

# ***TOWN OF WESTFORD***

***Draft: November 30, 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 and/or assessor;
  - (3) delinquent tax collector;
  - (4) cemetery commissioners
- (b) The number of persons appointed to the offices in section 4(a) shall be determined by the selectboard.
- (c) Prior to appointing a treasurer or delinquent tax collector, a five member committee comprised of one selectboard member, town clerk, a lister and two residents shall be created.

- (1) Each entity will select which member will serve on the committee. These three officials shall select the two residents. The committee shall review and recommend to the selectboard qualified candidates for the treasurer and delinquent tax collector positions.
  - (2) The committee shall have the authority to solicit candidates, to advertise notice of a vacancy, and to make an investigation of a candidate's credentials and background as the committee deems appropriate.
  - (3) Upon completion of the investigation and interviewing of candidates, the committee shall submit to the selectboard the names of those candidates deemed qualified for the positions.
  - (4) No later than 30 days following the submission of the names of the candidates deemed qualified, the selectboard shall appoint a treasurer and delinquent tax collector from among those deemed qualified by the committee or notify the committee in writing that none of the candidates shall be appointed. If no appointment is made, the committee shall then reconvene and submit the names of additional qualified candidates to the selectboard.
  - (5) Members of the committee described in section (c) of this section shall serve until a treasurer or delinquent tax collector is appointed by the selectboard.
  - (6) Meetings shall be warned and conducted as public meetings in accordance with the requirements of Vermont statutes and this chapter, and the committee shall be entitled to meet in executive session as authorized by Vermont statutes.
  - (7) Until such a time as a treasurer and delinquent tax collector are appointed pursuant to this section, the selectboard may appoint an interim treasurer and an interim delinquent tax collector.
- (d) The selectboard may appoint, in the event their services become necessary, a grand juror or a town agent.
- (e) The selectboard may appoint a town administrator.
- (f) All appointed town officers shall serve at the discretion of the selectboard. The selectboard may appoint or dissolve any authorities, boards, commissions, or committees created by them and under their purview as authorized by this chapter or state statute.
- (g) Appointed officers shall perform all duties and responsibilities necessary to carry out the provisions of this chapter, as well as those provided by state law generally, and any policies adopted by the selectboard
- (h) All appointed town officers shall be governed by the town personnel policy.
- (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 chair 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.

## **5. Independent Audit**

The selectboard shall provide for an independent audit of all town accounts every three years and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers.

## **6. 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.

## **7. Conflict of Interest**

(a) A town officer (member) shall be disqualified from any proceeding in which his/her impartiality might reasonably be questioned, including but not limited to instances where:

(1) The town officer or a near relative or business associate has a property or financial interest which might be substantially affected, favorably or adversely, by the decision of the board, commission or committee, of which the town officer is a member;

(2) The town officer has a personal bias or prejudice toward any party; or

(3) The town officer has previously expressed an opinion as to the proper disposition of a specific case or controversy involving the exercise of his or her discretion while acting in a quasi-judicial capacity, such as serving on the development review board on permits and appeals or as a member of the selectboard acting to lay out, alter, reclassify or discontinue town highways.

(b) A town officer who is disqualified by virtue of a conflict of interest shall not vote upon, participate in the discussion of, or otherwise sit as a member of any board, commission or committee upon the matter from which he or she is disqualified. He/she may, however, enter an appearance as a party and be heard in all respects as a member of the public might be heard in the same proceeding.

(c) If a town officer recognizes that he/she might have a conflict of interest, or if another person raises an objection to the participation of any town officer, he or she shall state the nature of the conflict as soon as may be possible and the town officer shall thereupon disqualify him or herself from further participation if there is a conflict of interest.

(d) If a question of a member's disqualifications under this section is brought to the attention of any board, commission or committee by any party or person or by another board, commission or committee member, and the member does not disqualify him or herself, the board, commission or committee shall consider the factual basis for the question and shall decide the matter by majority vote, the challenged member abstaining before any other business is conducted. A formal vote shall be taken on every question of a conflict. Once the vote is taken, the board, commission or committee shall return to the business before it, and no further time shall be devoted to the issue of that conflict. A full report of the issue and discussion shall be made in the minutes of the meeting.

## **8. 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.

## **9. Amendment**

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

## **10. 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.