

This document contains amendments to the Town Charter dated May 21, 1985, said amendments were approved by the Selectboard on July 20, 2020.

In accordance with V.S.A. 17 §2645(a)(6)(B)(i), deleted matter appears with ~~strike through~~ and new matter appears is 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-X~~ 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~~charter.

II. Application of general law/ and proposed charter.

A. Purpose: This document is drafted to ~~supersede~~ update and replace the existing ~~C~~charter dated May 21, 1985.

B. Application of general laws:

Except when modified by the provisions of this ~~C~~charter, 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~~charter shall prevail.

III. Powers of the town.

A. The ~~T~~town of Springfield shall have all the powers and functions conferred upon ~~towns and villages municipalities~~ 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~~charter shall be in addition to the powers and functions conferred upon the town bylaws now in force or hereinafter enacted.

B. Without limiting any of the express or implied powers granted by this 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.

2. To adopt, enact, enforce, and exercise any power and/or authority granted to any other Vermont municipality in its existing charter or any charter amendment hereafter, provided such power or authority is approved by a town vote.

~~C.~~ B. Nothing in this ~~C~~charter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.

IV. 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.

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~~charter.

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~~town meetings, 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~~charter.

b. The entire text or an explanation of the nature and purpose 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 **its** 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~~ charter.

~~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:

- ~~i.~~ 1) Ordinances shall be numbered consecutively;
- ~~ii.~~ 2) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance;
- ~~iii.~~ 3) Ordinances shall be short titled and contain a statement of purpose;
- ~~iv.~~ 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 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 ARTICLE ONE. V.F. 1.**

~~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 committee including not more than two (2) selectboard members.
- b. If the Selectboard appoints an ordinance committee, Ordinances, or actions related thereto of all categories, with the exception of emergency ordinances, shall be drafted by or submitted in draft form to an the ordinance subcommittee consisting of no more than two (2) board of selectmen members.

2. Reporting out:

- a. If the Selectboard appoints an ordinance committee, The ordinance subcommittee shall review the any ordinance for form submitted to them by the Selectboard and report it out to the board of selectmen Selectboard for first review within ninety days (90) 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 the town attorney or other counsel.
- 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, amendment, or repeal or action shall be introduced at a board of selectmen Selectboard meeting by the ordinance subcommittee.
- b. During first review, the proposed ordinance, amendment, or repeal 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 nor more than twenty-eight (28) forty (40) calendar days from first review.

4. Second review and public hearing:

- a. Notice of the date of the second review must be published no later less than seven (7) calendar days before the date of the 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. A public hearing shall be held A 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 substantively 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 not less than fourteen (14), ~~but not more than twenty-eight (28)~~ forty (40) calendar days and all notice requirements to be met in ~~subsection 4 above~~ ARTICLE ONE.V.D.4.
6. Final action:
 - a. Upon completion of the second final review, the ~~board of selectmen~~ Selectboard shall act to adopt or reject the ordinance.
 - b. Failure to act ~~in fourteen (14)~~ within forty (40) calendar days of a final review 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: Any proposed change to an existing ordinance which is classified action classed by board of selectmen Selectboard vote to constitute as a "minor" amendment, pursuant to section C immediately above, may be adopted by the Selectboard after the completion of the first review.
- F. Emergency ordinances:
 1. Following a declaration of a public emergency under ARTICLE ONE. X.A 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 and, contain a clear declaration of the emergency, describing it in specific terms.
 5. An emergency ordinance may be adopted, amended, or repealed upon a two-thirds (2/3) vote, with at least three (3) affirmative votes or rejected, ~~with or without amendment, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four board of selectmen 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; this shall not prevent re-enactment of the emergency ordinance if the Selectboard determines that the emergency still exists.

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 Charter~~ for distribution and filing of copies of the ordinance shall include the ~~adoption~~ ordinance itself, ~~but and~~ shall ~~only not~~ include a citation to 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 and 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~~Ordinances, resolutions, ~~C~~charters and ~~C~~charter 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~~charter 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 Ccharter, and at At~~ least every ~~five (5)~~ ten (10) years ~~thereafter~~, the ~~board of selectmen~~ Selectboard shall provide for the uniform codification of all ordinances, zoning bylaws and subdivision bylaws 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~~charter authorizes.

2. The town may take actions necessary to prosecute any person who violates ordinances passed under this ~~C~~charter. Said prosecution may be through the courts ~~or the town grand juror as may be established under this Charter.~~
3. The town may also bring an action for injunctive relief seeking a court order to require compliance with any ordinance in addition to the penalty set forth in the ordinance.

VI. Open meetings, freedom of information.

All public bodies of the town shall comply with the Vermont Open Meeting Law.

~~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.~~

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

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

- ~~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.~~

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 or otherwise provided for herein. All fees and charges set by the board of selectmen 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 their 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.

X. Emergency powers.

A. Declaration of public emergency: The ~~board of selectmen~~ Selectboard may, upon a two-thirds (2/3) majority vote with at least three (3) members present, 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 a minimum of three (3) affirmative votes and not more than one (1) dissenting 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~~Superior ~~e~~Court.

C. Civil preparedness: The town manager shall be the designated civil preparedness chairman 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~~charter amendment in ARTICLE ONE. XI.B. herein may be initiated either by a ~~unanimous~~ vote of four members of the ~~board of selectmen~~ Selectboard, or by a citizen initiative (petition) equal to of at least five percent (5%) of the voters registered at the time that the petition is submitted.

B. The procedure for ~~C~~charter revision amendment shall be as follows:

1. The ~~board of selectmen~~ Selectboard shall appoint a ~~e~~Charter r~~R~~Review e~~C~~Committee 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~~Review e~~C~~Committee shall report out any amendments, revisions or changes.

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

4. Any changes in the ~~C~~charter must be ~~affected~~ by a town meeting vote ~~with at least twenty-five (25) percent of voters participating.~~
- C. In addition to the procedure set forth ~~above~~ in ~~subdivisions~~ ARTICLE ONE, XI, A and B of this section, the ~~C~~charter 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 statutes relating to ~~C~~charter 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 an annual town meeting vote with at least twenty-five (25) fifteen (15) percent of voters participating. If a proposed amendment or revision under this paragraph is voted down at the annual town meeting, it or a substantially similar amendment or revision may not be petitioned again for a period of three (3) years.
- D. Any changes in the town ~~C~~charter shall become effective immediately upon passage by the registered voters and approval by the ~~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 non-Springfield municipal public utility ~~and or~~ private interest that desires to ~~dig up excavate in a public street or alley right-of-way for the purpose of laying pipes or wires~~ shall first obtain from the ~~selectmen town manager or the town manager's designee~~ a written permit stating the place where and the time when ~~digging excavation and repair~~ may be done. Upon receipt of a permit, the ~~digging up excavation and repair and replacing of the street or alley~~ shall be done under the supervision of the ~~selectmen town manager or the town manager's 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~~charter, and the parts thereof are ~~separable severable~~. If any portion of this ~~C~~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.

ARTICLE TWO

ELECTIONS AND LOCAL OFFICIALS

I. Form of government Governmental authority.

All governmental authority of the ~~T~~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. Adoption, amendment or repeal of ordinances provided by petition per ARTICLE I.V.
- G. Charter amendments.

II. Town meeting/ and 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:~~3000~~ 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 an 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~~charter, 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 not less than five (5) four (4) public places in the town and on the town's website, at least no less than thirty (30), ~~but not~~ 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~~Separate 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 in conformance to state statute as to form and process with the town clerk not less than forty (40) days before the date of the meeting.

4. Power of ~~selectmen~~ Selectboard on Australian ballot decree:
 - a. The ~~selectmen~~ Selectboard may cause any question ~~not covered in section 4(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~~ All articles 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~~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~~Board of ~~c~~Civil ~~a~~Authority, 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~~Board of ~~c~~Civil ~~a~~Authority members present.
 - f. In the absence ~~or disability~~ of the town clerk and assistant town clerk, should it occur before an election, the ~~b~~Board of ~~c~~Civil ~~a~~Authority 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~~Board of ~~c~~Civil ~~a~~Authority 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 will ~~would~~ fall within seventy-five (75) calendar days prior to of the annual town meeting.
 - b. If a special town meeting called by petition falls within forty-five (45) calendar days of a later subsequent special or annual 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/rescission 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 rescission at a subsequent annual or special town meeting, subject to the limits contained herein.
- b. Requests for revote or rescission must be by resolution of at least four (4) members of the ~~board of selectmen~~ Selectboard, or by a petition filed with the town clerk, signed by at least five (5) percent of the voters registered on the date of the action.
 - c. Any action request for revote or rescission 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 rescission.
 - 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 rescission only once in the twelve (12) months following the initial vote, except for the town budget which shall be voted until passed, and also except for charter amendments by citizen initiative which are governed by ARTICLE ONE, XI.C.
 - h. A vote of a proposed amendment or revision of this Charter by citizen initiative or a citizen initiative that is substantially similar in substance to a previous proposed amendment by citizen initiative may occur ~~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 articles 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 thereafter.
 - b. Recounts 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~~Civil ~~a~~Authority:
- a. The ~~b~~Board of ~~c~~Civil ~~a~~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~~ Selectboard.
 - b. At the first meeting following the first day of February of odd numbered years, the ~~b~~Board of ~~c~~Civil ~~a~~Authority shall elect a chairman and a vice chairman from among its members.
 - c. The town clerk shall be the clerk of the board of civil authority.

- d. The ~~b~~Board of Civil Authority shall perform all duties as required by this ~~C~~Charter, and all duties as required by statute to the extent that they are not in conflict with this ~~C~~Charter.

III. Local elected officials.

- A. Local elective offices to be filled by the registered voters of the ~~T~~Town of ~~Springfield~~ shall be only those articulated by this ~~C~~Charter and shall include:

1. ~~Board of selectmen~~ Selectboard;
2. ~~Listers~~;
2. ~~3~~ Moderator;
3. ~~4. First constable~~ Library trustees;
4. ~~5.~~ Cemetery commissioners;
5. ~~6.~~ Town agent, if required by statute;
6. ~~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~~ when the town clerk and ~~b~~Board of ~~c~~Civil ~~a~~Authority 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, a~~ An elected official shall take the oath of office prescribed by statute if applicable, prior to taking any official action.
- 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~~ **for the remainder of the unexpired term**. 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 All** elected officials ~~shall be required~~ **are expected** to **regularly** attend all meetings **of the public bodies of which they are members**.
 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 that person~~ 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 that person~~ 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 town**, 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 this~~ **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 **of elected office**:
 - 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 **a** misdemeanor involving a breach of public trust, ~~or~~ is judicially declared to be mentally incompetent, or ~~is~~ no longer a **resident resides in town**.

b. The declaration of a vacancy condition for forfeiture of office shall be made by the unanimous a majority 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. In the event a vacancy is deemed to exist or is declared by the Selectboard, the vacancy may be filled by a majority vote of the Selectboard, said appointment to run until the next annual town meeting at which an election shall be warned to fill any unexpired term.

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~~ 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 staggered~~, 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~~charter, for ~~boards of selectmen Selectboards~~, except as herein limited, or specifically transferred to the town manager. Further, unless stated in this ~~C~~charter, the powers and duties of any elected or appointed office not created by this ~~C~~charter, shall be conferred on the board of selectmen Selectboard. All committees of the Selectboard, 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~~charter. In this ~~C~~charter, 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~~ Election of the board of selectmen/chairman, and vice chairman:

i. The board of selectmen Selectboard shall have a chairman who shall be elected annually by a majority vote of the five (5) members.

ii. The Selectboard shall, in a similar manner, choose a vice chairman to serve in the absence or disability of the chairman.

d. Duties of the chairman:

i. The chairman shall be the official head of the town for all ceremonial purposes.

ii. The chairman 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~~charter, shall be exercised by the town manager as provided herein.

e. Meetings: All meetings will be conducted in accordance with Vermont's 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 chairman and vice chairman, and ~~the adoption of~~ adopting rules for the transaction of business.
 - b) The town clerk or the town clerk's designee shall preside at the organizational meeting of the ~~board of selectmen~~ Selectboard prior to the election of the Selectboard chairman.
 - c) The Selectboard may transact any other business required at that meeting.
- ii. Regular meetings:
 - a) The Selectboard 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 request at the start of the meeting that items be added to the agenda, provided all selectmen present so vote to add the item. Items may be added to the agenda subject to Selectboard approval.~~
- iv. ~~Quorums/Votes:~~
 - a) Three (3) members present shall constitute a quorum for any board meeting except as provided otherwise by this Charter.
 - 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 a majority of the members present ~~the affirmative vote of three (3) or more members of the board~~ unless otherwise provided for by this Charter.
- v. ~~Clerk/mMinutes:~~
 - a) The town clerk or the Selectboard's designee shall be the official clerk of the Selectboard 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 chairman, or the vice chairman in the absence of the chairman, or by written request, signed by three (3) selectboard 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 Selectboard 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 ~~may~~ be filled by a majority vote of the ~~remaining~~ Selectboard, said appointment to run until the next annual town meeting at which an election ~~can~~ shall be warned to fill ~~the~~ any 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 herein limited.~~
- ~~d. Vacancies on the board of listers shall be filled by a majority vote of the board of selectmen, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.~~

2. 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~~harter and state law.
- b. Should a vacancy occur in the office of moderator, it ~~shall~~ may be filled by a majority vote of the ~~board of selectmen~~ Selectboard, for the said appointment to run until the next annual town meeting at which an election shall be warned to fill any unexpired term.

3. Library Trustees:

- a. The library Board of Trustees shall consist of seven (7) members to be elected at large.
- b. Library trustees shall serve staggered terms of three (3) years.
- c. Should a vacancy occur in the office of library trustee, it may be filled by a majority vote of the Selectboard, said appointment to run until the next annual town meeting at which an election shall be warned to fill any 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 cCommissioners:

- a. There shall be elected five (5) ~~c~~Cemetery ~~c~~Commissioners for a term of each to serve staggered five (5) years terms on a rotating basis.
- b. The town clerk shall be a non-voting ex-officio member of the sixth (6th) cCemetery ~~c~~Commissioner, but shall not vote.
- c. The ~~c~~Cemetery ~~c~~Commission 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~~Cemetery ~~c~~Commissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.

- e. The ~~c~~Cemetery ~~e~~Commissioners shall issue and update regulations regarding cemetery use, interment and burial fees.
 - f. ~~Vacancies~~ Should a vacancy occur in the office of ~~e~~Cemetery ~~e~~Commissioner, it may 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 shall~~ be warned to fill the any 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 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 three (3) trustees of public funds, each to serve a staggered three (3) year terms.
 - ~~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~~charter.
 - ~~c.~~ ~~d.~~The trustees shall be charged with maximizing the return on all invested funds while maintaining their security (i.e. preservation of principal). 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 Should a vacancy occur in the office of trustee of public funds, it may 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 shall~~ be warned to fill the any 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, if applicable.
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~~ attend any meeting so requested by the ~~board of selectmen~~ Selectboard.
- ~~7.~~ **8.** If an appointed official misses three (3) consecutive regularly 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 the chair of that board or commission shall report to the Selectboard who may then declare that position vacant. 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~~ charter, but may not vote on any issue directly affecting their position or conditions of employment.

B. Appointed positions:

1. The functions of the following positions are ~~created by this Charter, their functions~~ to be governed by the applicable state statute, as limited by ~~C~~ charter or ordinance:
 - ~~a.~~ **—Weigher of coal**
 - ~~b.~~ **—Fence viewers**
 - ~~a.~~ **c.** Tree warden
 - ~~d.~~ **—Surveyor of wood and lumber**
 - ~~b.~~ **e.** Pound keeper
 - ~~c.~~ **f.** Town clerk
 - ~~d.~~ **g.** Town attorney
 - ~~e.~~ **h.** Town treasurer
 - ~~i.~~ **—Grand juror**
 - ~~f.~~ **j.** Delinquent tax collector
 - ~~g.~~ **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 ~~e~~CCommission:

- a. The ~~board of selectmen~~ Selectboard shall appoint the members of the ~~p~~Planning ~~e~~CCommission in accordance with state statute. All members shall be registered voters in the town.
- ~~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 the town.
- ~~b. Duties and responsibilities of the zoning board of adjustment shall be in accordance with state statute as limited herein.~~

3. Housing ~~a~~AAuthority:

- a. The ~~board of selectmen~~ Selectboard shall appoint members of the ~~h~~Housing ~~a~~AAuthority established pursuant to 24 V.S.A. Chapter 113, as amended.
- ~~b. The housing authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield.~~
- ~~b. The hHousing aAuthority shall also advise the board of selectmen Selectboard on housing issues generally when so requested.~~

4. Airport ~~e~~CCommission:

- a. So long as there is an a regional, state owned airport in Springfield town, the ~~board of selectmen~~ Selectboard shall appoint an ~~a~~Airport ~~e~~CCommission, the number of members to be decided by the ~~board of selectmen~~ Selectboard.
- b. The purpose of the ~~a~~Airport ~~e~~CCommission shall be to advise the ~~board of selectmen~~ Selectboard on airport related matters.

- c. The ~~a~~Airport ~~e~~Commission 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~~ ARTICLE TWO.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~~ that person's 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.~~ a term not less than two (2) years and no more than five (5) years and may be removed at the pleasure of the Selectboard.
 - 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.
 - E. Terms and cConditions of employment/ and 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 which may be held in executive session between the town manager (candidate) and the selectmen Selectboard.
 - F. Town manager's/ evaluation: Before the ~~board of selectmen~~ Selectboard determines the subsequent annual compensation of the town manager, the Selectboard and town manager shall be required to hold an evaluation session in executive session, at which time the town manager shall present their management goals for the coming year based on townwide town wide 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.

- 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~~ their 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.
- H. Town manager non-renewal or removal: The town manager's term of employment may be non-renewed without explanation or reason. The town manager may be removed at the discretion of for cause by the board of selectmen Selectboard, with written reasons presented to the town manager and an opportunity for a public hearing before the Selectboard with no less than four (4) affirmative votes, after the following procedure is followed:
1. The Selectboard 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. 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.~~
- I. Acting town manager/ and 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~~ the town manager shall designate an acting town manager, subject to the advice and consent of the Selectboard, who shall exercise the duties of town manager. ~~The manager may overrule the actions of the acting manager.~~
 2. In the event that illness or injury renders a town manager unable to discharge his/her their 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 extenuating circumstances that warrant an extension of that time period.
 4. In no case shall a ~~selectman~~board member act as town manager.
- J. Responsibilities and authority of the town manager ~~and authority.~~
1. In general: The town manager shall be the chief administrative officer of the town. ~~He/she~~ The town manager 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~~ their charge pursuant to this ~~C~~harter, state statute, or otherwise.
 2. Limits to authority in general:
 - a. In addition to the limits on authority enumerated in state statutes, ~~The~~ 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~~harter.
 - b. The town manager may, upon request, advise or counsel officials in the performance of the ~~above~~ duties in ARTICLE THREE, I.J.2.a.
 - c. The town manager may not serve in any elective position in the ~~T~~town of Springfield. ~~He/she~~ The town manager 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, ~~The~~ 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~~harter or statute;
 - ~~b.~~ e. To carry out the policies determined by the ~~board of selectmen~~ Selectboard and report to the Selectboard on their disposition;
 - ~~c.~~ d. To institute and maintain an appropriate budget and financial internal control systems;

- ~~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~~ **their** 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 **Selectboard**, and to have the right to attend and ~~take part~~ **participate** 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**charter. **Notwithstanding 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 the compensation for** town employees as provided in this **C**charter.
- ~~l.~~ **m.** To remain ultimately responsible to the ~~board of selectmen~~ **Selectboard** for all administrative actions under ~~his/her~~ **their** 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**charter.
- ~~n.~~ **o.** To examine, or cause to be examined, with or without notice, the affairs of any department under ~~his/her~~ **their** 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~~ **their** 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**charter, **and** ordinances; **and to ensure the town's 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 their~~ office as may be required by a vote of the ~~board of selectmen~~ Selectboard, by law, ordinance or mandate not inconsistent with this ~~C~~charter.
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 their~~ charge as outlined above in this ~~C~~charter. Neither the ~~board of selectmen~~ Selectboard, any individual member of the Selectboard, 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 their~~ 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~~charter, 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 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 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~~charter 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:

{LEGISLATIVE REVISION NOTE – 2013. In the introductory paragraph of subsection (a), deleted “, but not be limited to,” following “shall consist of” in accordance with 2013 Legislative Act, No. 5 section 4.}

1. A copy of the town ~~C~~charter;
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~~ **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 t~~**The administrative code and its components** shall be considered an official documents to which a person may refer for up-to-date information on the town.
2. ~~The document shall be placed 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. A current administrative code shall be made available in the town clerk's office for public access at no charge.~~

~~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 ~~A~~assessment:

1. There shall be a department of assessment ~~to consist of a chief assessor, the elected listers,~~ as prescribed by ~~C~~charter and state statute, ~~and with~~ 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~~ department head of assessment 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 ~~D~~department of Aassessment 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. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.
 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~~charter.
- 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. I.H.
 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 may 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~~charter.
- ~~9.~~ ~~11.~~ The town clerk may designate an assistant town clerk or clerks.
- ~~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 town manager's~~ 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~~Employee 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~~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 control over conflicting 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,~~ hold a local, state or federal elective office, other than membership in the Vermont State Legislature, which makes policy that shall directly or indirectly affect ~~his/her their~~ department or any town functions while employed by the ~~T~~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 for or against 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~~ their opinion on a matter of public concern, belong to a political party, or exercise ~~his/her~~ their 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~~ their duties. In the event any officer or employee neglects to give a bond, is unable to obtain a bond, or obtain comparable coverage as herein specified, after ten (10) calendar days' notice from the Selectboard that ~~he/she~~ the officer or employee is required to do so, ~~his/her~~ their office or position shall thereupon become vacant and the vacancy shall be filled as provided in this ~~C~~ charter. ~~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 of the town government.

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

II. Operating Town Manager's 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 and Budget Advisory Committee 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 the format ~~to be~~ established by the town manager;
- D. Drafting of ~~administration's proposed~~ annual budget (hereinafter referred to as the budget):

1. Unified administrative request: The town manager shall, upon after consultation with department heads, ~~draft a unified, proposed operating budget for submission submit~~ to the ~~board of selectmen~~ Selectboard and the Budget Advisory Committee, reflecting a single budget request from the administration for each all departments.
2. ~~Manager's B~~ budget message: The town manager's/~~administration's~~ proposed budget shall be ~~preceded~~ introduced 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 any~~ changes. 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, and 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~~charter, 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~~The town manager shall organize the budget by utilize utilizing the most feasible combination of expenditure classifications by fund, organizational units, work programs, purposes, actions and objects.
 - c. The budget shall begin with a clear, general summary of its contents and shall show, ~~in detail~~, all ~~proposed expected~~ revenues/~~income~~, and all proposed expenditures.
 - d. The budget shall be arranged so as to show comparative figures for actual and ~~estimated budgeted~~ 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. Amounts required to meet the interest on maturing bonds, notes, or other outstanding indebtedness;
 - iii. Proposed capital expenditures during the ensuing fiscal year detailed, wherever practical, by office, department or agency, along with the method of financing;
 - iv. Proposed estimated ~~monies~~ revenues to be raised from ~~all sources each~~ source 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 (5) year capital expenditure program to the ~~board of selectmen~~ Selectboard with a copy provided to the Budget Advisory Committee, at least three (3) months prior to town meeting.

B. Contents:

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

~~{LEGISLATIVE REVISION NOTE – 2013. In the introductory sentence of subdivision (B)(1), deleted “, but not be limited to,” following “shall include” in accordance with 2013 Legislative Act, No. 5 section 4.}~~

- 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~~ Cost estimates, proposed methods of financing, and necessary time schedules for each improvement or asset;
- 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 or assets to be acquired.

- 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. Other purposes to meet specific obligations and needs of the town so as to ensure efficient operations.

- B. ~~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 and final action:**

1. The ~~board of selectmen~~ Selectboard shall schedule one or more public meetings, as they deem appropriate, for the review and discussion of the proposed administration's budget proposal and comments from the Budget Advisory Committee.
2. Upon completion of their review, the ~~board of selectmen~~ Selectboard shall act to finalize their budget proposal.
3. The Selectboard 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 Selectboard. 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. 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 appoint a Budget Advisory Committee which shall be comprised of no less than five (5) and no more than nine (9) Springfield registered voters at least six (6) months before the scheduled date of the annual town meeting. 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~~ No appropriation not recommended by the selectmen, may be voted 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~~ whether in whole or in part, by the issuance of bonds except as provided in ~~Article Four~~ ARTICLE FOUR, section XII.
4. ~~Any officer~~ The town manager or the town manager's 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. ~~G.~~ 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 of the gross appropriation 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 Selectboard, 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 Selectboard 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~~ ARTICLE FOUR.VIII.D C. ~~above, shall may~~ be carried over to the next fiscal year's 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~~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/ in the event of 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~~ expenditures during ~~the~~ 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/ and 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~~ a Selectboard member.
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 and when requested by either the town manager or Selectboard.

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 Certified Public Accountant or firm of such accountants who have no personal interest, direct or indirect, with Springfield 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 Selectboard, it shall meet the requirements of this section.
5. At the conclusion of the audit, the auditors shall present their report and findings to the Selectboard in open session.

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, or in accordance with the provisions of 24 V.S.A. §1623.
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~~ the town manager's 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 a town employee or other town officer.~~
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~~ the town manager may prescribe and as may be agreeable to the Selectboard.

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~~ within the limits allowed by ~~C~~charter.
2. All purchasing and procurement shall be by competitive bid or quote wherever practical or as required.

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

X. Trust funds.

- A. Trust funds of the ~~T~~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**charter and state law **unless the trust document specifies otherwise**.

XI. Taxation and collection.

~~A.~~ **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, **subject to the approval of the Selectboard**.
- ~~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. ~~The A~~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 **when so authorized by the voters**.
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 to 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/ and bonded debt for town ~~and school~~ improvements.

A. ~~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.

B. ~~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 votes casting ballots exceeds ten (10) percent of the total number of names on the checklist on the date of the last annual town meeting.~~

C. ~~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.

D. ~~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.

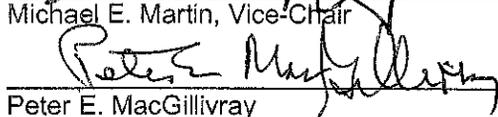
Dated at Springfield, County of Windsor, and State of Vermont on this 20th day of July, 2020.



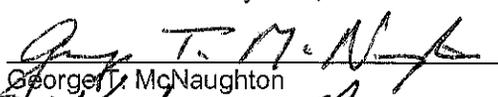
Walter E. Martone, Chair



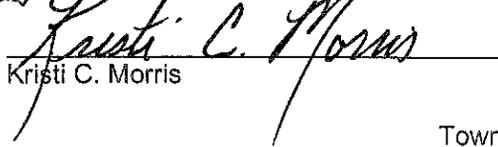
Michael E. Martin, Vice-Chair



Peter E. MacGillivray



George T. McNaughton



Kristi C. Morris

Town of Springfield Selectboard

On the 23rd day of July, 2020 the Springfield Town Clerk's Office received the foregoing instrument.

Attest:


Barbara A. Courchesne, Town Clerk, CVC