

Chapter 156 Town of Williston

History

Source. Adopted 2003, No. M-11 (Adj. Sess.); Amended 2007, No. M-8

Approval of 2009 charter amendment. The general assembly approved the amendments to the charter of the town of Williston as provided in this act [2009]. Approved by the voters on November 4, 2008.

Approval of 2007 charter amendment. The general assembly approved the amendments to the charter of the town of Williston as provided in this act [2007, No. M-8]. Approved by the voters on November 7, 2006.

Approval of 2003 (Adj. Sess.) charter amendment. The charter of the Town of Williston was approved as provided in this act on May 27, 2003.

§ 1. Incorporation

The inhabitants of the town of Williston are a body politic and corporate under the name of “Town of Williston,” and as such enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation.

§ 2. Application of general law; charter

(a) Except when modified by the provisions of this charter, or by any regulation or ordinance of the town adopted pursuant to special authority granted by this charter, all statutes of the state of Vermont relating to municipalities shall apply to the town of Williston.

(b) If any matter mentioned in this charter is said to be controlled by a statute, the reference to such statute shall include the statute as amended or renumbered or any statute substituted therefor and having a similar subject matter.

(c) In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the town would have if the particular power were not mentioned.

§ 3. Powers of the town

(a) The town of Williston 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. All powers and functions conferred or implied by the charter shall be in addition to the powers and functions conferred upon the town by laws now in force or hereinafter enacted.

(b) Nothing in this charter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.

§ 4. Intergovernmental relations

The town 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.

§ 5. 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 charter.

(b) Subjects of regulation. The selectboard may adopt ordinances on any subject authorized by statute or this charter.

(c) Ordinance adoption procedure. Ordinances shall be adopted in accordance with the provisions of chapter 59 of Title 24.

(d) The town may take actions necessary to prosecute any person who violates ordinances passed pursuant to this charter.

History

Amendments-2007. Subsection (a): Added “or by bylaw in the case of zoning or subdivision regulation” at the end of the first sentence and “bylaws” following “Ordinances” at the beginning of the second sentence.

§ 6. Open meetings; public records

(a) The provisions of subchapter 2 of chapter 5 of Title 1 shall govern all meetings of boards and commissions, and their subcommittees, of the town of Williston.

(b) The provisions of subchapter 3 of chapter 5 of Title 1 shall govern all public records of the town of Williston.

§ 7. Ethics

(a) Policy statement. Accepting a position as a public official carries with it the acceptance of trust that the official will work to further the public interest. Maintaining that public trust is critical to the continued operation of good government. In addition, public decision-making should be open and accessible to the public at large. To preserve this public trust, there are five principles to which public officials should adhere:

(1) A public official should represent and work toward the public interest and not toward private or personal interests.

(2) A public official should accept and maintain the public trust (i.e., he or she must preserve and enhance the public’s confidence in its public officials).

(3) A public official should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust.

(4) A public official should recognize the proper role of all government bodies and the relationships between the various government bodies.

(5) A public official should always demonstrate respect for others and for other positions.

(b) Policy or ordinance authorized. In order to promote these principles, the selectboard may adopt, by resolution or ordinance, a formal, binding policy or ordinance on ethics.

§ 8. Licenses; fees; charges; user fees; fees for service

(a) The 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.

(b) The selectboard 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 or amendment of a license ordinance.

(d) No officer of the town shall collect fees or perquisites for his or her own use, and all fees or charges shall accrue to the general fund or to a special fund as established by the voters pursuant to a duly warned article at town meeting.

§ 9. Acquisition and disposition of town property

(a) The selectboard may dispose of real property in accordance with section 1061 of Title 24 and this charter.

(b) The selectboard may acquire real property in the name of the town pursuant to law, this charter, or a vote of the town.

§ 10. Procedures for charter revision and amendment

This charter may be amended in accordance with the provisions of section 2645 of Title ~~24~~17.

§ 11. 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 selectboard, through its appointee, 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 selectboard, who may complete the work at the expense of the utility or private

interest and recover that expense in an action of tort in the name of the town, with costs.

§ 12. Form of government

(a) All governmental authority of the town of Williston rests ultimately with the citizens and voters of the town who shall exercise their power by Australian ballot at the annual town meeting in determining:

- (1) The election of officers of the town, except the office of moderator;
- (2) The approval of the town budgets;
- (3) All authorizations for bonding or borrowing;
- (4) All special appropriations;
- (5) Any other articles placed on the warning which involve the expenditure of tax dollars;
- (6) Any vote on a local options tax; and
- (7) Any vote required to be by Australian ballot by state law.

(b) The town may vote to change how an issue is voted if permitted by law. Any change must be voted at a duly warned town meeting. The change, if so voted, will take effect at the next town meeting.

§ 13. 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.

(b) Annual town meeting.

(1) On the Monday preceding the first Tuesday in March, beginning ~~at 7:30 p.m.~~ at a time and place designated by the 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 and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

(2) 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.

(3) The date and/or time of the annual town meeting may be changed by a vote of the citizens at a town meeting duly warned for that purpose.

(c) Special town meetings.

(1) Special town meetings may be called at any time for reasons as prescribed by charter, by a majority vote of the selectboard, or by the decree of the town clerk upon receipt of a petition signed by no less than five percent of

the voters registered at the time the petition is submitted, pursuant to section 2643 of Title 17.

(2) A special town meeting, called in accordance with this subsection, shall be held within 60 days from the date of the official call to meeting.

(d) Warnings.

(1) 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 three public places in the town, at least 30 but no more than 40 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 selectboard.

(2) Contents. The warning shall contain:

(A) The date, time, and location of the meeting;

(B) Specific indications of separate articles that reflect the business to be voted, in the language to be voted;

(C) The signatures of a majority of the selectboard.

(3) Articles may be placed on the warning by:

(A) A majority vote of the selectboard.

(B) A petition of at least five percent of the voters registered at the time the petition is submitted, provided law authorizes such articles as within the authority of the voters.

(4) Articles submitted by petition must be filed with the town clerk not less than 40 days before the date of the meeting.

(e) Voting by Australian ballot.

(1) No article or type of article shall be voted by Australian ballot at any annual or special town meeting called on its action, or by petition, unless the voters have approved the use of such system of voting pursuant to section 2680 of Title 17 or as required by law.

(2) Any article to be voted by Australian ballot shall be preceded by a public hearing. The warning of the vote shall include notice of the time and place of said public hearing.

(f) Presiding officials at town meeting and elections.

(1) The moderator shall preside at all town meetings. In the moderator's absence or prior to the election of the moderator, a Selectboard member shall call the meeting to order and the first order of business shall be the election of a moderator protempore to preside for the duration of the meeting.

(2) Town meetings shall be conducted in accordance with state law, this charter, and Robert's Rules of Order, Revised.

(3) 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.

(4) The town clerk shall be the presiding official at all Australian ballot elections and in cooperation with the board of civil authority shall assure that all laws related to elections are faithfully observed.

(5) While the polls are open, the town clerk shall rule on all questions covering the conduct of elections, except the resolution of questions concerning the checklist, which shall be made by the majority of the board of civil authority members present.

(6) In the absence or disability of the town clerk, should it occur before an election, the board of civil authority shall designate an acting clerk for the duration of the election. Should such absence or disability occur on election day, the board of civil authority shall designate an on-site temporary officer to preside for the duration of the election.

HISTORY

Amendments – 2007. Subdivision (b)(3): Inserted “or time” following “date”.
Subdivision (f)(1): Inserted “or prior to the election of the moderator” following “moderator’s absence” and substituted “a Selectboard member” for the “the town clerk”.

§ 14. Local elected officials

(a) Local elective offices to be filled by the voters of the town of Williston shall be only those articulated by this charter, and shall include:

- (1) Selectboard;
- (2) Town clerk;
- ~~(3) Town treasurer;~~
- ~~(4)~~ Lister;
- ~~(5)~~ Moderator;
- ~~(6)~~ First constable;
- (7)-(9) [Deleted]
- ~~(10)~~ Library trustee;
- (11). (12) [Deleted]

(b) Provisions related generally to all elected local offices.

(1) Term.

(A) Terms for elective offices shall begin officially when the town clerk and board of civil authority certify election returns as final, and the elected candidates take their oath of allegiance and oath of office.

(B) In the event of a recount or unresolved irregularities in election returns should emergency action be required, the elective officials sitting at the time of the election shall take such action.

(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 week from its execution.

(3) Compensation:

(A) The manner of compensation for the selectboard shall be fixed by the voters and for all other elective offices by the 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) 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 or 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.

Conflicts of interest established by statute remain unaffected by this charter.

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

(5) Qualification to run for and hold local office.

(A) No person shall be qualified to run for or be elected to hold an elective office unless he or she is a duly qualified voter and resident in the town of Williston.

(B) Should an elected holder of local office establish residence in some place other than Williston, the office shall be declared immediately vacant by the selectboard, and said vacancy shall be filled in accordance with the provisions of the charter.

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

(6) Vacancy.

(A) A vacancy shall be deemed to exist in any local office where an officer dies, or resigns from office or is judicially declared to be mentally incompetent or is no longer a resident.

(B) The declaration of a condition for forfeiture of office shall be made by the unanimous vote of the selectboard, or in the case of a selectboard member, by the other members of the selectboard, and shall be according to procedures established in 3 V.S.A. chapter 25, as that chapter pertains to contested cases, and may be appealed to the superior court as contested cases are appealed.

(C) A vacancy shall be filled by a majority vote of the selectboard, and the appointment shall run until an election is held.

(c) Elected officers, duties, responsibilities and conduct.

(1) Selectboard.

(A) Number and term. Unless altered by the procedures provided herein, the policy making body for the town shall be a five-member selectboard, elected at large, on a nonpartisan basis, to three staggered three-year terms and two staggered two-year terms.

(B) Powers and duties. The selectboard shall discharge all duties conferred, imposed or implied, by statute or prescribed by this charter, for

selectboards, except as herein limited, or specifically transferred to the town manager. All committees of the board, and all citizen boards and commissions shall be advisory in nature, unless a specific legal or policymaking function is otherwise provided by state law or ordinance as limited by this charter. In this charter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers which the selectboard would otherwise have.

(C) Organization.

(i) The selectboard shall have a chair who shall be elected annually by a majority vote of the five members.

(ii) The board shall, in a similar manner, choose a vice chair to serve in the absence or disability of the chair.

(D) Duties of the chair.

(i) The chair shall be the official head of the town for all ceremonial purposes.

(ii) The chair shall preside at all meetings of the selectboard and may participate in all proceedings as a regular member.

(iii) All duties of an administrative nature, except as otherwise provided by this charter, shall be exercised by the town manager as provided herein.

(E) Organizational meetings.

(i) Within 14 days after the annual town meeting, the selectboard, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a chair and vice chair, and the adopting of rules for the transaction of business.

(ii) The town manager shall preside at the organizational meeting of the selectboard prior to the election of the board chair.

(iii) The board may transact any other business required at that meeting.

(F) Regular meetings.

(i) The board shall hold regular meetings at a regular time.

(ii) The time and place of regular selectboard meetings shall be publicly announced to the media. Special meetings shall be limited to the agenda as warned for purposes of voting.

(G) Quorums; votes.

(i) Three members shall constitute a quorum for any board meeting except as provided otherwise by this charter.

(ii) Voting may be by roll call vote or voice vote. Secret ballot voting shall not be permitted.

(iii) No action of the board shall be valid or binding unless acted upon by the affirmative vote of three or more members of the board unless otherwise provided for by this charter.

(H) Special meetings and workshops.

(i) Special meetings may be called at any time by the chair, or the vice chair in the absence of the chair, or by written request, signed by three board members.

(ii) Notice of a special meeting shall be served in a reasonable manner on all members of the selectboard.

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

(iv) An agenda shall be issued at a special meeting.

(v) If an emergency meeting of the selectboard is required on very short notice, every possible effort shall be made to notify the media.

(I) Correction of irregularities. Any irregularities or defects in the notice or conduct of any meeting of the selectboard 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.

(J) Vacancies. A vacancy on the selectboard shall be filled by a majority vote of the remaining board, said appointment to run until the next annual town meeting at which an election shall be warned to fill the unexpired term. In case of a vacancy in the majority of the board members at the same time, such vacancy shall be filled at a special town meeting called for that purpose. In the event there are so many vacancies on the selectboard that a quorum cannot be achieved, the remaining selectperson or selectpersons shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled.

(2) Town clerk ~~and town treasurer~~.

(A) There shall be a town clerk elected on a nonpartisan basis for a three-year term. The Town may vote by a majority of the legal voters present at an annual or special meeting duly warned for that purpose, to authorize the town manager to appoint the town clerk with advice and consent of a majority of the Selectboard. A town clerk so appointed may be removed by the town manager in a manner consistent with rules adopted by the Selectboard.

(B) A vote to authorize the town manager to appoint the town clerk shall remain in effect until rescinded by the majority vote of the legal voters present at an annual or special meeting, duly warned for that purpose.

(C) The term of office of a town clerk in office on the date the Town votes to allow the Town manager to appoint the town clerk shall expire 45 calendar days after the vote or on the date upon which the town manager appoints the town clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with 17 VSA § 2661.

(D) If the Town votes to allow the Town manager to appoint the Town clerk, the position of Assistant town clerk shall also be appointed by the Town manager in a manner consistent with rules adopted by the Selectboard.

~~(B) There shall be a town treasurer elected on a nonpartisan basis for a three-year term.~~

(3) Listers.

(A) There shall be three elected listers elected on a nonpartisan basis for three-year staggered terms.

(B) Duties and responsibilities of the listers shall be in accordance with state statute and herein limited.

(C) The Town may vote by a majority of the legal voters present at an annual or special meeting duly warned for that purpose, to eliminate the office of lister or change the office to an appointed position. If the Town votes to eliminate the office of lister, the Town manager shall contract with or employ a professionally qualified assessor, who need not be a resident of the Town. The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for lister or board of listers under the provisions of Title 32.

(D) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the legal voters present at an annual or special meeting warned for that purpose.

(E) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the Selectboard appoints an assessor

(4) Moderator. A moderator shall be elected on a nonpartisan basis for a one-year term, who shall perform all duties prescribed by this charter and state law.

~~(5) Town constable.~~

~~(A) There shall be elected a town constable who shall serve a one-year term.~~

~~(B) The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.~~

~~(C) The constable shall have powers of service equal to a deputy sheriff under the Vermont Statutes Annotated.~~

(65) Board of library trustees.

(A) The board of library trustees consists of seven members elected by the voters of the town to staggered five-year terms.

(B) The library trustees have full power to manage the library, pursuant to section 143 of Title 22 and other general state law.

History

Amendments – 2007. Subdivisions (a)(7)-(9): Deleted.
-2007. Subdivision (a)(11), (12): Deleted.

Subdivision (b)(6)(C): Substituted “A vacancy” for “With the exception of the members of the cemetery commission”.

Subdivision (c)(7), (9), and (10): Deleted.

Subdivisions (c)(8): Redesignated as (c)(6).

§ 15. Appointed non-administrative officials

(a) General provisions applying to appointed positions:

(1) The Selectboard may create such appointive officers or positions not provided for by this chapter or required by law as it deems to be in the best interest of the Town.

(2) The appointed positions in subdivisions (b)(1), (2), and (5) of this section shall all be appointed by a majority vote of the selectboard.

(23) -Terms of appointment shall begin immediately upon selectboard action and run for a period as specified herein.

(34) -All appointees shall be administered the oath of office in the form as provided by statute.

(45) - Appointees may be afforded compensation or reimbursement for expenses as determined by the selectboard.

(56) -To the highest degree possible, the selectboard shall strive for a balance of opinion on all appointive positions, boards, and commissions.

(67) -All appointive boards and commissions, although operating independently, shall be required to cooperate with the 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 selectboard, and be in attendance at any meeting requested by the selectboard.

(78) -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.

(89) -Members of the administrative service may serve in appointive positions as limited by charter, 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 charter, their functions to be governed by the applicable state statute, as limited by charter or ordinance:

(A) -Tree warden;

~~(B) -Pound keeper;~~

~~(C) -Collector of delinquent taxes;~~

~~(D) -Town service officer;~~

(EC) -Town health officer. The town health officer is appointed by the commissioner of health upon the recommendation of the selectboard.;

(D) Town Constable.

(2) Appointed boards and commissions established by charter.

(A) Planning commission.

(i) The selectboard shall appoint the members of the planning commission in accordance with state statute. There shall be seven members, a majority of which shall be residents, appointed for staggered four-year terms.

(ii) The duties and responsibilities of the planning commission shall be in accordance with state statute as limited herein.

(B) Development review board.

(i) The selectboard shall appoint the members of the development review board in accordance with state statute. There shall be seven members who shall serve staggered three-year terms.

(ii) Duties and responsibilities of the development review board shall be in accordance with state statute as limited herein.

(C) Conservation commission.

(i) The conservation commission consists of seven members, appointed by the selectboard for staggered four-year terms.

(ii) The commission advises the planning commission and selectboard on matters relating to the town's natural resources, including site plans. It promotes open space and conservation through studies, negotiations and advice on the use of the town environmental reserve fund.

(3) The board of civil authority.

(A) The selectboard, justices of the peace, and town clerk shall constitute the board of civil authority. The board is responsible under general state law for checklist maintenance and other election functions and appeals of property assessments.

(B) The board of civil authority shall be governed by general law in the exercise of its authority.

(4) The board for the abatement of taxes.

(A) The board for the abatement of taxes shall consist of the board of civil authority and town treasurer, plus the listers unless the town votes to eliminate the office of lister and town treasurer. The board is responsible for making decisions on tax abatement pursuant to section 1535 of Title 24.

(B) The board for the abatement of taxes shall be governed by general law in the exercise of its authority.

(C) The quorum for the board of abatement of taxes shall consist of a majority of the board of civil authority, Town Treasurer and the town listers, unless the town votes to eliminate the office of lister.

(5) Cemetery commissioners.

(A) There shall be five cemetery commissioners appointed by the Selectboard for staggered terms of five years.

(B) The cemetery commission shall advise the selectboard regarding the condition, operation, and maintenance of cemeteries

- (C) The town clerk shall, under the direction of the cemetery commissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.
- (D) The cemetery commissioners shall issue and update regulations regarding cemetery use, interment, and burial fees.
- (6) Old Brick Church trustees.
 - (A) The Old Brick Church board of trustees consists of five members appointed by the Selectboard to staggered five-year terms.
 - (B) The board is responsible for overseeing the use and maintenance of the Old Brick Church building.
- (7) Boards, commissions, committees created by selectboard action:
 - (A) The selectboard may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission, or committee.
 - (B) In doing so, the action must clearly state the reason for the creation of the body.

History

Amendments-2007. Amended section generally.

§ 16. The town manager

- (a) Appointment. The selectboard shall appoint a town manager.
- (b) Qualifications. The town manager shall be appointed solely on the basis of his or her executive and administrative skills, based on education, training, and experience relative to the duties of the town manager, and without reference to political belief or personal relationships.
- (c) Term of appointment. The town manager may be appointed for an indefinite term.
- (d) Residency. The person appointed as town manager need not be a resident of the town.
- (e) Conditions 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 on the manager's anniversary date, after negotiations in executive session between the manager or manager candidate and the selectboard.
- (f) 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 manager shall execute a bond in favor of the town for the faithful performance of his or her duties in a sum determined by the selectboard. The town shall pay the premium for the surety.
- (g) 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 consecutive weeks, he or she shall designate an acting

manager who shall exercise the duties of manager. The manager may overrule the actions of the acting manager.

(2) In the event that illness or injury renders a manager unable to discharge his or her duties, or in the event that the manager is suspended or placed on administrative leave, the selectboard shall declare a vacancy in the office and appoint an acting manager to serve until such time as the manager is able to assume regular duties or a new manager is selected.

(3) An acting manager appointed to fill a declared vacancy in the office shall have all the powers and perform all duties of the manager and shall be compensated at a rate of pay not inconsistent with the responsibilities of the position. An acting manager shall not serve for more than 180 days.

(4) In no case shall a selectboard member act as town manager.

(h) Responsibilities of the town manager and authority:

(1) General authority. The town manager shall be the chief administrative officer of the town. He or she shall be responsible to the selectboard for the administration and general supervision of all business affairs and property placed in his or her charge pursuant to this charter, state statute, or otherwise.

(2) Limits to authority in general.

(A) The authority of the 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 selectboard, or other

legal bodies, boards, and commissions;

(iv) Direct supervision of the town clerk if elected ~~or town treasurer~~ in statutory duties except as otherwise provided by this charter;

(v) Where general state law places the appointment or dismissal of an official in the control of some other official than the town manager with the exception of the Administrative Officer (Zoning Administrator, including but not limited to the, development review board, or planning commission, general state law shall prevail over the provisions of this charter.

(B) The 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 town of Williston. He or she may, however, serve on appointed boards and commissions relevant to town functions in an ex officio status, as may be determined by the selectboard.

(3) Authority and duties in particular. The manager shall be charged with full authority, and be responsible for the following:

(A) To organize, reorganize, continue, or discontinue such town departments as the board may determine.

(B) To direct and supervise the administration of all departments, offices, and agencies of the town except as otherwise provided by the charter or statute.

(C) To carry out the policies determined by the selectboard and report to the board on their disposition;

(D) To maintain an appropriate budget control system.

(E) To keep the selectboard informed on the financial condition of the town, including monthly and year-end reports showing in detail all receipts and expenditures for town functions.

(F) To keep the 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 manager.

(G) To make such reports as the selectboard may require, or the manager deems appropriate, or may be required by law or ordinance regarding any and all functions under his or her supervision.

(H) To keep full and complete records of the actions of the manager's office.

(I) To be present at all regular selectboard meetings unless excused by the board, and to have the right to attend and take part in all special meetings of the selectboard and subcommittees thereof, except when the removal of the manager is being discussed. Nothing herein shall deny the manager any rights granted under the provisions of subdivision 313(a)(4) of Title 1.

(J) To appoint, upon merit and fitness alone, and, when the manager deems necessary for the good of the service, suspend or remove any subordinate official, employee, or agent, including the town treasurer, assistant town treasurer, town clerk and assistant town clerk (if voters authorize appointment of positions), Administrative Officer (Zoning Administrator), under the manager's supervision as provided for in this charter. 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. The manager may authorize the head of a department or of an office responsible to the manager to appoint and remove subordinates in such office or department.

(K) To ensure the proper and equitable administration of the town's personnel system.

(L) To fix the compensation of town employees as provided in this charter.

(M) To remain ultimately responsible to the selectboard for all administrative actions under his or her jurisdiction although he or she may hold subordinate employees' offices or agents responsible for the faithful discharge of their duties.

(N) To draft an annual budget document and capital expenditure plan.

(O) To examine or cause to be examined, with or without notice, the affairs of any department under his or her control, or the conduct of any officer or employee thereof. For this purpose, the 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 or her duties.

(P) To ensure the preservation of the public peace, health, and safety of persons and property, and see to the enforcement of this charter, ordinances, and state and federal laws as applicable.

(Q) To be the general purchasing agent for the town.

(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.

(S) To supervise and expend all special appropriations of the town, unless otherwise voted by the town or provided in this charter.

(T) To cause to be collected by the town treasurer or to collect all taxes due the town, except as otherwise provided by statute.

(U) To cause duties of the municipality not committed to the care of any particular officer to be duly performed and executed.

(V) To perform such other duties consistent with his or her office as may be required by a vote of the selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability, noninterference, and appointive power. The town manager shall be responsible to the selectboard for the proper and efficient administration of the departments under his or her charge as outlined above in this charter. Neither the selectboard, any individual member of the board, nor any of its committees or committee members shall dictate the appointment or discharge of any town employee by the town manager, or in any manner interfere with his or 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 made under this charter, the selectboard and its members shall deal with the administration, town officers, and employees who are subject to the manager's direction and supervision, solely through the town manager. Neither the selectboard nor 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 manager.

History

Amendments-2009. Amended section 16h(2)(A)(v) and 16h(3)(J) - changed appointment of Zoning Administrator to Town Manager.

§ 17. Severability

The sections of this charter and the parts thereof are separable. If any portion of this charter 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.

§ 18 Local options Tax

The selectboard is authorized to impose a one percent sales tax, a one percent meals and alcoholic beverages tax, and a one percent rooms tax upon sales within the Town which are subject to the state of Vermont tax on sales, meals, alcoholic beverages and rooms. The town tax shall be implemented in the event the state local options tax as provided for in section 138 of Title 24 is repealed or the 70-percent allocation to the town is reduced. A tax imposed under the authority of this section shall be collected and administered by the Vermont department of taxes in accordance with state law governing the state tax on sales, meals, alcoholic beverages and rooms. The amount of 70 percent of the taxes collected shall be paid to the town, and the remaining amount of taxes collected shall be remitted to the state treasurer for deposit in the PILOT special fund first established in Sec. 89 of No. 60 of the Acts of 1997. The cost of administration and collection of this tax shall be paid 70 percent by the town and 30 percent by the state from the PILOT special fund. The tax to be paid to the town, less its obligation for the 70 percent of the costs of administration and collection, shall be paid to the town on a quarterly basis and may be expended by the town for municipal services only and not for education expenditures. The town may repeal the local option taxes by australian ballot vote.

History

Source. Adopted 2007, No.M-8, § 7

§ 19. Appointment of Fire Chief and Police Chief

The police chief, fire chief, or director of public safety shall be appointed by the manager and shall be employed by written contract for a term not to exceed five years nor less than one year and shall perform the duties designated in the contract or as assigned by the manager. Dismissal from the position may be for cause or as specified in the contract of employment.

History

Source. Adopted 2007, No.M-8, §8

§ 20. Host Town Agreements

Facilities certified under Chapter 159 of Title 10 of the Vermont Statutes Annotated shall enter into a host town agreement with the Town of Williston to make a compensatory host payment prior to certification and renewal of certification.

Source. Adopted 2009