

CHAPTER III. CITY COUNCIL**ARTICLE I. GENERAL PROVISIONS.****Sec. 301. {Governing body.}**

The City shall be governed by an elected Council and by an appointed City Manager and by such other officers and employees as may be duly appointed pursuant to this charter, City ordinances or general laws of the State of Vermont. (Amend of 5/8/12)

(1) The City Council shall consist of the Mayor and two (2) councilors for each ward who shall serve for a term of two (2) years. (Amend of 5/8/12)

(2) Within the limitations of the foregoing, the council shall have the power to:

(a) Appoint and remove the City Manager and supervise, create, and abolish offices, commissions or departments other than the offices, commissions or departments established by this charter.

(b) Assign additional duties to offices, commissions or departments established by this charter, but may not discontinue or assign to any other office, commission or department duties assigned to a particular office, commission or department established by this charter.

(c) Make, amend, and repeal ordinances.

(d) Adopt an official seal of the City.

(3) The Council shall adopt the budget of the City, as provided herein. (Amend. of 3/02/82)

(4) All City employees, to include full-time and part-time, are prohibited from holding the office of councilor or mayor. (Amend. of 11/07/00)(Amend of 5/8/12)

Sec. 302. {Regular meetings; meetings to be public; executive session.}

The City Council shall meet at least twice monthly, Tuesdays, unless the Council approves an alternative day. All meetings of the City Council, whether regular or special meetings, shall be public. Executive sessions may be held in conformance with the provisions of the Vermont Statutes. (Amend. Of 11/3/98, Amend. of 5/09/06)

Sec. 303. {Special meetings; quorum.}

Special meetings of the City Council may be called at any time by the Mayor. They may also

be called by the Clerk on a petition signed by a majority of the City Council and filed with the Clerk. Notice of special meetings shall be served on the Mayor and councilors by the Clerk delivering to each member a copy of the call, or leaving it at the place of the member's residence. A majority of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner as may be prescribed by ordinance. (Amend of 5/8/12)

Sec. 304. {Role of council in relation to administrative service appointment of committees.}

It is the intention of this act that the City Council shall act in matters as a body. The council shall deal with the administrative service solely through the manager and shall not give orders to any subordinates of the manager, either publicly or privately. Nothing herein contained shall prevent the City Council from appointing committees or commissions of its own members, or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the City, and delegating to such committee or commissions such powers of inquiry as the City Council may deem necessary.

Sec. 305. {Creation or continuation of departments, boards, offices.}

The City Council shall continue or create and determine and define the powers and duties of such executive and administrative departments, boards and offices, in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the City. Any department, board or office so continued or created may at any time be altered or abolished by the City Council.

Sec. 306. {Records of proceedings.}

(a) It shall be the duty of the City Council to keep an official record of its proceedings which shall be open for public inspection. The agenda for the regular council meeting shall be published in a local newspaper no later than three days preceding the meeting. The latest edition of Roberts Rules of Order shall govern the deliberations of the Council except when in conflict with the laws. (Amend. of 9/13/88)

(b) The minutes of each meeting shall be approved by the council at its next meeting and the official copy authenticated by the signature of the clerk.

Sec. 307. {Powers of City; policy matters; appointment of certain officers.}

All powers of the City and the determination of all matters of policy shall be vested in the City Council except as otherwise provided by this act or by general law. The City Council shall annually appoint a City attorney, a library liaison, and may provide for any planning board, zoning board of adjustment, recreation board or personnel board, and may create commissions or other bodies with advisory powers and may appoint personnel to serve on said boards or commissions. (Amend. Of 11/3/98)(Amend. of 3/1/22)

Sec. 308. {Reserved.}

ARTICLE II. FISCAL RESPONSIBILITIES

Sec. 309. {Source of appropriations, expenditures.}

The money raised from taxation, assessments, fines and other lawful sources shall constitute the sum from which appropriations expenditures and payments are to be made by the authority of the City Council.

Sec. 310. {Payments.}

(Reserved- as deleted of 11/3/98)

Sec. 311. {Business or contracts between City and City officials or employees.}

No City official or employee shall be interested in any contract with the City, furnish any material, or perform any labor, except in the discharge of the official's or employee's official duties or as allowed for in the Procurement Policy or Conflict of Interest Policy as adopted by the Council. (Amend. of 3/3/20)

Sec. 312. {Audits.}

The City Council shall prior to the close of each financial year employ by contract a public accountant to examine the financial statements of the funds of the City.

Annual examination of the financial statements shall be conducted in accordance with generally accepted auditing standards and the financial and compliance standards for audit of governmental organizations, programs, activities and functions. For the purpose of examination and audit authorized by the City, all records, account books, papers, reports and returns of all departments, including the trustees and custodians of trust funds and all officers and employees who receive or disburse funds for the benefit of the City shall be made available for audit. It shall also be the duty of each City officer or employee to provide oral explanatory information when required by the public accountant.

As a matter of policy, the City Council shall solicit public bids from public accountants at least once in every three year period. (Amend. of 9/13/88)

Sec. 313. {Sale or lease of City property.}

The City Council may authorize the sale or lease of any real or personal estate belonging to the City, and all conveyances, grants or leases of such real estate shall be signed by the Mayor.

Sec. 314. {Authority to borrow money, issue bonds, pledge credit.}

The City Council shall have the authority to borrow money, issue its bonds or notes and pledge the credit of the City pursuant to provisions of the Vermont statutes as they govern

borrowing for towns and municipalities as provided in Title 24, V.S.A.

Sec. 315. {Compensation of City officials.}

Compensation of Mayor, councilors and other appointees and City officers: (Amend of 5/8/12)

- (a) The Mayor and councilors shall receive compensation in an amount as may be voted by the voters of the City at a meeting duly warned for said purpose. (Amend of 5/8/12)
- (b) The City Council shall fix the compensation of all other appointees, and employees, except as otherwise provided in this charter.
- (c) When the legal voters have authorized an annual City and school budget, the City Council, School Board, and/or the City Manager shall not authorize appropriations, expenditures or payment in excess of the amount voted. Deficit spending shall be prohibited by the City of Barre and the City of Barre Schools.(Amend. of 3/7/89)

Sec. 316. Expenditures.

No money shall be paid except on warrant by the treasurer, or a designated deputy, and authorized by the City Council. (Amend of 11/3/98)

Sec. 317. Special assessments.

The City Council may make special assessments for the purchase, construction, repair, reconstruction or extension of a water system, sewage system, sidewalk or any other public improvement which is to benefit a limited area of a municipality to be served by the improvement.

Sec. 318. Sidewalks.

(a) Whenever a petition in writing shall be presented to the City Council, signed by the owner or owners of two-thirds of the frontage on any street, lane or alley, or any portion thereof in the City asking that such street, lane, alley or portion thereof be curbed or guttered, or that a sidewalk or the sidewalks thereof be constructed or repaired or paved, the City Council may order or direct that such improvements be made.

(b) The City Council without petition may make any or all of the improvements described in the preceding section and shall assess against the owner or owners of the lands or buildings abutting upon such street, lane or alley and adjoining the part where such improvement may be made, whether made upon petition or otherwise, so much of the cost and expense of making such improvements as it shall judge such land and buildings to be benefited thereby; but in no case shall the cost and expense of making such improvements be assessed against the abutting owner on either side of such street or portion thereof in excess of one-half of such cost and expense in making any of the other improvements specified in the preceding section, and the City shall pay

the remaining cost and expense of all improvements therein mentioned; provided that all assessments heretofore made shall remain in full force and effect until paid or abated.

Sec. 319. Sewers.

The City Council is authorized subject to ordinances of the City Council to establish, construct and maintain public sewers in the City; and it may assess according to frontage of the owners of land or buildings adjoining or abutting said streets of any portion thereof, in which such sewers may be established, so much of the expense of constructing such sewers as the City Council shall adjudge such land or buildings to be specifically benefited thereby; but in no case shall the expense of construction of any sewer be assessed against the abutting owner on either side of any street or any portion thereof in excess of one-half of such expense; provided that all sewer assessments heretofore made shall remain in full force and effect until paid or abated.

Sec. 320. Authority to take land.

The City Council is also authorized and empowered to establish, construct and maintain public sewers in and through the lands of individuals and corporations, on making compensation for lands taken therefor, in the same manner as provided by law in the laying out and establishing of highways.

Sec. 321. Collection of assessments; liens.

Special assessments shall constitute a lien on the property against which the assessment is made in the same manner and to the same extent as taxes assessed on the grand list of a municipality, and all procedures and remedies for the collection of taxes shall apply to special assessments.

Sec. 322. Tax stabilization contract.

(a) The City Council shall have the authority to enter into a contract with owners, lessees, bailees, or operators of agricultural, industrial, residential, or commercial real property for the purpose of:

- (1) Fixing and maintaining the valuation of such property on the grand list;
- (2) Fixing and maintaining the rate or rates of tax applicable to such property;
- (3) Fixing the amount in money which shall be paid as an annual tax upon such property; or
- (4) Fixing the tax applicable to such property at a percentage of the annual tax. (Amend. Of 11/2/05)

(b) The authority to enter into such contract shall be by vote of two-thirds of those present and voting at an annual or special meeting warned for that purpose for a contract relating to agricultural, commercial, residential, or industrial real property. (Amend. Of 9/13/88, Amend. Of

11/2/05)

(c) The voters may provide general authority to the City Council to enter into such contracts as application is made, or provide limited authority to the City Council to negotiate contracts which shall be effective upon ratification by a majority of those present and voting at an annual or special meeting warned for that purpose.

(d) Any contract entered into pursuant to this section:

(1) Shall be for a period not in excess of ten (10) years;

(2) Shall be filed with the City clerk and shall be available for public inspection;

(3) May be with existing or new owners, lessees, bailees, or operators of such property or with persons who intend to become owners, lessees, bailees, or operators of such property; and

(4) May be applicable to existing agricultural property, renovations of or additions to existing agricultural, commercial, residential, or industrial real property, or to new agricultural, commercial, residential, or industrial real property. (Amend. 11/2/05)