

TOWN OF WESTFORD

Draft: October 13, 2011

This document is not final. It is a work in progress.

1. Corporate Existence

(a) Pursuant to the authority granted by the general assembly of the state of Vermont, there is hereby enacted a charter to govern the organization and operation of local government in the town of Westford, Vermont.

(b) The inhabitants of the town of Westford, within the geographical limits as now established, shall continue to be a municipal corporation by the name of Westford, Vermont.

2. General Provisions

(a) General Law application: Except when changed, enlarged or modified by the provisions of this chapter, all provisions of the statutes of the state of Vermont relating to municipalities shall apply to the town of Westford.

(b) Powers of the Town:

(1) The town of Westford shall have all the powers granted to towns and municipal corporations by the constitution and laws of the state of Vermont and this chapter, together with all the implied powers necessary to carry into execution all the powers granted. The town of Westford may enact ordinances not inconsistent with the Constitution of the state of Vermont, laws of the state of Vermont, or this chapter, and impose penalties for violation thereof.

(2) In this chapter, any mention of a particular power shall not be construed to restrict the scope of powers which the town would have if the particular power were not mentioned, unless this chapter otherwise provides.

(3) Nothing in this chapter shall be construed to any way limit the powers and functions conferred on the town of Westford, the selectboard of the town or its elected or appointed officers by general or special enactment of state statutes or regulations in force or effect or hereafter enacted, and the powers and functions conferred by this chapter shall be cumulative and in addition to the provisions of such general or special enactment unless this chapter otherwise provides.

(4) Meetings of all town boards and commissions shall be open and held in accordance with the requirements of the open meeting law of the state of Vermont. The records of all official

proceedings shall be available for public inspection and copying as provided by the public records act of the state of Vermont.

3. Elected Officers

- (a) Except as otherwise provided by this chapter, the elected officers of the town of Westford shall be those required for towns by state law, and they shall be elected by Australian ballot.
- (b) Elected officers shall perform all duties and responsibilities necessary or required to carry out the provisions of this chapter as well as those provided by state law generally.
- (c) The selectboard shall constitute the legislative body of the town of Westford for all purposes required by statute except as otherwise herein specifically provided, and shall have all the powers and authority given to, and perform all duties required of, town legislative bodies under the laws of the state of Vermont.

- (1) Organization of the selectboard shall be done in accordance to 24 V.S.A. §871.
- (2) The selectboard shall elect a vice chair at its organizational meeting.
- (3) The chair of the selectboard, shall preside at all meetings of the selectboard. If the chair is not present, the vice chair of the board will serve as acting chair.
- (4) If any member of the selectboard fails to attend at least 70 percent of the meetings in any 12-month period or misses three consecutive meetings without the consent of the selectboard, it shall constitute a vacancy.
- (5) The selectboard shall determine its own rules and orders of business not addressed by this chapter and state statute.

4. Appointed Officers

- (a) In addition to all other offices which may be filled by appointment by the selectboard, pursuant to state law or this chapter, the selectboard shall appoint the following who shall thereafter cease to be elected:
 - (1) town treasurer;
 - (2) listers;
 - (3) auditors
 - (4) delinquent tax collector;
 - (5) cemetery commissioners
- (b) The number of persons appointed to the offices in section 4(a) shall be determined by the selectboard.

(c) All appointed town officers shall serve at the discretion of the selectboard. The selectboard may appoint or dissolve any authorities, boards, commissions, or committees, under their purview as authorized by this chapter or state statute.

(d) Appointed officers shall perform all duties and responsibilities necessary to carry out the provisions of this chapter and the as well as those provided by state law generally, and any policies adopted by the selectboard

(e) All appointed town officers shall be governed by the town personnel policy.

(f) The terms of all appointments shall be determined by the selectboard.

(g) Each appointed officer shall serve from the date he or she is appointed and qualified until the end of the term. Each officer shall hold over until his or her successor is appointed and qualified. Each officer may succeed himself or herself, if the selectboard so approves.

(h) Appointments to fill a vacancy in an office with term limits shall be effective at the time of appointment and shall run for the unexpired period of the term.

(i) The selectboard shall adopt, and revise from time to time, a general statement of the qualifications and job descriptions necessary to perform the duties and responsibilities of each of the appointed town offices.

(j) The selectboard shall appoint the candidate who, in its judgment, best meets the qualifications for each office, giving due consideration to individuals who have expressed a commitment to serving the best interests of the town.

(k) The selectboard is authorized to appoint people to serve as alternate town officers in anticipation of disqualifications or unavailability, as needed.

(l) The selectboard may appoint a town administrator.

(m) The selectboard may appoint a town assessor.

(n) The selectboard shall advertise notice of a vacancy in any appointed town office within 10 business days of the creation of the vacancy, which shall include posting in the office of the town clerk and in two or more public places within the town. The notice shall also include a description of the qualifications necessary to be considered for appointment.

(o) Any appointed official is eligible to apply for reappointment at the expiration of his or her term of office, but failure by the selectboard to make such reappointment shall not be construed as discharge from employment.

5. Removal of Elected Town Officers

Any elected town officer may be removed from office subject to the following conditions and procedures:

- (1) A written petition, signed by not less than 15 percent of the registered voters of the town, seeking the removal of such town officer or officers, and requesting a vote of the town at a regular or special meeting called for the purpose, shall be filed with the selectboard and the town clerk.
- (2) Within 15 days after receipt of the petition, the selectboard shall warn a special town meeting, or if the annual meeting is to occur within 90 days of the filing of the petition, include an article in the warning for the annual meeting, for the purpose of voting, by Australian ballot, on whether the officer or officers shall be removed from office.
- (3) The officer or officers shall be removed from office only if at least as many registered voters of the town cast votes in the special town meeting or annual meeting as voted in the election wherein the officer subject to the vote of removal was originally elected.
- (4) Removal shall require a majority of the votes cast at the regular or special town meeting.
- (5) If an officer is removed according to the foregoing procedure, the officer shall forthwith cease to hold office and the office shall become vacant. The vacancy shall be filled as provided by law and this chapter.
- (6) Only one petition for removal may be filed against any given elected officer during any 12-month period of his or her term of office.

6. Conflict of Interest

- (a) No elected or appointed officer or employee of the town or member of any town board or commission shall be beneficially interested directly or indirectly in any matter requiring the discharge of his or her public office. The purpose of this section is to prohibit the use of public office for financial or other advantage, whether direct or indirect, by any means or methods.
- (b) No elected or appointed officer of the town shall be beneficially interested directly or indirectly, in any contract with the town, regardless of the amount or furnish any material or perform any labor, except in the discharge of his or her official duties, unless the contract shall have been awarded upon bids advertised for publication. The publication shall be at least two times in a newspaper having general circulation in the Town; the second and subsequent publications shall be at least seven days prior to the opening of such bids.
- (c) No officer or employee of the town shall take part in any decision concerning the business of the town in which he or she has a direct or indirect financial interest, greater than any other citizen or taxpayer in the town aside from his or her salary as an officer or employee. This

provision shall not apply in the event of any emergency where immediate action shall be deemed more important to the town than receipt of formal bids.

(d) The selectboard may appoint an alternate town officer to serve in place of a disqualified town officer during the period of disqualification or unavailability.

(e) Nothing in this article shall be construed to require the town to take bids on contracts generally, under circumstances wherein no officer or employee has a direct or indirect interest in the contract.

(f) Procedures for addressing conflicts of interest shall be governed by a Conflict of Interest Policy adopted by the selectboard.

7. Separability

If any provision of this chapter is held invalid, the other provisions of the chapter shall not be affected thereby. If the application of the chapter or any of its provisions to any person or circumstances is held invalid, the application of this chapter and its provision to other persons or circumstances shall be affected thereby.

8. Amendment

The amendment of this chapter shall be as provided by Vermont law.

9. Effective Date

This chapter shall take effect upon passage by the General Assembly, and all appointed offices that were formerly elected offices shall thereupon become appointed offices, even if nominating petitions have been filed for election at the year 2012 Annual Town Meeting. However, the unexpired term of any person elected to office at, or prior to, the year 2012 Annual Town Meeting shall nevertheless be completed.