel director]**Human resources manager**:

   a. There shall be a [personnel director]**human resources manager** who shall be responsible for the ongoing administration of the town's [personnel system]**human resources system**. The [personnel director]**human resources manager** shall be the town manager or his/her designated agent, but must be a member of the [administrative service]**town administration**.

   b. The authority of the [personnel director]**human resources manager** in relation to all town department heads shall be prescribed by the town manager.

[3. Personnel merit system ordinance:

   a. There shall be adopted, within six (6) months of the passage of this Charter, a new personnel and merit system ordinance which shall carry the full force of law embodied in this Charter.

   b. The personnel ordinance shall enable the enactment of rules and regulations which shall include, but not be limited to the following provisions:

      i. A classification and pay plan for all town employees with uniform procedures for reclassification;

      ii. A system of evaluation for fitness or merit for appointment and promotion;

      iii. A system of discipline and removal for cause or unfitness for duty;

      iv. A system for the reduction in the work force, layoff and recall;

      v. A system dictating hours of work and attendance policies;

      vi. Allowances for provisional and part time appointments;

      vii. A program for in-service training and employee development;

      viii. A system for the hearing, processing and resolution of employee grievances;

      ix. Provisions for relations with employee organizations and/or unions;

      x. A uniform system regulating benefits, sick time and vacations;

xi. Opportunities for employee input related to safety, the quality of the work environment, and increased productivity;

xii. Other practices, procedures and issues as may be necessary to the ongoing administration of the personnel system.]

3. [4. Personnel rules and regulations e]**E**mployee handbook:

a. The [personnel director]**human resources manager** shall issue and maintain [in updated status, a set of comprehensive rules and regulations]**an employee handbook** governing the ongoing administration of the town [personnel]**human resources** system.

[b. The personnel rules shall be adopted and amended by a procedure established by the board of selectmen and shall carry the full force of law of this Charter.]

b. [c.] **A** [Copies] **copy** of the [personnel rules] **employee handbook** shall be provided to each town employee.

4. [5.]Town [C]**c**harter and collective bargaining agreements:

a. **The Selectboard shall have the sole authority to enter into collective bargaining agreements and may commit the town to collective bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this charter.** [The board of selectmen may not commit the town to any collective bargaining agreement which shall contradict, violate, or circumvent any provision of this Charter or ordinances passed pursuant to this Charter.

b. Board of selectmen may commit the town to bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this Charter.]

5. [6.]Service of town employees in elective or appointive office:

a. A town employee may not, other than membership in the [general assembly] **Vermont State Legislature**, hold a local, state or federal elective office which makes policy that shall directly or indirectly affect his/her department or any town functions while employed by the Town of Springfield.

b. A town employee may be appointed to a board or commission, provided that the appointment does not make policy which directly affects the employee's conditions of employment or compensation.

c. A town employee may not be disciplined in any way for [failing] **refusing** to [electioneer] **campaign** on behalf of any candidate for any [local town] elective office, contribute financially to a [local candidate's] campaign, or take or advocate a position on referendum questions.

d. Nothing herein shall limit the right of an employee to express his/her opinion, belong to a political party, or exercise his/her right to vote, except as limited in paragraph c. above.

e. Nothing [herein] shall limit the right of employees to participate in the elective process for state and federal offices**, except as otherwise stated herein**.

6. [7.]Surety bonds. Any town officer or employee, as required by the [board of selectmen]**Selectboard**, shall annually give surety bonds **or shall purchase comparable coverage** to the satisfaction of the [board of selectmen]**Selectboard** for the faithful discharge

of his/her duties. In the event any officer or employee neglects to give a bond **or is unable to obtain a bond** as herein specified, after ten (10) **calendar** days' notice from the **Select**board that he/she is required to do so, his/her office shall thereupon become vacant and the vacancy shall be filled as provided in this [C]**c**harter. [Each bond must be approved by the town attorney.] All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the town. Such bonds shall be filed with the town clerk.

ARTICLE FOUR

BUDGETS AND FINANCE

I. Fiscal year town government.

The fiscal year for town government shall be fixed by the [board of selectmen]**Selectboard**, in a manner to maximize efficiency in town financial matters.

II. [Operating] **Proposed** budget timetable and preparation.

A. Submission of timetable: At least five (5) months before the scheduled date of town meeting, the **town** manager shall prepare and present to the [board of selectmen]**Selectboard** a proposed timetable which shall project the progress of events leading to the adoption of the town budget.

B. Statement by the [board of selectmen]**Selectboard** regarding budget policy: Upon receipt of the **town manager's** timetable, the [board of selectmen]**Selectboard** shall issue an annual budget policy statement, outlining the direction the **town** manager shall take in the drafting or assembly of the budget document.

C. Departmental submissions: In following the timetable submitted to the [board of selectmen]**Selectboard**, all department heads, and elected or appointed officials with budget responsibility, shall submit operating budget requests to the **town** manager in a uniform format to be established by the **town** manager;

D. Drafting of administration's proposed budget:

1. Unified administrative request: The **town** manager shall, upon consultation with department heads, draft a unified, proposed **town** operating budget for submission to the [board of selectmen]**Selectboard**, reflecting a single **budget** request from the administration for [each] **all** department**s**.

2. **Town** [M]**m**anager's budget message: The **town** manager's/administration's proposed budget shall be preceded by a budget message which shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the proposed [financial policies]**budget** of the town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of [financial policies,] revenues, and expenditures, indicating the reasons for the change. The message shall summarize the town's debt position, include a profile of the capital expenditure program for the year, and also include any other material which the **town** manager deems appropriate.

3. Budget – contents, format:

a. The proposed budget shall provide a complete financial plan for all town funded activities for the ensuing fiscal year, and except as required by law, or [C]**c**harter, shall be in a form

the town manager deems appropriate or the [board of selectmen]**Selectboard** may [require] **prescribe**.

b. [In organizing the budget, t]**T**he **town** manager shall **organize the annual town budget by** utiliz[e]**ing** the most feasible combination of expenditure classifications by fund, organizational units, work program**s**, purposes, action**s** and objects.

c. The budget shall begin with a clear, general summary of its contents and shall show[, in detail,] all proposed revenues/income, and all proposed expenditures.

d. The budget shall be arranged so as to show comparative figures for actual and estimated revenues, income and expenditures for the preceding year, and for the year covered by the proposed budget.

e. The budget shall include[in separate sections]:

i. Proposed expenditures for [current] operations during the ensuing fiscal year, detailed by offices, departments and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

ii. Amount required to meet the interest on maturing bonds, notes, or other outstanding indebtedness;

iii. Proposed capital expenditures during the ensuing fiscal year**s** detailed, wherever practical, by office, department or agency, along with the method of financing;

iv. Proposed estimated monies to be raised from all sources to be collected, levied or raised by taxation to defray the expenses of the town.

E. Subsidiary budgets for utilities:

1. For each utility or enterprise owned and operated by the town, a subsidiary budget shall be drafted in accordance with these guidelines, with the process of review and approval to be dictated by the [board of selectmen]**Selectboard**.

2. Cross subsidy in areas other than fund management between town government operations and utility operations shall be limited to legitimate services and support provided as approved by the [board of selectmen]**Selectboard**.

III. Capital expenditure program.

A. Preparation and submission: The **town** manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the [board of selectmen]**Selectboard** at least three (3) months prior to town meeting.

B. Contents:

1. The capital expenditure program shall include but not be limited to:

a. A[clear] narrative summary of [needs]**requests**;

b. A list of all capital expenditures to be proposed for the next five (5) years with appropriate supporting data;

c. [Actual c]**C**ost estimates, proposed methods of financing, and necessary time schedules for each improvement;

[d. Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.]

C. Revision and update: The above program shall be revised and extended each year to reflect progress or projects still pending.

D. Inclusion in annual budget: A summary of the capital expenditure program shall be included in the annual budget with special emphasis on the expenditures for the particular year.

IV. Capital reserve funds and equipment funds.

A. The [board of selectmen]**Selectboard** may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

1. The construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item of equipment;

2. The construction, reconstruction or acquisition of a type of capital improvement or acquisition of a type of equipment;

3. The size and regulation of capital reserve funds shall be determined by [board of selectmen]**the Selectboard** [action].

V. [Selectmen]**Selectboard** action on the budget.

A. [Board]**Selectboard** review:

1. The [board of selectmen]**Selectboard** shall schedule **one or more** public meetings, as they deem appropriate, for the review and discussion of the **town** administration's budget proposal.

2. Upon completion of their review, the [board of selectmen]**Selectboard** shall act to finalize their budget proposal.

3. The **Select**board shall then schedule a public hearing prior to town meeting, warned as such.

4. Following the public hearing, the [board of selectmen]**Selectboard** shall act to officially [fix] **finalize** the budget to be [finalized or] proposed at town meeting.

5. The [selectmen]**Selectboard**, in [fixing] **finalizing** the budget, shall place it on the warning as a gross appropriation.

VI. Special appropriations.

In response to a request, or upon their own initiative, should the [board of selectmen]**Selectboard** so judge, the appropriation relative to a special element of town business may be placed on the warning as a special appropriation by a majority vote of the **Select**board. In taking their action, the [board of selectmen]**Selectboard** shall maintain the right to reject, alter or reduce a request. **This does not apply to articles placed on the warning by petition as described in ARTICLE TWO, section II.A.3.c.i.b).**

VII. [Citizen input/citizen participation in the] **Budget Advisory Committee** budget process.

A. [Citizen participation plan/public notice:]**The Selectboard shall maintain a Budget Advisory Committee which shall be comprised of no less than five (5) and no more than nine (9)**

Springfield registered voters. The Budget Advisory Committee will be governed by operating procedures established by the Selectboard.

[1. Timetable: Before the sixth (6th) month of a fiscal year, the board of selectmen shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than eighteen (18) citizens, for the upcoming budget cycle.

2. Contents:

   a. The citizen participation plan shall outline, in specific terms, the manner by which the board of selectmen intends to provide for citizen input and public notice of the budget and its contents.

   b. The citizen participation plan must provide for, but shall not be limited to formal budget workshops before town meeting; along with the publication of a budget summary in the town report indicating budgeted and actual expenditures for the current year and proposed expenditures for the coming year.

   c. The citizen participation plan shall make proper allowances for review of all special appropriations.]

VIII. Appropriation – town budget.

A. Gross appropriation fixed and levy:

1. The vote of town meeting or other action finalizing the town budget shall make a gross appropriation for the coming fiscal year. The town meeting may not make any budget appropriation not recommended by the [selectmen]**Selectboard**, unless such action was duly warned.

2. As of the effective date of the budget, all amounts stated therein are appropriated [(]for the specified agency's or department's purpose[)]. Adoption of the budget shall constitute appropriations of the amounts specified therein from the funds indicated. This shall constitute an authorization to raise all monies required.

3. Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, wholly or partly, by the issuance of bonds except as provided in [Article Four] **ARTICLE FOUR**, section XII.

4. [Any officer]**The town manager or his/her designee** may, upon approval of the [board of selectmen]**Selectboard**, make a contract or lease for payments beyond the end of the fiscal year.

5. Every appropriation, except an appropriation for a capital expenditure **and multi-year contracts for which town monies have been obligated**, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

[6. The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the board of selectmen.]

B. [C.]Overruns on gross appropriations, emergency appropriations:

1. The gross appropriation may not be exceeded, except by consent of the [board of selectmen] **Selectboard**, as herein limited.

2. In the event of an emergency situation officially declared by the [board of selectmen] **Selectboard**, an amount not exceeding five (5) percent of the gross appropriation may be expended.

3. Any amount in excess of five (5) percent shall be warned and voted by special or regular town meeting.

C. [D.]Under expenditures, excess revenues:

1. Under expenditures: If during the fiscal year, the **Select**board, upon recommendation and certification of the town manager, determines that there are funds available due to under expenditure of the funds **or revenue returns exceeding projections** proposed in the budget, the **Select**board may make supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five (5) percent of the gross appropriation.

2. Excess revenues unexpected: If unexpected revenues or under expenditures equal over five (5) percent of the gross appropriation respectively, such overage shall be carried over as surplus.

D. [E.]Surplus: Any surplus created, subject to the provisions of section [D]**C**. above, [shall] **may** be carried over to the next budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the [board of selectmen]**Selectboard**, may be placed in a capital reserve fund as provided for in this [C]**c**harter.

E. [F.]Transfers - alterations in the work program:

1. The town manager may transfer, at any time, with a public report to the [selectmen] **Selectboard**, an unencumbered appropriation balance, or portion, between general classifications of expenditures within an office, department or agency.

2. The [board of selectmen]**Selectboard** may transfer, by formal vote, any unencumbered portion or balance of an appropriation from one department or agency to another.

3. In no case shall a transfer violate the gross appropriation as limited by section A. above.

F. [G.]Ongoing appropriation/budget revote:

1. In the event that the budget is not adopted before the beginning of the fiscal year, the amount appropriated for the prior year shall be deemed adopted.

2. **In the event that the budget is not adopted before the beginning of the fiscal year,** [E]**e**xpenditures during budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted.

IX. Financial administration/town budget.

A. [Financial officer]**Finance director**:

1. The town manager may appoint[, on the basis of education, training, experience and performance, an officer] **upon merit alone, a person** who shall serve as [financial officer]**a finance director**.

2. The [financial officer]**finance director** shall be a member of the [administrative service] **town administration** and **be** subject to all rules and regulations therein, and may **not** be the town treasurer, or other administrative officer.

3. The [financial officer]**finance director** shall perform such duties as the job description submitted by the **town** manager and approved by the [board of selectmen]**Selectboard** shall indicate.

B. Depository of town funds/cash and fund management:

1. The [board of selectmen]**Selectboard** shall designate the depository of town funds, and shall ensure the appropriate cash management by the town treasurer and administration.

2. The [board of selectmen]**Selectboard** may provide for such security to town deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

3. The officer responsible for **each** fund [management] shall issue a [regular] report of investments and yields to the **town** manager and the [board of selectmen]**Selectboard, at least annually**.

C. Independent audit[/town auditor]:

1. The [board of selectmen]**Selectboard** shall provide for an **annual** independent audit of all town accounts and may require for any special audit it deems necessary.

2. Such audits shall be made by [the town auditor who shall be] a CPA or firm of such accountants who have no personal interest, direct or indirect, with town government, its fiscal affairs or its officers.

3. The [board]**town manager** shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

4. Should the State of Vermont make such an audit at the request of the **Select**board, it shall meet the requirements of this section.

D. Authorization for expenditure of town funds:

1. Money shall not be paid out of the town treasury unless it is authorized by a payroll or payment authorization signed by at least three (3) members of the [board of selectmen] **Selectboard**. **Alternatively, the Selectboard may authorize one or more selectboard members to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment. Orders, in all instances, shall state definitely the purpose for which they are drawn and shall serve as full authority to the treasurer to make the payments. The Selectboard shall be provided with a record of orders drawn under this authority whenever orders are signed by less than a majority of the Selectboard.**

2. No payment of money on account of any department of which the town manager has supervision shall be made except upon vouchers approved by the **town** manager or his/her designated agent.

3. In the event of the absence, [disability or] suspension **or termination** of the **town** manager, the [board of selectmen]**Selectboard** may approve such vouchers or authorize their approval by some other person.

4. The town manager may provide for periodic or quarterly allotments of the appropriations to departments, funds or agencies under such rules as he/she may prescribe.

E. [Budget]**Financial** reports[, books,] **and** records:

1. Regular reporting – The **town** manager shall submit, on a schedule prescribed by the [board of selectmen]**Selectboard**, but no less often than quarterly, a budget report indicating the relationship between actual and estimated receipts and expenditures to date.

2. All [books of account]**accounting records**, in relation to the receipt, holding or disbursement of money of the town kept by any official of the town, shall be paid for by the town, shall remain the property of the town, and shall be turned over to the town clerk whenever the keeper of the [books of account]**accounting records** retires from office. All [books] **records** pertaining to town affairs kept by the town manager, town clerk, or other elective or appointive officer of the town, shall be kept in the town buildings in their proper places and shall not be removed therefrom without an order of a court, or a vote of the [board of selectmen]**Selectboard**.

F. Purchasing and procurement:

1. All purchasing and procurement for the town shall be the responsibility of the town manager, who may delegate purchasing authority to the limits allowed by [C]**c**harter.

2. All purchasing and procurement shall be by competitive bid or quote wherever practical.

3. The town manager shall [establish]**maintain** purchasing and procurement [guidelines] **policies approved by the Selectboard** as part of the town [C]**c**ode.

X. Trust funds.

A. Trust funds of the Town of Springfield shall **be accounted for separately and** [continue to be] kept [separate and] apart from other town funds.

B. Trust funds shall be [in the hands] **the responsibility** of the trustees of public funds in accordance with this [C]**c**harter and state law **unless the trust document specifies otherwise**.

XI. Taxation and collection.

[A. Authority for taxation:

1. The town shall retain rights of taxation as afforded by state statute related to real estate and personal property.

2. The board of selectmen shall be the tax authority for all town and school functions and shall fix all rates of taxation as limited by Charter and statute.]

A. [B.]Responsibility for taxation and collection:

1. The town treasurer shall be responsible for tax collection.

[2. The board of selectmen shall designate the collector of delinquent taxes.]

2. [3.]The collector of taxes or delinquent taxes may charge and collect such fees **and interest** as may be fixed by the [board of selectmen]**Selectboard** and shall deposit them in the general fund. Fees **and interest** established shall not exceed those provided by statute.

B. [C.]Manner of collection:

1. The timetable of tax collection in terms of due dates and installments shall be fixed by the town treasurer.

[2. Delinquent taxes shall be administered in accordance with state statute.]

[D. Tax abatement: Tax abatement shall be administered in accordance with state statute.]

C. [E.]Tax stabilization:

1. Authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

2. The [board of selectmen]**Selectboard** shall negotiate all stabilization agreements.

3. Under this section, the [board of selectmen]**Selectboard** shall [draft]**maintain** uniform guidelines outlining the scope and nature of tax stabilization agreements.

4. The [board of selectmen]**Selectboard** [shall confer with the school board on stabilization related matters, but] shall retain final authority on stabilization agreements.

D. [F.]Special assessments:

1. The [board of selectmen]**Selectboard** shall have the authority to negotiate or impose by ordinance, reasonable special assessments or special use charges.

2. The procedures for each special assessment must be outlined and authorized by an ordinance explaining the reason for the assessment, the amounts and basis for the amounts, the collection of the assessments and all other matters related to the assessment.

[G. Tax classification; special nonresidential property tax; repeal of inventory tax:

1. For purposes of this section:

   a. All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as "special nonresidential property." Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.

   b. "1996 minimum grand list value" means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.

   c. "Special tax" means the additional tax on special nonresidential property and inventory authorized by this section.

2. Beginning with the January 1, 1997 grand list, the inventory tax shall be phased-out over a period of five years and real and personal property shall be taxed as provided in this section.

3. For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the aggregate grand list value of such property

and inventory as calculated below or the 1996 minimum grand list value, whichever is greater.

4. Beginning with the January 1, 1997 grand list, special nonresidential property and inventory shall be subject to a special tax. The special tax shall be imposed in any tax year in which the aggregate grand list value of special nonresidential property and inventory is less than the 1996 minimum grand list value. The special tax shall be in addition to taxes imposed on real and personal property generally. The special tax rate shall be sufficient to generate the tax revenues necessary to fully offset the decrease in tax revenues that would result from basing the property tax rate on the 1996 minimum grand list value rather than the actual aggregate grand list value of special nonresidential property and inventory.

5. Inventory shall be valued on the grand list as follows:

   a. 80% percent of fair market value as of January 1, 1997.

   b. 60% percent of fair market value as of January 1, 1998.

   c. 40% percent of the fair market value as of January 1, 1999.

   d. 20% percent of the fair market value as of January 1, 2000.

   e. Zero percent of the fair market value for the year 2001 and thereafter.

6. Properties upon which payments are made in lieu of taxes pursuant to a contractual agreement with the Town shall be classified according to their grand list classification and assessed for the purposes of such payments.

7. If a property is used for both residential and nonresidential purposes for both farm and nonfarm purposes, the value of the property shall be apportioned according to such uses and classified and assessed as in this section.]

XII. Debt/bonded debt for town [and school] improvements.

1. Authorization for any long term [bonded] debt shall be granted by the voters at an annual or special town meeting duly authorized for that purpose. **Long term debt is defined as greater than five (5) years.**

2. An article requesting authorization to incur long term debt can only be placed on the warning by a vote of four (4) [selectmen]**selectboard members**, which indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the town.

3. Any vote authorizing long term debt shall only be valid if voted at a town meeting at which the total number of **registered** voters casting ballots exceeds ten (10) percent of the total number of names on the checklist on the date of the last annual town meeting.

4. Articles requesting authorization for long term debt shall be warned in accordance with [ARTICLE TWO, section II, B. 3 related to town warnings generally] **state statute**.

5. The town treasurer shall be authorized, subject to the approval of the [board of selectmen] **Selectboard**, to incur short term debt in anticipation of taxes for town and school funding.

Dated at Springfield, County of Windsor, and State of Vermont on this 27 day of December, 2016.

Kristi C. Morris, Chair

Stephanie N. Thompson, Vice-Chair

George T. McNaughton

Peter E. MacGillivray

Walter E. Martone

Town of Springfield Selectboard

On the 27 day of December, 2016 the Springfield Town Clerk's Office received the foregoing instrument.

Attest: _____
Barbara A. Courchesne, Town Clerk