

TOWN OF WESTFORD

Draft: December 15, 2011

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) The town may acquire real property for any town purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, hold, manage, and control real property as its interests may require.

(5) 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 seventy percent (70%) of the meetings in any twelve (12) month period or misses three (3) consecutive meetings without the consent of the selectboard, the selectboard may declare the position vacant and fill it in accordance with state law.

(5) The selectboard shall determine its own rules and orders of business not addressed by this chapter and state statute.

(6) The selectboard may appoint or dissolve any authorities, boards, commissions, or committees created by it and under its purview as authorized by this chapter or 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 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) Appointment of treasurer and delinquent tax collector:

(1) Whenever a vacancy exists in the office of treasurer or delinquent tax collector, the selectboard shall call for formation of a nominating committee comprised of one (1) selectboard member, two (2) justices of the peace and two (2) residents. Each entity will select which member will serve on the committee. These three (3) officials shall select the two (2) residents. Meetings of the committee shall be warned and conducted as public meetings in accordance with the requirements of Vermont statutes and this chapter. Members of this committee shall serve until any vacancy is filled by the selectboard.

(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. Upon completion of the investigation and interviewing of candidates, the committee shall submit to the selectboard up to three (3) names of those candidates deemed qualified for the positions.

(3) Within forty-five (45) days of its receipt of candidates from the committee, the selectboard shall appoint from such candidates a person(s) to fill any vacancy 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.

(4) Until such a time as a vacancy is filled pursuant to this section, the selectboard may appoint an official on an interim basis to fill the vacancy.

(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) 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. If the selectboard appoints an assessor instead of listers, the assessor shall perform the duties assigned the listers under the Vermont statutes.

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

(h) 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.

(i) On such date as the selectboard specifies following the appointment of an officer pursuant to this chapter, if the office is then filled by a person who was elected to the office, the elected officer's term shall expire and the elected officer shall vacate the office.

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 in the following manner:

- (1) Fifteen percent (15 %) of the registered voters of the town may file a petition with the selectboard and town clerk seeking the removal of any elected town officer or officers.
- (2) Within fifteen (15) days after receipt of the petition, the selectboard shall warn a special town meeting, or if the annual meeting is to occur within ninety (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) Removal shall only occur if a majority of the votes cast at the annual or special town meeting approve removal and the total of all votes cast on the removal question equals or exceeds the total of all votes cast in the election vote that elected the officer.
- (4) 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.
- (5) Only one (1) petition for removal may be filed against any given elected officer during any twelve (12) month period of his or her term of office.

7. Conflict of Interest

- (a) A town officer 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; or
 - (2) The town officer has a personal bias or prejudice toward any party or matter.
- (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 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 vote on the question of the member's disqualification, the challenged member abstaining. This vote shall occur 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 member may participate in any matter before a board even if the board, by majority vote, votes that the member should be disqualified. 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. Effective Date

This chapter shall take effect upon passage.