

CHAPTER IV. CITY OFFICIALS**ARTICLE I. CITY MANAGER****Sec. 401. Appointment and qualifications.**

The City Manager shall be appointed annually on the first day of July by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or state, but during his tenure of office he may reside outside the City only with the approval of the council. The City Manager shall hold office at the will of the council.

Sec. 402. Removal.

On ninety (90) days' notice, the Manager may be removed without cause by a majority of the council so voting. He may be suspended during this period, but his pay shall continue until his removal.

Notwithstanding the above, the council may adopt a resolution stating their intention to remove the Manager and the reasons therefore, a copy of which shall be served forthwith on the Manager who may, within ten (10) days, demand a public hearing. Upon or after passage of such resolution, the council may suspend him from duty, but his pay shall continue until his removal. If no appeal is filed, the council may dismiss him. In the event of an appeal, the council shall hold a public hearing not less than ten (10) days or more than twenty (20) days from the date of appeal, after which they may dismiss him.

Sec. 403. Manager's absence.

The City Manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may, by resolution, appoint an officer of the City to perform the duties of the Manager during such absence or disability, until he shall return or his disability shall cease.

Sec. 404. Duties & responsibilities.

The City Manager shall:

- (a) Be the chief administrative official of the City;
- (b) Enforce all laws and ordinances of the City;
- (c) Appoint and remove all department heads and all other officers, subordinates and assistants and fix their salary or compensation, for whose selection or removal no other method

is provided in this act, except that he may authorize the head of a department to appoint and remove subordinates in such department, supervise and control his appointees and report the appointment or removal at the next meeting thereafter of the City Council;

- (d) Negotiate contracts for the City, provided, however, that all contracts must conform with the Barre City Procurement Policy, as adopted by the City Council; make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the City Council (Amend. of 3/6/18);
- (e) See that all terms and conditions imposed in favor of the municipality or its inhabitants by any statute, public utility, franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the City Council;
- (f) Attend meetings of the City Council with the right to take part in the discussion, but without the right to vote;
- (g) Recommend to the City Council for adoption such measures as he may deem necessary or expedient, keep the council advised of the financial condition of the City, make reports to the council, as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;
- (h) Investigate at any time the affairs of any officer or department;
- (i) Perform such other duties as may be required of the City Manager by ordinance or resolution of the City Council.

Sec. 405. Council policy.

The City Manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the City within the jurisdiction of the council.

Sec. 406. Budget.

The City Manager shall prepare his or her recommended budget for the next fiscal year and present the same to the City Council not later than 45 days prior to the annual meeting date each year. At the same time, the City Manager shall submit his or her request for a specific sum of money under provisions of Section 207 of this chapter. (Amend. of 05/10/05)

Sec. 406a. Capital Improvement Plan

(a) Preparation and submission: The Manager, after consultation with department heads, shall submit a proposed five-year capital improvement plan to the council at least three months prior to the annual meeting.

(b) Contents: The capital expenditure plan shall include:

- (1) A clear narrative summary of needs;
- (2) A list of all capital expenditures to be proposed for the next five years with appropriate supporting data;
- (3) Actual cost estimates, proposed methods of financing, and necessary time schedules for each improvement;
- (4) Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(c) Revision and update: The above plan shall be revised and extended each year to reflect progress or projects still pending. (Amend. added of 3/1/22)

Sec. 407. Appointments.

Any provision of general law conferring the appointing power or other power upon the Mayor, the Mayor and City Council, the City Council or other executive heads of a municipality, shall be construed as meaning the City Manager and the appointments or power exercised by the City Manager, in accordance with such provision, shall be given the same force and effect as if executed by the official named therein, except as herein otherwise provided. (Amend of 5/8/12)

There shall be appointed by the City Manager after the annual City election in the manner as hereinafter provided a superintendent of streets, superintendent of waterworks, recreation director, a City engineer, building inspector, an inspector of electric wiring, a tree warden, three (3) members of the board of health (see board of health). All officers shall hold their offices respectively for one year or until their successors shall be appointed and qualified. The City Manager may also appoint such other subordinate officers as may be elected or appointed in towns. Members of the various boards shall be appointed in the same manner, who shall hold office as otherwise herein provided or until their successor shall be appointed and qualified. (Amend. of 11/3/98, 11/07/00)(Amend. of 3/1/22)

Sec. 408. Streets

It shall be the duty of the City Manager to see that all streets and highways laid out and established in the City are properly constructed and maintained.

ARTICLE II. MAYOR.

Sec. 409. Duties.

(a) The Mayor shall be chief conservator of the peace and safety of the City and, as such, is empowered to control and direct the police force, in case of riot, insurrection or other emergency, when he may take command of the whole police force, including the chief executive thereof, and may, for the occasion, appoint and commission as many special policemen as he may deem necessary who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The Mayor shall have the power to administer oath before the City Council and official oaths to the several officers of the City, when required by law.

(b) The Mayor shall preside at all meeting of the City Council and shall have a voice and vote in its proceedings. He shall be recognized as head of the municipal government for all ceremonial purposes and by the governor for the purposes of military law. In the event of his inability to act, his absence or disability, the council shall designate one of its members to act as Mayor during his absence or disability.

ARTICLE III. CLERK

Sec. 410. Duties.

The City clerk shall perform for the City the same duties as prescribed by the laws of this state upon town clerks, except insofar as the same are changed or modified by the provisions of this act and shall charge and receive for the benefit of the City the same fees therefor. The clerk shall be ex-officio clerk of the City Council and board of civil authority. The clerk shall have exclusive charge and custody of the public records of the City and all records, papers and documents belonging to the Town of Barre at the time the City of Barre was organized. Such records shall not be taken out of or away from the City clerk's office except upon the order of process of a court of competent jurisdiction; but said City Council may, by ordinance or bylaw, regulate the removal from said office of all papers and documents belonging to the City and in the custody of the clerk as aforesaid. The clerk shall, on being tendered therefor the fees allowed town clerks under the law of this state for similar services, make duly certified copies of said records, documents, and copies so certified shall be legal evidence of the same validity and effect as those of town clerks, in all courts and for all purposes. Compensation for the clerk shall be fixed by the City Council.

All the books of records, papers and documents belonging to the Town of Barre at the time the City of Barre was organized shall continue to be kept and deposited in the office of the City clerk, copies of which, duly certified by him, shall be legal evidence for all purposes for which they would have been evidenced if the City had not been created, and they had been duly certified by the clerk of the Town of Barre. (Amend. of 3-2-80)

Sec. 411. Official notices.

Whenever any notice signed by the Mayor, City Council, or any City officer or officers, or any advertisement, ordinance, resolution or bylaw has been published in some newspaper or newspapers or publicly posted under the provisions of the general law, this charter or the ordinances, thereby authorized, the City clerk shall examine and ascertain whether such notice, advertisement or ordinance has been duly published or posted; and if such be the fact, shall so certify upon the proper City record, and such record or duly certified copy thereof shall be treated as prima facie evidence of the facts so certified.

ARTICLE IV. CITY TREASURER

Sec. 412. Duties of treasurer.

Except as otherwise provided, the City treasurer shall have the same duties, powers, and liabilities prescribed by law for town treasurer. The treasurer's compensation shall be fixed by the City Council. (Amend. of 3-2-82)

Sec. 413. School District.

The City treasurer shall be treasurer of the City of Barre School District and shall have the same duties, powers and liabilities of a treasurer of a town school district, except as otherwise provided.

ARTICLE V. CITY ATTORNEY

Sec. 414. Duties and responsibilities.

The City attorney shall be corporation counsel for the City. He may prosecute and defend in behalf of the City all suits in which the City is interested. He is authorized to file information and complaints in criminal causes involving violation of an ordinance of the City, and shall prosecute the same. A copy of all his written opinions shall be filed by him in the office of the City clerk.

[Article VI. City Grand Juror, sec. 415, was deleted through Amend. 3-3-20]

ARTICLE VII. COLLECTOR OF TAXES

Sec. 416. Appointment.

The City Council shall annually appoint from among the legally qualified voters of the City a collector of taxes and fix his compensation; and for cause, incapacity, negligence or misconduct, they may remove such officer and fill any vacancy in such office by the appointment of a successor collector of taxes from among the legally qualified voters of the City arising from any cause. The successor collector of taxes shall hold the office for the unexpired term of his predecessor in office.

Sec. 417. Duties.

The collector of taxes shall have the same powers and be under the same duties and liabilities as are prescribed for collectors of taxes by the statutes of this state, except where such statutes are in conflict with this charter and then the provisions of this charter shall control.

{Article VIII. Constable Sec. 418. Duties.} (Amend. deleted of 3/1/22)

ARTICLE IX. CITY ENGINEER

Sec. 419. Duties.

The City engineer shall make all public surveys of the streets and public grounds of the City and shall perform such other services as he may be required by the City Manager.

ARTICLE X. SUPERINTENDENT OF CITY WATERWORKS

Sec. 420. Duties.

The superintendent of the City waterworks shall have the care and management of the City waterworks and shall, at all times, be subject in respect thereto to the orders of the City Manager.

ARTICLE XI. SUPERINTENDENT OF STREETS

Sec. 421. Duties.

The superintendent of streets, subject to the order of the City Manager, shall have immediate care and supervision of the public streets, highways and sewers of the City. He shall be under the general direction and control of the City Manager.