

Summary of Charter Amendments

Attached is the text of the proposed charter changes. Here is a summary of the changes:

Chapter 2 - Powers is revised and updated to provide a more comprehensive definition of the powers that may be exercised by the Town through its Council. It is important for Council and the management team that these powers be located in one place rather than having to refer back and forth through the state code. Also, many of these powers are elective in state code, meaning the Council needs to take specific action to initiate the use of these powers. More specifically these changes are:

1. Section 2.1 (c) provides that all references in the town code, ordinances, resolution, etc. referring to “town superintendent” shall now mean “town manager” reflecting the change proposed in Chapter 4, which is made to be consistent with state law.

2. Financial powers

1. Authority to tax property in accordance with state and federal law
2. Authority to impose and enforce water, sewer, trash and light fees

3. Contractual powers

1. Acquire and dispose property
2. Issue debt (includes capital leases)
3. Gifts – specifies that the town may accept or reject gifts

4. Operational powers

1. Right to organize government
2. Establish financial processes and expend funds
3. Construct and maintain public facilities
4. Authority to conduct events

5. Utilities & Public Improvements

1. Authority to own and operate water works systems
2. Regulate streets, alleys, parks and playgrounds
3. Authority to franchise utilities
4. Collect and dispose sewage, garbage, and other refuse

6. Nuisance abatement and removal

7. Police powers – more clearly delineates police powers and authority

8. Other powers

1. Removal of unsafe buildings
2. Fees for use of public buildings

Chapter 3 – Elected Officers. Section 3.6 related to vacancies is revised to refer Council to state law in the event of the necessity to file a vacancy. The current charter is not explicit that Council must follow state law, and there are specific steps that must be followed for filing a vacancy.

Section 3.7 Meetings of Council. Establishes an annual organizational meeting to be held each year after January 1, and that Council will set date and time of meeting for the year at that meeting.

The procedure for a special meeting is revised to be consistent with state law. This change allows two or more council members to request a special meeting, allows council to consider items not previously announced at the special meeting if all council members are present and agree to consider that item. Provides that Council may establish rules of procedure for its meetings that are consistent with state law (not necessarily Roberts Rules of Order, which can be very complicated and are in some cases inconsistent with state law).

Chapter 4 – Appointed Officers. Changes the title of Town Superintendent to Town Manager and Recorder to Clerk to be consistent with state law. Specifies the duties for Town Manager, which are consistent with state law. Includes language that the Police Chief and Treasurer, like the other town department heads, are appointed by Town Manager.

The items in the document that are backlit are those where no change has been proposed. A public hearing is recommended to be conducted as part of the July 8 meeting to receive public input.

Staff has contacted Senator Obenshain and Delegate Wilt to request that they patron the bill to amend the Charter. Both have indicated that they would do that, subject to review of the text. A copy of the draft Charter has been sent to them this week.