

CHARTER PROPOSAL – JANUARY 28, 2026

<u>CHARTER PROPOSAL – JANUARY 28, 2026</u>	<u>1</u>
<u>Subchapter 1: INCORPORATION AND POWERS OF THE CITY</u>	<u>2</u>
<u>§ 101. Corporate Existence Retained</u>	<u>2</u>
<u>§ 102. General Powers; Law</u>	<u>3</u>
<u>§ 103. Specific Powers</u>	<u>3</u>
<u>§ 104. Reservation of Powers</u>	<u>3</u>
<u>§ 105. Form of Government</u>	<u>3</u>
<u>Subchapter 2: GOVERNANCE STRUCTURE</u>	<u>4</u>
<u>§ 201. Powers and Duties of City Council</u>	<u>4</u>
<u>§ 202. Composition of City Council and Terms of Office</u>	<u>4</u>
<u>§ 203. Mayor</u>	<u>5</u>
<u>§ 204. Commencement of Terms; Election of City Council President</u>	<u>5</u>
<u>§ 205. Vacancy in Office</u>	<u>5</u>
<u>§ 206. Recall</u>	<u>6</u>
<u>§ 207. Compensation</u>	<u>6</u>
<u>§ 208. Conflict of Interest; Prohibitions</u>	<u>6</u>
<u>§ 209. City Council Meetings and Procedure</u>	<u>7</u>
<u>§ 210. Appointments</u>	<u>7</u>
<u>§ 211. Harbor Commission</u>	<u>8</u>
<u>§ 212. Other Boards, Committees and Task Forces</u>	<u>8</u>
<u>§ 213. Obligation to Serve as Water and Sewer Commissioners</u>	<u>8</u>
<u>Subchapter 3: CITY MANAGER</u>	<u>8</u>
<u>§ 301. City Manager; Appointment and Hiring</u>	<u>8</u>
<u>§ 302. Powers of City Manager</u>	<u>8</u>
<u>§ 303. City Manager; Removal; Hearing</u>	<u>10</u>
<u>§ 304. Vacancy in Office of City Manager</u>	<u>11</u>
<u>Subchapter 4. City Clerk and Treasurer</u>	<u>11</u>

§ 401. Completion of Elected Term	11
§ 402. Appointment	11
Subchapter 5: CITY MEETINGS	12
§ 501. City Meetings and Elections	12
Subchapter 6: ORDINANCES	13
§ 601. Adoption of Ordinances	13
Subchapter 7: ADMINISTRATION	13
§ 701. Real Estate Assessor	13
§ 702. Officers' and Employees' Bonds	13
Subchapter 8: BUDGET PROCESS	13
§ 801. Fiscal Year	13
§ 802. Annual City Budget	14
§ 803. City Council Action on Budget	14
§ 804. Budget Meeting; Warning	14
§ 805. Amount to Be Raised by Taxation	15
Subchapter 9: GENERAL PROVISIONS	15
§ 901. Savings Clause	15
§ 902. Severability	15
§ 903. Statutory References	15

Subchapter 1: INCORPORATION AND POWERS OF THE CITY

§ 101. Corporate Existence Retained

Notwithstanding the provisions of any other municipal Charter, the City of Newport, as constituted by 1917 Acts and Resolves No. 273, and as amended, continues to be a municipal corporation within the State of Vermont.

§ 102. General Powers; Law

Except as modified by the provisions of this Charter, or by any lawful regulation or ordinance of the City of Newport, all provisions of the laws of the State of Vermont applicable to municipal corporations shall apply to the City of Newport.

§ 103. Specific Powers

The City of Newport shall have all the powers granted to cities and municipal corporations by the Constitution and laws of the State of Vermont together with all the implied powers necessary to carry into execution all the powers granted, and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this Charter.

§ 104. Reservation of Powers

Nothing in this Charter shall be construed as in any way to limit the powers and functions conferred upon the City of Newport and the City Council by general or special enactments in force or effect or hereafter enacted, and the powers and functions conferred by this Charter shall be cumulative and in addition to the provisions of such general or special enactments.

§ 105. Form of Government

The municipal government provided by this Charter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the Vermont Constitution and by this Charter, all powers of the City of Newport shall be vested in an elected City Council which shall include four Alderpersons and a Mayor, and which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the City Manager, who shall enforce the laws and ordinances and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter or prescribed by ordinance.

Subchapter 2: GOVERNANCE STRUCTURE

§ 201. Powers and Duties of City Council

(a) The members of the City Council shall constitute the legislative body of the City of Newport for all purposes required by statute and, except as otherwise provided in this Charter, shall have all the powers and authority given to and perform all duties required of municipal legislative bodies or City councils under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the City Council shall have the power to:

(1) Appoint, direct, supervise and remove the City Manager, City Clerk, City Attorney, and City Treasurer.

(2) Create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this Charter or state statute.

(3) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this Charter.

(4) Provide for an independent audit by a certified public accountant.

(5) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.

(6) Authorize the sale, subject to 24 V.S.A. §1061, or lease of any real estate or personal property belonging to the City.

(7) Exercise every other power that is not specifically set forth herein but that is granted to city councils or municipal legislative bodies by the laws of the State of Vermont.

§ 202. Composition of City Council and Terms of Office

(a) There shall be a City Council consisting of five persons: a Mayor and four Alderpersons.

(b) All members of the City Council shall reside within the boundaries of the City of Newport and shall be elected by the qualified voters.

(c) The term of office of all persons on the City Council shall be two years. Terms shall be

staggered, so that two Alderpersons and the Mayor are elected in odd-numbered years, and the other two Alderpersons are elected in even numbered years.

§ 203. Mayor

(a) The Mayor shall be the head and chief executive officer of the City Government and shall have all powers and authority necessary or advisable therefor, except for the authority granted by the provisions in this Charter to the City Manager. The Mayor shall use the Mayor's best efforts to see that the laws and the City ordinances are enforced. The Mayor shall take care that the finances of the City are properly managed and shall bring before the City Council public issues relevant to the affairs of the City. The Mayor shall preside at all City Council meetings with the powers of moderator, shall have a voice in City Council meetings in accordance with City Council rules and procedures, and shall be entitled to a vote in the circumstances set forth in this Charter.

(b) The Mayor may veto any action passed by the City Council, provided that documentation of the veto and an explanation of the reasons for it are provided to the City Council in writing no later than seven calendar days after passage. Any veto by the Mayor can be overridden by a vote of three or more Alderpersons at the next regular City Council meeting and consideration of the same by the City Council shall be an agenda item at its next regular meeting.

§ 204. Commencement of Terms; Election of City Council President

The terms of newly elected officers shall commence as soon as new members are sworn into office by the City Clerk or any other official authorized to administer oaths. At the first regular or special meeting following the annual City meeting, the City Council shall, by majority vote, organize and appoint a President who shall assume the duties of the Mayor as requested or necessary when the Mayor is unable to carry out those duties.

§ 205. Vacancy in Office

If the Mayor dies, resigns, is incapacitated, is recalled or ceases to be a resident of the City, the President of the City Council shall serve as acting Mayor until either the next annual election or the date of a special city meeting called for either by vote of the City Council or by petition signed by three percent (3%) of the registered voters of the City for the purpose of an election to fill the position. Incapacity shall be determined by a vote of the City Council. If an Alderperson dies, resigns, is incapacitated, is recalled or ceases to be a resident of the City, the remaining members of the City Council shall appoint a person to fill that position until either the next annual meeting or the date of a special city meeting called either by vote of the City Council or by petition signed by three percent (3%) of the registered voters of the City for the purpose of an

election to fill the position. Incapacity shall be determined by a vote of the City Council. Incapacity shall include the failure by any member of the City Council to attend at least one half of the meetings of the City Council in any calendar year. At the next annual or special City meeting, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. If the City Council is unable to agree upon an interim replacement, a special City meeting shall be held within sixty (60) days of the vacancy to fill the position.

§ 206. Recall

Any elected officer of the City may be recalled from office as follows:

(a) A petition signed by not less than fifteen percent (15%) of the registered voters of the City shall be filed with the City Clerk requesting a vote on whether the elected officer shall be removed from office.

(b) The City Council shall call a special City meeting to be held within 60 days of receiving the petition to vote on whether the elected officer shall be removed.

(c) The official shall be removed only if at least as many registered voters of the City vote as voted in the election wherein the officer was elected and a majority of that number vote for removal.

(d) If the City votes for removal of an elected officer, the office shall thereupon become vacant and the City Council shall follow the procedure in Section 205, above.

§ 207. Compensation

(a) Compensation paid to the City Council members shall be set by the voters at the annual meeting, with a minimum of \$1,500.00 a year each. The compensation shall be set forth as a separate item in the budget presented to the annual meeting. City Council members may choose to forgo the compensation or a portion of the compensation.

(b) The City Council shall fix the compensation of all appointees and the City Manager. The City Council shall review, approve, and ratify any collective bargaining agreements, which may be negotiated or fixed by the City Manager or their designee.

§ 208. Conflict of Interest; Prohibitions

(a) No City Council member shall hold any other compensated City position or employment during the term for which they were elected to the City Council, unless allowed by the laws of

the State of Vermont. City Council members may be appointed to represent the City on other boards, except as limited by the laws of the State of Vermont.

(b) Neither the City Council nor any of its members shall in any manner dictate the appointment, supervision or removal of any City administrative officers or employees whom the City Clerk, City Treasurer or City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council may discuss with the City Clerk, City Treasurer or City Manager the appointment, evaluation, and removal of such officers and employees in executive session.

(c) Except for the purpose of inquiries and investigations under Section 201(b)(5) of this Charter, the City Council and its individual members shall deal with the municipal officers and employees who are subject to the direction and supervision of the City Clerk, City Treasurer or City Manager solely through the City Clerk, City Treasurer or City Manager, as appropriate, and neither the City Council nor any of its members shall give orders to any such officer or employee, either publicly or privately.

§ 209. City Council Meetings and Procedure

(a) As soon as possible after the election of the Mayor and Alderpersons, the City Council shall fix the time and place of its regular meetings annually, and such meetings shall be held at least once a month. Special meetings and emergency meetings may be called either by the Mayor or by two Alderpersons as allowed and in accord with the requirements of this Charter or state law.

(b) The City Council shall determine its own rules and order of business. The Mayor shall set the agenda for City Council meetings with advice from the Alderpersons, the City Manager, the City Clerk, and the City Treasurer.

(c) The Mayor shall vote only in the instances where the Mayor's vote is necessary to attain the quorum or in those instances where it is necessary to break a tie vote among the Alderpersons.

§ 210. Appointments

The City Council shall appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this Charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment and continue until the original term of the vacant position expires.

§ 211. Harbor Commission

There shall be a Harbor Commission, and its powers, obligations and operation shall be under and in accordance with the laws of the State of Vermont, as amended. Members will be appointed by the City Council for three-year terms pursuant to the process set forth in existing ordinances, as the same may be subsequently amended from time to time.

§ 212. Other Boards, Committees and Task Forces

The City Council may from time to time establish, modify the charge and terminate other boards, committees and task forces, as may be necessary or beneficial for the administration of the affairs of the City. The composition of such boards, committees and task forces shall be established by the City Council upon creation of the same. Unless authority is expressly conferred by State law, all such boards, committees and task forces shall be advisory only.

§ 213. Obligation to Serve as Water and Sewer Commissioners

The City Council shall serve as the Board of Water and Sewer Commissioners. The Board of Water and Sewer Commissioners shall meet at least once per calendar year to review the prior year's audit, approve the coming year's budgets, and to alter rates as necessary or desirable to sufficiently fund the expense budgets. Other than this mandatory annual meeting, the Board of Water and Sewer Commissioners shall be subject to the terms and provisions of 24 V.S.A. Chapter 89, 95, 101 and such other general enactments as may be applicable thereto.

Subchapter 3: CITY MANAGER

§ 301. City Manager; Appointment and Hiring

The City Council shall appoint a City Manager under and in accordance with the laws of the State of Vermont. The City Manager need not be a resident of the City of Newport, either before or after appointment.

§ 302. Powers of City Manager

The City Manager shall be the chief administrative officer of the City of Newport. The City Manager shall be responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter. Except with respect to those powers reserved to the City Council under Subchapter 2 of this Charter, the City Manager shall have

the following powers and duties in addition to those powers and duties delegated to municipal managers under the laws of the State of Vermont:

(a) Except as otherwise provided in this charter, the City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, suspend or remove all City of Newport employees and other employees provided for by or under this Charter under the City Manager's supervision. The City Manager shall consult with City Council in executive session of a duly-warned Council meeting before exercising the City Manager's sole authority to suspend or remove any staff member under the City Manager's supervision at the level of department head or director. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency. There shall be no discrimination in employment, in accordance with applicable State and federal laws, including 21 V.S.A. § 495. Subject to the terms of any applicable collective bargaining unit contract, appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to ensure that the responsible administrative officer may secure efficient service.

(b) The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City of Newport except as otherwise provided by this Charter or by law.

(c) The City Manager and the City Council shall share the authority to contract with and direct the City Attorney. The City Council shall reserve the authority to approve contracts with the City Attorney and to retain additional legal counsel as needed. The City Manager shall have the authority to work with the City Attorneys to carry out the business of the City as needed.

(d) The City Manager or a staff member designated by the City Manager shall attend all City Council meetings and shall have the right to take part in discussion and make recommendations but may not vote. The City Council may meet in executive session without the City Manager for discussion or evaluation of the City Manager's performance or if the City Manager is the subject of an investigation pursuant to Section 201(b)(5) of this Charter.

(e) The City Manager shall see that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed.

(f) The City Manager shall prepare and submit the annual budget and capital program to the City Council.

(g) The City Manager shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City of Newport as of the end of each fiscal year and at such other times as the City Council may require.

(h) The City Manager shall make such other reports as the City Council may require concerning the operations of the City of Newport's departments, offices, and agencies subject to the City Manager's direction and supervision.

(i) The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City of Newport and make such recommendations to the City Council concerning the affairs of the City of Newport as the City Manager deems advisable.

(j) The City Manager shall be responsible for the enforcement of all City of Newport ordinances and laws.

(k) When advisable or proper, the City Manager may delegate to appropriate officers and employees of the City of Newport any duties conferred upon the City Manager by this Charter, the Vermont statutes, or the City Council.

(l) The City Manager shall perform such other duties as are specified in this Charter, in State law or as may be required by the City Council.

(m) Except as otherwise provided in this Charter, City personnel policies or in any applicable collective bargaining unit contract, and within the parameters of the then effective City budget, the City Manager shall fix the compensation of City employees.

(n) The City Manager may recommend specific candidates for the City Council's consideration in their appointment of the City Clerk and Treasurer.

(o) The City Manager shall serve as delinquent tax collector.

§ 303. City Manager; Removal; Hearing

The City Council may remove the City Manager from office for cause in accordance with the following procedures:

(a) The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution that must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. Within three days after the vote, a copy of the resolution shall be delivered to the City Manager.

(b) Within five days after a copy of the preliminary resolution is delivered to the City Manager, the City Manager may file with the City Council a written request for a hearing; the hearing shall be in a public or executive session by choice of the City Manager. This hearing shall be held at a special City Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file with the City Council a written reply not later than five days before the hearing.

(c) The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the City Manager, if the City Manager has not requested a hearing, or at any time after the hearing, if the City Manager has requested one.

§ 304. Vacancy in Office of City Manager

The City Council shall make appropriate arrangements to carry out the City Manager's responsibilities if the City Manager's position is vacant. For periods up to one continuous month of absence for any reason other than incapacity, the City Manager may appoint appropriate staff member to perform the City Manager's duties. If the City Manager is absent for longer than one month or for any length of time due to incapacity, City Council approval will be required to assign the City Manager's responsibilities appropriately. If the City Manager fails to make such designations, the City Council may by resolution appoint an officer or employee of the City to perform the duties of the City Manager until the City Manager is able to return to duty.

Subchapter 4. City Clerk and Treasurer

§ 401. Completion of Elected Term

The incumbent elected City Clerk and City Treasurer shall continue to serve in those capacities through the expiration of the terms of office on March 7, 2028. In the event that the currently serving Clerk/Treasurer either chooses to or must leave office prior to completion of his term of office on March 8, 2028, the City Council shall appoint a City Clerk and a City Treasurer to serve out the remainder of the respective terms of office.

§ 402. Appointment

(a) The City Clerk and the City Treasurer shall be appointed by the City Council with advice from the City Manager with a term commencing on March 8, 2028. The City Clerk and City Treasurer shall serve as an officer and employee of the City, but under the City Council's supervision and administrative control.

(b) The same person may be appointed to both City Clerk and City Treasurer positions if the City Council so chooses. The positions of City Clerk and City Treasurer shall be compensated at a level of compensation to be determined by the City Council with the advice from the City Manager.

(c) The City Clerk and City Treasurer shall appoint, direct, supervise and remove one or more Assistant City Clerks and Assistant City Treasurers who shall be compensated at a level of compensation to be determined by the City Council with advice from the City Manager.

(d) The City Clerk and City Treasurer shall be supervised by the City Council, which will set the terms of the job descriptions, taking into account all requirements of and duties imposed by the laws of the State of Vermont on municipal clerks and treasurers. The City Council's authority hereunder includes evaluation of the performance of said duties, and removal from office for cause with notice and a hearing, if requested, at an appropriately warned meeting of City Council. The requested hearing may be held in open session or in executive session at the election of the City Clerk or City Treasurer.

Subchapter 5: CITY MEETINGS

§ 501. City Meetings and Elections

(a) The annual City meeting shall be held on the first Tuesday in the month of March, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meeting. The agenda and all ballot items for the annual meeting shall be warned not less than 30 nor more than 40 days before the meeting.

(b) Special City meetings shall be called either by petition of three percent (3%) of the registered voters of the City or in the manner provided by the laws of the State of Vermont, except as provided in this Charter with respect to recall petitions and special elections.

(c) The election of officers, the voting on budgets, and the voting on all questions at annual and special meetings shall be by Australian ballot system. The City Clerk and Board of Civil Authority shall conduct elections in accordance with laws of the State of Vermont.

Subchapter 6: ORDINANCES

§ 601. Adoption of Ordinances

Ordinances shall be adopted in accordance with State law pursuant to 24 V.S.A. §§ 1972–1976, as amended.

Subchapter 7: ADMINISTRATION

§ 701. Real Estate Assessor

In lieu of the election of listers, there shall be either a real estate assessor who is a certified real estate appraiser or an independent appraisal firm, headed by a certified real estate appraiser, appointed by the City Council that shall carry out the duties of assessor in the same manner, shall be subject to all of the same liabilities prescribed for listers under the laws of the State of Vermont in assessing property within the City of Newport, and shall establish the grand list thereof and shall return such list to the City Clerk within the time required by Vermont law.

§ 702. Officers' and Employees' Bonds

On an annual basis, all officers and employees from whom bonds are required by law shall give bonds to the City, to the satisfaction of the City Council, for the faithful discharge of their respective trusts. Such bond shall be given before the officer or employee concerned enters upon his or her duties. If the City Council requires a bond with a fidelity company as surety, the City shall pay the expense thereof. The City Manager may contract for one blanket bond to cover all City officers and employees required to furnish bonds. The City Council, in its discretion, may purchase crime insurance either in addition or in lieu of bonds.

Subchapter 8: BUDGET PROCESS

§ 801. Fiscal Year

The fiscal year of the City shall begin on the first day of July in the calendar year and end on the last day of June of the next calendar year. The fiscal year shall constitute the budget and accounting year as used in this Charter.

§ 802. Annual City Budget

With support from the finance department, the City Manager shall submit to the City Council a budget for review before the annual City Meeting or at such previous time as may be directed by the City Council. The budget shall contain:

- (a) an estimate of the financial condition of the City as of the end of the fiscal year;
- (b) an itemized statement of the recommended income and expense budget, and for capital improvements, during the next fiscal year, with comparative statements of estimated income and expense budgeted for the current fiscal year and actual income and expense for the immediate preceding fiscal year;
- (c) an itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years;
- (d) a capital budget for not fewer than the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements; and
- (e) such other information as may be required by the City Council.

§ 803. City Council Action on Budget

The City Council shall review and approve the recommended budget with or without change. The budget shall be made available to the public in printed form in the City Clerk's office and in electronic form (pdf or its equivalent) on the City's website or such future equivalent as may exist from time to time not later than two weeks after its preliminary adoption by the City Council. The City Council shall fix the time and place for holding a public hearing for the budget and shall give public notice of the hearing.

§ 804. Budget Meeting; Warning

- (a) The City Council shall hold at least one public informational meeting within the 30 days prior to the Annual Meeting to present and explain its proposed budget and shall give a public notice of such hearing.
- (b) The City Manager shall, not less than 30 days prior to the Annual Meeting, make available the City Council's recommended budget and the final warning of the upcoming Annual Meeting.

(c) The annual City report shall be made available to the legal voters of the City not later than 10 days prior to the Annual Meeting.

§ 805. Amount to Be Raised by Taxation

Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year, and the City Council shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

Subchapter 9: GENERAL PROVISIONS

§ 901. Savings Clause

The enactment, modification or subsequent repeal of this Charter shall not affect the validity of a previously enacted ordinance, resolution, or bylaw.

§ 902. Severability

The provisions of this Charter are declared to be severable. If any provision of this Charter is found to be invalid for any reason, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.

§ 903. Statutory References

If any matter mentioned in this Charter is said to be controlled by state statutes, the reference to the state statute shall apply to the statute as amended or renumbered, or any statute substituted therefor and having similar subject matter.