

Newport City Charter Proposal
Amended Form with Strikethroughs and Additions
For September 21st Council Meeting and November 3rd Special City Meeting

Title 24 Appendix: Municipal Charters

Chapter 7: City of Newport

§ 1. Establishment of City

Out of the territory heretofore existing within the limits of the Towns of Newport and Derby is established the City of Newport, embracing all the territory included within the limits described in this charter; and the remainder of the territory of the Town of Newport is established as a new town to be the Town of Newport and the remaining territory of the Town of Derby is established as a new town to be the Town of Derby. The Villages of Newport and West Derby are hereby abolished as soon as this charter shall go into operation, and all property, rights, funds, taxes, rights of action, etc., belonging to said Villages of Newport and West Derby, respectively, shall at once be transferred and belong to said City of Newport; and said City of Newport shall assume and have all the duties, rights, and obligations and debts of the said Villages of Newport and West Derby, respectively, except as herein otherwise provided.

§ 2. [Transitional provisions relating to the governance of the Towns of Newport and Derby; the City of Newport and the process for acceptance of the charter; § 2 of No. 273 of the Laws of 1917.]

§ 3. City boundaries and corporate powers

The inhabitants of that portion of the Towns of Newport and Derby included within the following boundaries, to wit: Beginning at the southeast corner of land of J. C. Roby, and southwest corner of land of William Buck in the Town of Derby on the north line of the Town of Coventry, and following the lot line between the lands of the said Roby and said Buck northerly, which said lot line is the easterly line of the new municipality, and continuing that line between the lands of the following persons: E. Miller, Fred Blake, Will Halley, Frank O. Hill, J. H. Gaines, Will Rann, Charles Lemorey, Henry Lahar, and Mrs. Benj. Hinman, on the westerly side of said lot line, and A. R. Hudon and wife, Theophile Moeykins, and Isaac Labounty on the easterly side of said lot line follow said lot line to a point which is N. latitude 44 degrees 55' 56" and W. longitude 72 degrees 11' 46" and 467 feet southerly of the southerly boundary of Pine Hill road so-called; thence S. 81 degrees E. following the present New England Telephone & Telegraph Company's trunk line 506 feet to an iron pin corner at an angle in said telephone line; thence N. 40 degrees E. 160 feet to the southerly line of said Pine Hill road; thence following the Pine Hill Road southeasterly on the southerly side thereof until it strikes the land owned by Mrs. Hitchcock on

the northerly side of said road and following the southerly line of the Charles Noyes Farm and the southerly line of the Frank Hayward farm to the southeasterly corner of the said Hayward Farm where it strikes the road to Arnold's Mills, so called; thence following said road on the easterly side thereof northerly across Clyde River to Clyde Street; thence following Clyde Street on the northerly side thereof westerly to the east line of Dr. George F. Adams' land; thence northerly on said Adams' east line and on the east line of land owned by Aaron Grout to the road running from Derby Center to West Derby village; thence following said Derby Center Road on the northerly edge thereof to the east line of land owned by Fortunat Dubuc and wife and known as the Colby farm thence northerly on the east line to the northeast corner of said farm; thence following westerly on the north line of said farm to the north line of the present village of West Derby; thence following said village line westerly to Sias Avenue, or Beebe Road, so called, following said Sias Avenue northerly on the westerly side thereof to Austin Beebe's north line; thence westerly following Austin Beebe's north line to Elijah Leavitt's east line; thence northerly following Elijah Leavitt's east line to the road that runs from Sias Avenue to the railroad track, following said road a few rods on the northerly side thereof to the east line of the farm owned by Charles and Myrtie A. Marsh, on the north side of said road; thence following the east line of said Marsh Farm to its northeast corner; thence westerly following its north line to the railroad right of way; thence following said right of way on the easterly side thereof to the railroad culvert (No. 91) crossing what is known as Meadow Brook; thence following said brook to the shore of Lake Memphremagog, following the shore of Lake Memphremagog southwesterly to Indian Point near the cottage now owned by Charles F. Bigelow, and including in the limits of the City Horse Neck Island, which lies a few rods from the said lake shore and is owned by F. E. Miles; thence westerly across the lake from Indian Point in a straight line to the northeast corner of the farm formerly owned and occupied by Tarrant S. Cummings and now owned by Joseph Bouchard; thence westerly on said Bouchard's north line to the easterly side of the poor farm road; thence southerly on the easterly side of said road to the south line of said Bouchard's Farm; thence easterly to William Hyer's west line; thence southerly on the west lines of lands owned by said Hyer, Richmond and son and Arthur Wells to the west line of land owned by O. D. Hancock; thence southerly on said Hancock's west line and in a straight line to the Coventry Town line; thence following said Coventry Town line to the point begun at in Derby, are hereby incorporated and made a body corporate and politic under the name of the City of Newport, and by that name may sue and be sued, prosecute and defend in any court, may have a common seal and alter it at pleasure, may take, hold, purchase, and convey such property, real and personal, as the purposes of the corporation may require, may borrow money on the credit of the City in the mode and under the restrictions hereinafter provided, may elect a representative to the General Assembly and the same number of justices of the peace as a town of equal population may elect, shall exercise and enjoy all such rights, immunities, powers and privileges

as are conferred upon or are incident to towns in this State and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this charter.

§ 4. Form of government and voter qualifications

(a) The municipal government provided by this Charter shall be known as a 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 Council Members and a Mayor, and which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; 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. The fiscal year for all departments of said City shall begin on July 1st and end on the following June 30th.

(b). Unless otherwise provided by law, the qualifications of a voter in City meetings shall be the same as are required of voters in town meetings. **A voter shall:**

- 1. be a citizen of the United States;**
- 2. be a resident of the State of Vermont and domiciled in the City;**
- 3. have taken the voter's oath; and**
- 4. be 18 years of age or more on or before the meeting date.**

§ 5. Warning and convening of annual meeting

~~On the first Tuesday of March 1918, and annually thereafter on the first Tuesday of March, a meeting of the legal voters of said City shall be held at nine o'clock A.M., at a place to be appointed by the City Council of said City, of which notice shall be posted in at least three public places within the limits of said City, and at least 14 days previous thereto, and also published for at least two weeks in a newspaper printed in said City, which notices shall be signed by the City Clerk, and in case of his or her failure, by the Mayor; provided, that if the annual meeting shall fail to be holden for want of notice hereinbefore mentioned or for any other cause, the corporation shall not thereby be prejudiced, and the several officers hereafter mentioned may at any time thereafter be elected at a special meeting called for that purpose as hereinbefore provided. The first meeting of said corporation shall be held at the school hall in the present Village of Newport, and shall be called by the Clerk of the Village of Newport. The Clerk of said City shall, at any time when directed by the City Council, or when requested in writing by 25 legal voters of said City, call a special meeting of the legal voters of said City at such time of day and place as directed by the City Council. In case of the failure of the Clerk to call a meeting as aforesaid, that duty shall be performed~~

~~by the Mayor. The business session of each annual or special City meeting shall be held at eight o'clock in the evening of the day for such meeting, but this shall in no way alter the hour designated, or to be designated, for any meeting where any question must be voted upon under the Australian ballot system.~~

(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, on the City budget, and any other business properly warned that shall come before the meeting.

(b) The annual meeting shall be warned not less than 30 nor more than 40 days before the meeting. Warnings shall be posted in at least two public places within the municipality and in or near the City Clerk's office door. The warning shall be published in a local newspaper of general circulation at least five days before the meeting. If the City has an active updated website, the warning shall also be posted there.

(c) Special City meetings shall be called either by petition of 50 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. All petitions shall be filed in the City Clerk's office.

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

§ 6. Elections of officers at annual meeting

Election, term, appointment, recall and removal of City Officers

~~At the annual meeting the said corporations shall elect from among the legal voters of said City a Mayor, City Clerk, four aldermen, a City Treasurer, one Constable, three listers, three auditors, and three grand jurors, who shall hold office until the next annual meeting and until their successors are duly elected and qualified, except that at the first annual meeting of said corporation two of said aldermen shall be elected for one year and two for two years; one of said listers shall be elected for one year, one for two years, and one for three years; one of said auditors shall be elected for one year, one for two years and one for three years, and at each succeeding annual election two aldermen shall be elected for two years, one lister for three years, and one auditor for three years. The City Clerk and the Treasurer shall be elected for a term of three years, and the Mayor for a term of two years.~~

~~The administration of all fiscal, prudential, and municipal affairs of said City, and the government thereof, shall be vested in the Mayor and Board of Aldermen. The Board of Aldermen shall consist of four aldermen, who shall elect one of their number President of said Board. The Mayor and Board of Aldermen, in their joint capacity, shall be called the City~~

~~Council. The Mayor and aldermen shall be sworn to the faithful performance of their duties. The Mayor and aldermen shall receive such compensation as the City shall determine at its annual or any special City meeting.~~

(a) The election and term of all City Council Members and School Trustees shall be as follows:

- 1. City Council shall be two years. Terms shall be staggered, so that two Council Members and the Mayor are elected in odd-numbered years, and the remaining two Council Members are elected in even-numbered years.**
- 2. School Trustees shall be elected for staggered, three-year terms.**

(b) The City Council may appoint an eligible person to fill a vacancy in an elective City office, including the Board of School Trustees pursuant to section 27(b), until the next annual or special meeting is held. By petition of twenty-five (25) registered voters of the City, or a vote by City Council, a special election to fill a vacancy in an elective office shall be warned within 60 days of receipt.

(c). Any elected officer of the City may be recalled and removed from office as follows:

- 1. By petition of not less than fifteen percent (15%) of the registered voters of the City calling for a special meeting to vote on whether the elected officer shall be removed from office.**
- 2. The City Council shall warn a special City meeting within 60 days of receipt of the aforesaid petition.**
- 3. If the City voters approve removal of an elected officer, the office shall thereupon become vacant.**

(d) Elected officials shall be removed from office if at any time during the term of office:

- 1. They lack any qualification required of them by this Charter;**
- 2. Are convicted of any felony;**
- 3. Are convicted of a misdemeanor involving the affairs or property of the City, or**
- 4. Fail to attend in-person or virtually three consecutive meetings without being excused by the Mayor or City Council.**

§ 7. Mayor and Council Members as City Council

(a) The administration of all fiscal, prudential, and municipal affairs of said City, and the

government thereof, shall be vested in the Mayor and Board of Aldermen **Council Members**. ~~The Board of Aldermen~~ **There shall be** consist of four aldermen **Council Members** who shall elect one of their number President of said Board **Council**. **In the event that the Mayor's office becomes vacant, the President of the Council shall assume the duties of the Mayor until the next annual or special City meeting is held.** The Mayor and Board of Aldermen **Council Members** in their joint capacity, shall be called the City Council. The Mayor and aldermen **Council Members** shall be sworn to the faithful performance of their duties. ~~The Mayor and aldermen shall receive such compensation as the City shall determine at its annual or any special City meeting.~~ **With the exception of acting as a non-salaried, volunteer firefighter, the Mayor and Council Members shall not be otherwise employed by the City.**

(b) The Mayor and Council Members shall receive compensation as follows: Mayor - \$5,000, President of the Council - \$3,500, and each Council Member - \$3,000. Beginning with the next fiscal year, and annually thereafter, these compensation amounts shall be adjusted by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) applicable to Vermont, as measured as of January 1 of the budget year. Any adjustment shall take effect at the beginning of the following fiscal year.

§ 8. Officers appointed by City Council (Repealed)

~~The City Council shall appoint, and may remove at its pleasure and appoint others in their stead, the following officers, none of whom shall be members of the City Council, viz: a Collector of Taxes, a Superintendent of Streets and Waterworks, a City Attorney, a Board of Fire Wardens, consisting of one Chief and a first and second Assistant Engineer, and such other officers not herein otherwise provided for as are required by law. The City Council may fill vacancies in elective City offices, including the Board of School Trustees, until the next annual meeting, unless a special City meeting for the purpose of filling such vacancy is sooner warned and held. The City Council may fill vacancies in appointive offices until the next annual meeting or during the pleasure of said Council.~~

§ 9 8 . Powers of Mayor; City Council to establish water rates Powers and duties of the Mayor

~~The Mayor shall be the Chief Executive Officer of the City. He or she shall use his or her best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. He or she shall take care that the finances of the City are properly expended and shall bring before the Board of Aldermen whatever he or she may deem worthy of their attention for prudentially and efficiently carrying on the affairs of the City. In his or her absence, the President of the Board of Aldermen shall act as Mayor in his or her stead. The Mayor, with the consent of the Board of Aldermen, shall have the power to remit penalties for the breach of City ordinances, in whole or in part, and shall cause the reason for such remission to be entered on the City records. The Mayor shall~~

~~preside at all meetings of the City, with the power of moderator in town meetings, and at all meetings of the City Council. The City Council shall have all the powers of a selectboard. Said City Council shall hold a meeting on the first Monday of each month and oftener at the call of the Mayor. The presence of a majority of said Council shall be necessary to transact business at any meeting. The City Council shall establish rates to be paid for the use of water supplied by the City water works, which shall be called service rates and shall be collected by the City Treasurer. Such service rates shall be and are hereby made a lien in the nature of a tax upon the real estate so supplied with water and shall be collected and enforced under such regulations and ordinances as the City Council shall prescribe. The Mayor may appoint a Chief of Police and such number of other officers as he or she shall deem necessary, for a period not exceeding his or her term of office, but such appointees shall not continue in office after the next regular meeting of the City Council unless the same shall be approved by the City Council at such meeting. The Mayor may suspend any police officer and such suspension shall not continue in force after the next regular meeting of the City Council unless the same shall be approved by the City Council, and the City Council may at any time annul any of such appointments.~~

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 solely to the City Manager in this Charter.

(a) The Mayor, in conjunction with the City Manager, shall ensure that the laws and the City's ordinances are enforced.

(b) 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.

(c) The Mayor shall preside at all City Council meetings with the powers of chair and moderator, shall have a voice in City Council meetings in accordance with City Council rules and procedures, and shall be entitled to a vote only where the Mayor's vote is necessary to attain the quorum of three votes or to break a tie vote among the Council Members.

(d) The Mayor may veto any action passed by the City Council as described in Section 9 of this Charter.

(e) The Mayor with advice from the City Manager will set the agenda for each City Council meeting.

(f) In the Mayor's absence, the President of the Council shall act as Mayor.

§ 40. 9 Mayoral approval and ~~Board of Aldermen~~ Council Members reconsideration of vetoed actions

The action of the ~~Board of Aldermen~~ **Council Members** shall require the approval of the Mayor, except as herein otherwise provided, for the enacting of all ordinances and bylaws and the awarding of any contracts, the appointment of any officers or committees, or the passing of any resolution. If the Mayor shall approve any ordinance, bylaw, resolution, appointment, or contract made or voted by the City Council, the same shall be reduced to writing and the Mayor shall sign the same. If ~~he or she~~ **the Mayor** does not sign the same ~~he or she~~ **the Mayor** shall return it with ~~his or her~~ objections in writing to the ~~Board of Aldermen~~ **Council Members** at their next regular meeting, provided ~~he or she~~ **the Mayor** shall have not less than one week to consider such ordinance, bylaw, resolution, appointment, or contract. The ~~Board of Aldermen~~ **Council Members** shall then proceed to consider such ordinance, bylaw, resolution, contract, or appointment, and if, upon such reconsideration, three-fourths of the whole number of ~~aldermen~~ **Council Members** shall vote in favor of the same it shall be valid and take effect, notwithstanding the objection of the Mayor. If any such ordinance, bylaw, resolution, appointment, or contract shall not be returned by the Mayor to the ~~Board of Aldermen~~ **Council Members** at their next regular meeting after the period of one week has elapsed ~~after he or she shall have received it~~ **following receipt, the same it** shall be valid and take effect without ~~his or her~~ **the Mayor's** approval. The fiscal year for all departments of said City shall begin on July 1st and end on the following June 30th.

~~§ 44~~ 10. Police officers Services and Fire Protection Services

~~All police officers shall have authority to serve anywhere within the State, and return process in criminal causes returnable within the State, and shall have the power of constables in all matters arising under the criminal and police laws of the State and the police regulations of said City.~~

(a) The City of Newport shall provide for police services and law-enforcement coverage within the City. Such services may be provided through a City-operated police department or through a contract, intermunicipal agreement, or other lawful arrangement with another qualified law-enforcement agency, including the Vermont State Police or a county sheriff's department. All police officers shall be qualified as per State law and shall have the authority to serve anywhere within the State.

(b) The City of Newport shall also provide for fire protection services within the City. Such

services may be provided through a City-operated fire department or through a contract, intermunicipal agreement, or other lawful arrangement with another qualified fire protection agency.

§ 12-11. Board of Civil Authority and Board of Abatement

The City Council, City Clerk, and the Justices of the Peace residing in the City shall constitute the Board of Civil Authority for the City. ~~and, In~~ in conjunction with the ~~listers~~ City Assessor ~~they~~ shall constitute a Board for the Abatement of Taxes, and shall be governed by the general laws of the State in respect to the abatement of taxes. The Board of Civil Authority shall perform all the duties imposed by law upon the board of civil authority of towns, except as hereinbefore provided. All meetings of the Board of Civil Authority shall, on application, be ~~appointed~~ set by and notified by the ~~Mayor~~ City Clerk in the manner provided by law for ~~appointing~~ setting and notifying the meetings of the Board of Civil Authority. ~~in towns. The compensation of all officers, servants, and employees of the City shall be fixed by the City Council, except as herein otherwise provided.~~

§ 13-12 City Clerk

~~The City Clerk shall perform for the City the same duties devolving by law upon town clerks, except so far as the same are rendered unnecessary by this charter, and shall receive the same fees therefor, or shall receive such compensation from the City for his or her services as the City Council shall allow. He or she shall be Clerk of the City Council and shall keep a record of their proceedings. He or she shall be sworn to the faithful performance of his or her duties, and his or her records, copies, and certificates shall be legal evidence in all courts and for all purposes, the same as those of town clerks. He or she shall have the exclusive charge and custody of the records and papers of the City, which shall not be taken out of his or her office unless upon the order or process of a court of competent jurisdiction. He or she shall have the same rights and authority conferred upon town clerks and may perform any official act that may be performed by town clerks.~~

The City Clerk shall be appointed by the City Council and shall have the duties, rights and authority of town and city clerks as provided by law, unless otherwise provided for in this Charter, including:

(a) The City Clerk shall charge fees as provided by law and remit said fees to the City Treasurer. The City Clerk shall receive such compensation from the City for their services as the City Council shall allow.

(b) The City Clerk shall be Clerk of the City Council and shall keep a record of its proceedings.

- (c) The City Clerk shall be sworn to the faithful performance of their duties, and their records, copies, and certificates shall be legal evidence in all courts and for all purposes.**
- (d) The City Clerk shall have the exclusive charge and custody of the records and papers of the City, which shall not be taken out of the City Clerk's office unless upon the order or process of a court of competent jurisdiction.**
- (e) The City Clerk shall ensure availability of public records as provided by law.**
- (f) The City Clerk shall serve as a member of and clerk to the Board of Civil Authority and the Board of Abatement.**
- (g) The City Clerk shall manage city elections and administer oaths of office.**
- (h) The City Clerk may appoint and remove and shall direct and supervise one or more assistants subject to the approval of the City Council.**
- (i) The City Clerk will perform any other duties required by the City Council.**
- (j) The City Clerk may also be appointed as City Treasurer.**
- (k) Transitional Clause: The incumbent elected City Clerk shall continue to serve through the expiration of their current term of office and until the first City Council meeting held after March 7, 2028. In the event of a vacancy in the City Clerk's office prior to the first City Council meeting held after March 7, 2028, the City Council shall appoint a City Clerk to serve out the remainder of the current City Clerk's term of office.**

§ 14-13 City Treasurer

~~The City Treasurer shall have the same powers and be subject to the same liabilities as are prescribed by law for town treasurers. The City Clerk shall be eligible to hold the office of City Treasurer. It shall be the duty of said Treasurer, upon the receipt of any rate bill as hereinafter provided for, to post notices in at least three public places in said City, and to publish the same for one week in a newspaper published in said City, calling upon the taxpayers to pay their respective taxes within 90 days from the date of said notice. There shall be deducted from the taxes paid during the 90 days specified, four per cent of the amount thereof. At the expiration of said 90 days the said Treasurer shall issue his or her warrant against the delinquent taxpayers to the amount of their taxes, returnable in 60 days from the date thereof, and deliver the same to the Collector of Taxes of said City, but if the City Council direct, the issuing of said warrant shall be delayed 60 days from the expiration of said 90-day period. There shall be allowed said Treasurer the sum of five cents for each name on the warrant issued by him or her, which shall be taxed against the delinquent taxpayer. Upon the return of any warrant so issued by the City Treasurer, if any taxes~~

~~included in such warrant remain uncollected, the City Treasurer may reissue such warrant to the Collector for the collection of such unpaid taxes, returnable in 60 days from the date of such reissue. In reissuing said warrant, it shall only be necessary for the City Treasurer to write upon the same "Reissued to the Collector, returnable in 60 days from this date," dating and signing the same, and the reissue of such warrant shall in no manner affect any act or proceeding of the Collector made on such warrant previous to its reissue. It shall be the duty of the City Treasurer to collect all water rates that may be or shall hereafter become due to said City for the use of the City water under such regulations and ordinances as shall be prescribed by the City Council, but no compensation shall be allowed said Treasurer for the performance of this duty. The City Treasurer shall keep a separate account of all monies appropriated for the use of schools, which monies shall consist of the income of all school funds of whatsoever nature, the income of any money or other property donated by any person to said City for the use of schools, and all money appropriated by the City Council for that purpose. The City Treasurer shall pay out of any monies mentioned in this paragraph, all warrants drawn by the school trustees for the use of schools.~~

The City Treasurer shall be appointed by the City Council and have the duties, rights and authority, and be subject to the same liabilities, of town treasurers as provided by law, unless otherwise provided for in this Charter, including:

- (a) The City Treasurer shall keep a running account of all income and expenses of all City departments and subdivisions. Any irregularities or concerns regarding the financials of the City shall be reported to the City Manager and the City Council within three business days.**
- (b) The City Treasurer shall keep accurate, uniform records of all City accounts, including municipal and school taxes, bonds, notes, grants, short- and long-term debt, capital and other reserves, and other funds.**
- (c) The City Treasurer shall serve as the collector of taxes, fees and penalties.**
- (d) The City Treasurer shall invest and reinvest City funds with City Council approval.**
- (e) The City Treasurer in consultation with the City Manager shall oversee the processing of payroll, employee benefits, and tax withholdings.**
- (f) The City Treasurer shall prepare financial reports as requested by the City Manager or City Council.**
- (g) The City Treasurer shall assist the City Manager and City Council in formulating the City budgets, including capital budgets and grants.**
- (h) The City Treasurer may appoint, and remove and shall direct and supervise one or**

more assistants subject to the approval of the Council.

(i) The City Treasurer shall certify that there are sufficient funds available to pay all warrants presented to the City Council for approval and that the warrants conform to the adopted budget, and pay all warrants approved by the City Council. The City Treasurer shall notify the City Council when the City Treasurer needs to access the approved Line of Credit to cover warrants and expenditures.

(j) The City Treasurer may also be appointed as City Clerk.

(k) Transitional Clause: The incumbent elected City Treasurer shall continue to serve through the expiration of their current term of office until the first City Council meeting held after March 7, 2028. In the event of a vacancy in the City Treasurer's office prior to the first City Council meeting held after March 7, 2028, the City Council shall appoint a City Treasurer to serve out the remainder of the current City Treasurer's term of office.

§ 14a. Collector of Taxes (Repealed)

~~The Collector of Taxes shall have the same powers and be subject to the same liabilities in and for the City as collectors of town taxes in the State have by law and are subject to, and shall proceed in the performances of his or her duties as such collectors of town taxes are required to proceed. It shall be the duty of the Collector of Taxes of said City to execute such warrants as shall be issued by the City Treasurer under the provisions of section 14 of this charter, and return the same to said Treasurer and the amount thereon collected, with the return of his or her doing thereon within the time, therein named; provided, however, that if the said Treasurer shall make an affidavit that any person, whose name appears on the rate-bill as a taxpayer, is about to remove or abscond from the State, and shall file the same with the City Council, the Treasurer may thereupon issue a warrant against such taxpayer for the amount of his or her tax, although the 90 days hereinbefore mentioned shall not have then expired, and it shall be the duty of the said Collector to execute the warrant. The City Council may award said Tax Collector such compensation as they may determine to be appropriate.~~

§ 15. Constable (Repealed)

~~The Constable shall have the same powers and be under the same duties and liabilities as are prescribed by law for the constables of towns, except for the collection of taxes, and said Constable and all special police officers shall have the same powers as sheriffs in suppressing riots and all unlawful assemblages, and of arresting without warrant all persons disturbing the peace, and may bring them before any competent court forthwith. The City Constable shall be Collector of Taxes and shall have the same powers and be subject to the same liabilities in and for the City as collectors of town taxes in the State have by law and are subject to, and shall proceed in the performance of his or her duties as such collectors of~~

~~town taxes are required to proceed. It shall be the duty of the Collector of Taxes of said City to execute such warrant as shall be issued by the City Treasurer under the provisions of section 14 of this charter, and return the same to the said Treasurer and the amount thereon collected, with the return of his or her doings thereon within the time therein named; provided, however, that if the said Treasurer shall make an affidavit that any person, whose name appears on the rate bill as a taxpayer, is about to remove or abscond from the State, and shall file the same with the City Council, the Treasurer may thereupon issue a warrant against such taxpayer for the amount of his or her tax, although the 90 days hereinbefore mentioned shall not have then expired, and it shall be the duty of the said Collector to execute the warrant. The City Council may award such Tax Collector additional compensation for the collection of taxes beyond that now fixed by statute.~~

§ 16: 14. Department of Assessment City Assessor

~~There shall be a Department of Assessment, which shall consist of a Chief Assessor and such assistants as are deemed to be necessary by the City Council. The Chief Assessor and assistants shall be appointed and may be removed by the City Council. The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the laws of this State, except as herein otherwise provided. At least every five years the Department shall review, or cause to be reviewed, their appraisals of all real property in the City that is subject to taxation and conduct a reappraisal of all such properties when necessary to conform their appraisals to the standards for appraising established by the laws of this State.~~

The City Council shall appoint or contract with an assessor who is a certified real estate appraiser or an independent appraisal firm headed by a certified real estate appraiser. They shall carry out the duties of the City Assessor in the same manner, and shall be subject to all of the same liabilities prescribed for listers under the laws of the State in assessing property within the City. They shall assist to establish the grand list and shall return such list to the City Clerk within the time required by Vermont law.

§ 17: Auditors- (Repealed)

~~The auditors shall examine and adjust the accounts of the Treasurer and all other City officers, and report the accounts so settled with the items thereof, and also the state of the Treasury; and the reports shall be printed, together with those of the other City officers, under the direction of the City Council, at the expense of said City, and circulated among the taxpayers thereof at least 15 days prior to the annual meeting.~~

§ 18: City grand jurors (Repealed)

~~The City grand jurors shall be complaining officers and shall have the same powers and be subject to the same liabilities in said City as are conferred and imposed by law upon grand jurors.~~

~~§ 19. Overseer of the Poor (Repealed)~~

~~[This section, originally enacted as § 19 of No. 273 of the Laws of 1917, established the Office of Overseer of the Poor, which the General Assembly abolished in every municipality as of October 1, 1968 pursuant to the provisions of § 37 of No. 147 of 1967. Based on the 1967 statute, the original reference to the appointment of an Overseer of the Poor in section 8 (Officers appointed by City Council) and in section 41 (City Council election of City officer) has been deleted.]~~

~~§ 20. Superintendent of Streets (Repealed)~~

~~The Superintendent of Streets, under the direction of the City Council, shall have the superintendence of all roads, streets, sidewalks, sewers, and electric wires, conduits, and appliances used for lighting purposes and owned by the City, in said City, and the construction and repair of the same, and shall have the general supervision of the entire water works belonging to the City of Newport, and shall keep the same in repair.~~

~~§ 21. City Attorney (Repealed)~~

~~It shall be the duty of the City Attorney to prosecute and defend all suits by or against the City or in which the City is interested, to prosecute for all violations of the City ordinances, and to advise the Mayor or Council when requested by them upon any legal questions arising relative to the affairs of the City, and to perform all the duties imposed by law upon town agents.~~

~~§ 22. Board of Fire Wardens (Repealed)~~

~~The Board of Fire Wardens, or any one of them who may be present at a fire, shall have power at such fire to suppress all tumults and riots by force if necessary, to direct the labor of all persons present during the continuance of such fire, to remove goods and effects endangered by such fire and protect the same from waste and depredation, and to pull down, remove, or destroy any house, store, or other building when they or any of them present at such fire shall deem it necessary for the better preservation of any property. Said Board of Fire Wardens may inspect the manner of manufacturing and keeping gun powder, lime, ashes, matches, lights, fire works, or combustibles, and the construction and repairs of fireplaces, stoves, flues, and chimneys in said City. Said Board of Fire Wardens may, by vote of a majority thereof, direct all persons manufacturing or keeping such gunpowder, lime, ashes, matches, lights, fireworks, combustibles, kerosene oil, petroleum, naphtha, gasoline,~~

oils, or burning fluid, in what manner and quantities to manufacture and keep the same, and the owners or occupants of buildings with such fire places, stoves, flues, or chimneys, how to repair the same. Every person refusing or neglecting to obey such order shall forfeit and pay to the use of said City a fine not exceeding \$25.00 for each period of 20 days after notice of such order that such person shall neglect or refuse to obey the same. Such order shall not be inconsistent with any ordinance or bylaw of the City. The Board of Fire Wardens shall have full power to regulate their own proceedings and to form new hose or hook and ladder companies, subject to the approval of the City Council, and to organize and govern the Fire Department, and, subject to the approval of the City Council, to purchase necessary fire apparatus and have the general care and custody of the property pertaining to the Fire Department.

§-23. 15. City Council powers Powers and duties of the City Council

The City Council shall have power to make, establish, alter, amend, or repeal ordinances, regulations, and bylaws not inconsistent with this charter or with the Constitution or laws of the United States or of this State. for the following purposes and to inflict penalties for the breach thereof:

(1) To establish and regulate a market, and to regulate the selling or peddling of meat, fish, or other provisions for vehicles or otherwise within the City.

(2) To restrain and prohibit all descriptions of gambling and for the destruction of all instruments and devices used for that purpose.

(3) To regulate the exhibitions of common showmen and shows of every kind not interdicted by law, and to regulate, restrain, or license itinerant vendors and peddlers.

(4) To prevent riots, noises, disturbances, or disorderly assemblages.

(5) To abate and remove nuisances, and to restrain and suppress houses of ill fame and disorderly houses.

(6) To compel the owner or occupants of any unwholesome, noisome, or offensive house or place, to remove or clean the same from time to time, as may be necessary for the health or comfort of the inhabitants of said City, and to remove and dispose of garbage, otherwise known as household swill and kitchen refuse, and to control the disposal of ashes, rubbish, and all kinds of refuse.

(7) To direct the location and control of all slaughterhouses, markets, manufactories, blacksmith shops, sewers, and all private drains, and to compel the construction of drains within the limits of the City, under such inspection regulations as the City Council may adopt.

~~(8) To regulate the manufacture and keeping of gunpowder, ashes and all other combustible and dangerous material.~~

~~(9) To regulate the making of alterations and repairs of stovepipes, furnaces, fireplaces, and other things from which danger of fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes; to provide for the preservation of buildings from fires by precautionary measures and inspections; to regulate the size, height, and material of new buildings to be constructed in the City or in certain prescribed localities therein, and to establish and regulate a fire department and fire companies, and to make regulations concerning the management and the conduct of all persons present at fires, the removal and protection of property, the examination of any building or place where combustible material or substances are supposed to be kept or deposited, the removal of such material and substances, and the adoption of other suitable safeguards against fires and the loss or destruction of property by reason of the same.~~

~~(10) To prevent immoderate riding or driving and to regulate the management, operation, use, and speed of automobiles, motor, and other vehicles in the streets, and to prevent cruelty to animals.~~

~~(11) To regulate the erection of buildings and prevent encumbering the streets, sidewalks, and public alleys with firewood, lumber, carriages, boxes, or other things, and provide for the care, preservation, and improvement of public grounds.~~

~~(12) To restrain and punish vagrants, mendicants, and common prostitutes, and to make regulations respecting paupers.~~

~~(13) To restrain or regulate the keeping and running at large of cattle, horses, swine, sheep, goats, fowls, and dogs. And, in addition to the tax now imposed by law upon the owners or keepers of dogs, to require the owner or keeper of any dog or dogs to pay such additional tax or license fee for the keeping thereof as they may impose, and prescribe such penalties in default thereof as may be deemed necessary. All monies received hereunder shall be paid into the City Treasury.~~

~~(14) To regulate and determine the time or place of bathing in any of the public waters within said City, or adjacent thereto, and to prevent the same.~~

~~(15) To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them all snow, ice, dirt, and garbage, and to keep such sidewalks and gutters clean, and to compel the owners or occupants of any land or premises in the City to cut and remove from the streets and sidewalks in front of such land or premises~~

~~all grass, thistles, and weeds growing or being thereon, under such regulations as may be prescribed therefor.~~

~~(16) To license innkeepers, keepers of saloons, victualing houses, billiard and pool rooms, and bowling alleys, and auctioneers, under such regulations as shall be prescribed therefor; and all monies paid for such licenses shall belong to the City and be paid into the City Treasury.~~

~~(17) To regulate or restrain the use of rockets, squibs, fire crackers, and other fireworks in the streets or commons, and to prevent the practicing therein of any amusements having a tendency to injure or annoy persons passing therein or to endanger the security of property.~~

~~(18) To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork, and produce, and of selling and measuring wood, lumber, ice, lime, and coal, and to appoint suitable persons to superintend and conduct the same.~~

~~(19) To license porters, cartmen and owners and drivers of hacks, coaches, cabs, carriages, and other public vehicles, and to regulate their fees and prescribe their duties.~~

~~(20) To prescribe the powers and duties of watchmen and police officers of said City.~~

~~(21) To provide for lighting public streets, places, and highways.~~

~~(22) To prohibit and punish willful injuries to trees, shrubs, and plants planted for shade, ornament, convenience, or use, public or private, and to prevent and punish trespasses or willful injuries to or upon public buildings, squares, commons, cemeteries, or other property.~~

~~(23) To regulate the burial of the dead, the keeping, returning and preserving of statistics of deaths and burials, also the returning, and keeping of a record of all births and marriages.~~

~~(24) To regulate the examination of the land and other public records and documents of the City, by individuals, as may be necessary for the security and preservation of the same.~~

~~(25) To manage and control the public places, parks, and commons in said City, to regulate the use of the same by the public, and to prevent and punish trespasses or willful injuries to or upon any fountain, shade or ornamental tree, plant or shrub, building or structure placed therein by or under the order of the City Council, in such a manner as shall~~

~~not be inconsistent with the laws of this State.~~

~~(26) To regulate or prohibit the suspending or putting up of any sign, awning, or other structure in, upon or over any street, sidewalk, lane, alley, common, or any other public place in the City; and, whenever the public good may require, to order and direct that any sign, awning, or other structure heretofore erected or suspended as aforesaid shall be taken down or removed; and, after 10 days' delay in complying with said order, to remove the same at the expense of the owner thereof.~~

~~(27) To compel reports from physicians, surgeons, and others of contagious and infectious diseases and those of a pestilential nature.~~

~~(28) To compel the registration of physicians or others practicing medicine, surgery, or midwifery.~~

~~(29) To prescribe standard rules for the placing of poles, wires, and electrical conduits in, over, and under the streets of the City, and to regulate their use. And said City Council may make and establish, amend, or repeal bylaws, rules and ordinances that they may deem necessary for the well being of said City, and not repugnant to the Constitution or laws of this State; all of which bylaws, regulations, and ordinances shall be duly published in one or more newspapers of this City, to be prescribed by the City Council, at least 20 days before they take effect.~~

~~(30) To license the owners of billboards and regulate the erection thereof.~~

~~(31) To control the erection of buildings and other structures on the shore of Lake Memphremagog, within City limits, and to prescribe regulations as to the use of said shores not inconsistent with the rights of private owners or the rights of navigation in the waters of said lake vested in the public.~~

~~(32) To establish curfew regulations and prescribe rules governing the presence of children on the streets or in public places at night, and fix penalties for the violation of such rules and regulations.~~

The City Council shall have power to make, establish, alter, amend, or repeal ordinances, regulations, and bylaws not inconsistent with this Charter or with the Constitution or laws of the United States or of this State.

The City Council may establish, appoint, modify the charge of or terminate other boards, departments, offices, committees, commissions and task forces, as may be necessary or beneficial for the administration of the affairs of the City unless specifically provided otherwise by this Charter. Other duties of the City Council shall include:

- (a) General oversight and control of City-owned property and affairs not inconsistent with this Charter.**
- (b) Appointment, direction, supervision and removal of the City Manager, City Clerk, and City Treasurer.**
- (c) In consultation with the City Manager approve the appointments of City department heads and the job description of each position. The City Council shall consult with the City Manager regarding termination of a department head. The department head may appeal the City Manager's termination decision to the City Council.**
- (d) Contracting with a certified public accountant for an annual independent audit of all municipal funds as required by law. This report shall be included in the annual report for the annual City meeting.**
- (e) Review and approval of the proposed annual City budget including the water and sewer budgets and all other enterprise and capital reserve funds, and adoption and approval of the annual City tax rate. In addition the City Council shall ensure the expenditure initiatives adhere to the adopted budget and this Charter.**
- (f) Serving as the Board of Water and Sewer Commissioners.**
- (g) Fixing the time and place for holding a public meeting to present the proposed budget for public input.**
- (h) Fixing a time and place for a regularly scheduled meeting to be held at least once a month.**
- (i) Sole authority to approve contracts and may authorize the City Manager or the Mayor to sign approved contracts.**
- (j) Retaining a City Attorney and retaining additional legal counsel as needed. The City Council shall designate appropriate officers and employees to have contact as needed with City attorneys.**
- (k) Appointment of a Collector of Delinquent Taxes who shall have the powers, duties and be subject to the liabilities provided by state laws.**
- (l) Authority to approve the laying out, acquisition, construction, maintenance, repair, regulation and discontinuance of public highways and rights-of-way, including streets, highways, sidewalks, recreation paths, and related infrastructure as provided by law.**

(m) Review of the Charter at least once every ten years to recommend updates and ensure compliance. Such review may be aided by a committee or task force, the members of which are appointed by the City Council.

The City Council without special direction of the voters of the City, shall not draw, sign, or approve warrants to pay expenditures or appropriations in excess of anticipated revenues. The City Treasurer, without special direction of the voters of the City, shall not honor or pay warrants in excess of anticipated revenues.

§ 24. Fines (Repealed)

No fine shall be imposed for the violation of any City ordinance or bylaw exceeding \$100.00, provided, that when it may be necessary to abate a nuisance the expense of such abatement may be imposed upon the delinquent in addition to said fine. A person who violates any City ordinance or bylaw may, on conviction thereof, be imprisoned in the house of correction, at hard labor, for a term not exceeding six months in addition to or in lieu of said fine, in the discretion of the court. A person convicted for violation of any City ordinance or bylaw, who shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitations herein contained, within 24 hours from the rendition of such judgment, shall be committed to said house of correction under the same regulations and in the same manner as provided by the laws of this State. In addition to such fine for a violation of any such ordinance or bylaw, the City may have and maintain an action of tort founded on this statute against any person willfully and maliciously damaging or destroying any of the property of said City, or injuring or corrupting any of the water supply or water works of said City, and may recover treble damages and costs against such person.

§ 25. Streets and sidewalks

The City Council shall have power to regulate, establish, and alter the grade of streets and width of sidewalks, and the construction thereof, and to prescribe the material to be used therein, and also to provide, order, and direct that the sidewalks upon such streets as the City Council shall designate, shall together with the curbing therefor, be constructed in part at the expense of the owner or owners of the lands or buildings adjacent thereto, and in proportion to the benefit conferred, not to exceed one-half, and to assess the lands or buildings of such owner or owners adjacent to or abutting on any such sidewalk so constructed in compliance with such order, such proportion of the cost or expense thereof, such assessment to be apportioned among the owners of such lands or buildings fronting as aforesaid according to their frontage on such sidewalk, and the benefit to be conferred to be made in the manner and in accordance with provisions respecting highways. When such Council shall have made any such assessment, it shall make a report thereof, setting forth its

~~doings in that respect, which report shall be recorded in the City Clerk's office, and, when so recorded, the amount so assessed shall be and remain a lien in the nature of a tax upon the land so assessed until the same shall be paid. Said Council shall have power to assess abutting land owners for a portion of the expense of sprinkling streets, not to exceed one half, and in proportion to the benefit conferred. Such assessment when made and filed as hereinbefore specified shall be and remain a lien in the nature of a tax upon the land so assessed until the same shall be paid.~~

§ 26. 16 Water and sewer systems

~~The City Council shall have all the powers over and in any way appertaining to the water system owned by the present Village of Newport that are now conferred on the water commissioners, provided for in 1878 Acts and Resolves No. 201, entitled "An act defining the power of the Village of Newport," and all amendments thereto.~~

(a) The City Council shall serve as the Board of Water and Sewer Commissioners. The governance, powers, and responsibilities for the City's water and sewer systems shall be vested in these commissioners. Powers include oversight of operating, maintaining, repairing, and managing water and sewer systems, setting rates, and ensuring compliance with State water and sewer laws and regulations.

(b) Such service rates shall be and are hereby made a lien in the nature of a tax upon the real estate so serviced by water or sewer systems and shall be governed and enforced by such regulations and ordinances as the City Council shall prescribe and collected in the same manner as taxes are collected on real estate or as otherwise prescribed by State law.

(c) The Water and Sewer Enterprise Funds shall be maintained as financially independent enterprise operations. The City shall not allocate or assign general governmental expenses to the Water Fund or Sewer Fund except where such costs represent the actual and proportionate cost of services, personnel, facilities, or resources provided for the direct benefit of the respective utility. All such allocations shall be supported by a documented cost allocation methodology.

The Board of Water and Sewer Commissioners shall meet at least quarterly to review current expenditures and to alter rates as necessary or desirable to sufficiently fund the Water Fund or Sewer Fund. Such rates will be charged only to customers of the water and sewer systems. The Board of Water and Sewer Commissioners shall meet annually to review the prior year's audit and the coming year's budgets. The Commissioners can set rates, plan

system expansions, and address service issues, but must act within statutory limits.

§ 27: 17 Sale, purchase or lease of City owned property

~~The City Council may authorize the sale of real or personal estate belonging to the City when the same shall not exceed in value \$1,000.00, or may lease the same for a term not exceeding one year, and all conveyances, grants, or leases of any such real estate shall be signed by the Mayor and sealed with the City Seal.~~

(a) The City Council shall not authorize the sale of City owned real property without voter approval, except if the conveyance:

- 1. is directly related to easements or rights for highways, or the public water, sewer, telecommunications or electric systems; or**
- 2 has an estimated fair market value of less than \$10,000, provided the City has posted and published a Notice of Sale of Municipal Real Estate at least thirty days prior to the conveyance.**

(b) The sale of personal property belonging to the City shall be approved by the City Council for property with a fair market value over \$50,000. The City Manager may approve sale of personal property whose fair market value is equal to or less than \$50,000.

(c) The City Council may lease City-owned real estate for a term not exceeding 5 years.

(d) The City may not purchase any real estate with a purchase value over \$100,000 without voter approval, or unless previously approved in any City annual budget.

§ 28: 18 City expenditures

Except as herein otherwise provided, no money shall be paid out of the City Treasury except upon warrant, signed by the Mayor and approved by the ~~Board of Aldermen~~ **Council Members**, such approval to be authenticated by the City Clerk. **When bills or other obligations are due prior to the next regularly scheduled meeting of the Council, and waiting until such a meeting would result in a missed payment due date, the Council may review and approve the applicable warrants electronically. Electronic approval shall require the affirmative approval of at least three Council Members and shall be ratified at the next regularly scheduled Council meeting.** A full record of all expenditures shall be kept, and a clear statement of all receipts and disbursements of City monies, and of the affairs of the City generally, shall be annually published under the direction of the City Council, at least two weeks before the annual City election. ~~No City official shall be directly or indirectly interested in any contract with the City.~~

§ 29: 19. Assessment of taxes on grand list

~~The City Council shall assess and lay all taxes upon the grand list of said City, and in addition to such tax as may be necessary for the payment of all such State, county, and highway taxes as are or may be required by law, and in addition thereto such tax as the Board of School Trustees shall recommend to said Council for the support of schools, not exceeding 100 cents on the dollar of the grand list of said City unless authorized by a vote of the City. They shall have power annually to lay and assess upon said grand list such tax, which shall not exceed 100 cents on the dollar thereof, unless by vote of the City, as in their judgment may be required for the payment of the current expenses of the City and for carrying out any of the provisions of this charter; and in addition they shall annually assess a tax of not less than 20 cents nor more than 60 cents on the dollar of said grand list, the proceeds of which shall be used in retiring the floating and funded indebtedness of said City or in creating a sinking fund for the future redemption of such indebtedness. All of the aforesaid taxes may be included in one rate bill, and such tax bills, with a warrant signed by the Mayor of the City or any justice of the peace within the county, shall be delivered to the Treasurer, to whom all taxes shall be paid in money.~~

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. All of the aforesaid taxes may be included in one rate bill.

§-30. 20 Revenues credit and appropriations

~~(a) The current revenues of the City shall consist of money raised by taxation, from fines and other lawful sources, and such revenues shall constitute the entire sum from which appropriations and payments are to be made, according to law, by or under the authority of the City Council. The credit of the City, other than by temporary loans, not exceeding \$3.50 on the dollar of the grand list of the City for the time being shall not be pledged except by authority of the legal voters of the City. Such temporary loans and all debts incurred by the City Council shall be deemed expenditures and shall be paid by the City Council during the fiscal year in which they are contracted.~~

~~(b) All appropriations for specific purposes made at any annual or special meeting in said City shall, unless otherwise directed by the voters, be paid out of current revenues for that year and shall be deemed as expenditures by the City Council.~~

~~(c) The City Council shall not exceed in expenditures, except by express authority of the legal voters of the City, said current revenues of the City during any year. If it should happen that said current revenues of the City shall have been expended before the end of any fiscal~~

~~year, and there remain necessary or desirable expenditures to be met, the City Council shall call a special meeting of the legal voters of the City to consider what shall be done.~~

~~(d) The Mayor and Board of Aldermen, without special direction of the voters of said City, shall not draw, sign, or approve warrants to pay expenditures or appropriations in excess of current revenues. The City Treasurer, without special direction of the voters of said City, shall not honor or pay warrants in excess of current revenues. Any official violating the provisions of this section shall be liable to refund to the City the full amount of all warrants so drawn, signed or approved or so honored or paid.~~

The current revenues of the City shall consist of money raised by taxation, fines and other lawful sources. These revenues shall constitute the amount from which appropriations and payments are to be made, according to law, by or under the authority of the City Council. All appropriations for specific purposes made at any annual or special City meeting shall, unless otherwise directed by the voters, be paid out of current revenues for that year and shall be deemed as expenditures by the City Council. The City Council shall not exceed in expenditures the revenues of the City during the fiscal year. The City Council, without special direction of the voters of the City, shall not draw, sign, or approve warrants to pay expenditures or appropriations in excess of revenues. If the current revenues of the City will be expended before the end of the fiscal year, and necessary or desirable expenditures need to be met, additional expenditures shall not take effect unless approved by a majority vote at a duly warned special City meeting. At least seven days prior to the special City meeting, the City Council shall hold at least one publicly warned informational meeting to present the proposed expenditure, explain the reasons for the deficit, and provide an opportunity for public questions and comment. The City Council may authorize and incur short-term indebtedness without voter approval when such indebtedness is incurred in anticipation of the receipt of taxes and is fully repaid within the same fiscal year in which it is issued.

(a) No long-term indebtedness or other obligation extending beyond the fiscal year shall be incurred unless first approved by a majority of the legal voters voting thereon at a duly warned meeting.

(b) Notwithstanding Subsection (a) of this section, in the case of all-hazard events as defined by state statute, the City Council may borrow for a period of not more than five years or a term not to exceed the reasonably anticipated useful life to fund emergency infrastructure or services.

(c) The total indebtedness of the City shall not exceed ten percent (10%) of the total assessed value of the City's grand list.

§ 34. 21 [Transitional provisions related to the financial obligations of the Villages of Newport and West Derby; 1917 Acts and Resolves No. 273, § 31.]

§ 32. 22. Bonds of City officers

~~The Treasurer, Clerk, Constable, Tax Collector, and Superintendent of Streets and Waterworks shall annually give bonds to the City to the satisfaction of the City Council for the faithful discharge of their respective duties, and any other City officer may be required by the City Council to give similar bonds. In case any officer neglects to give bonds as above specified, after 10 days' notice from the City Council that he or she is required to do so, his or her office shall thereupon become vacant and the vacancy shall be filled as hereinbefore provided.~~

The City Council shall require any elected or appointed officer, employee or other person entrusted with City funds or property to be covered by a fidelity bond, blanket fidelity bond, or comparable insurance coverage, in such amounts and upon such terms as the City Council determines appropriate. In addition, the City Council shall require City officers to have coverage for liability and errors and omission insurance. The cost of such coverage shall be paid by the City. Should any person entrusted with City funds or property that is required to be covered hereunder be found ineligible for bonding or insurance through the City's provider, then no later than ten days after written notice of non-eligibility, the individual shall obtain and submit their own bond or insurance equivalent to the City policies at their own expense, or their position shall thereupon become vacant.

§ 33. 23 [Transitional provisions related to the financial assets and liabilities of the Villages of Newport and West Derby; 1917 Acts and Resolves No. 273, § 33.]

§ 34. Pledge of credit (Repealed)

~~Whenever the legal voters of the City shall give authority to the Council thereof to pledge the credit of the City for any purpose, the City shall have power and authority to issue its negotiable orders, warrants, notes, or bonds, and to prescribe whether such bonds shall be registered or have interest coupons attached, to the amount, not to exceed the limit prescribed by law, for which the legal voters aforesaid shall have given authority to so pledge the credit of the City. Such notes or bonds shall be payable at such time and at such a rate of interest as shall be established by said voters, or, if no time or rate of interest is fixed thereby, the same shall be established by resolution of said Council.~~

§ 35. 24 [Transitional provisions related to the financial liabilities and assets of the Towns of Newport and Derby; 1917 Acts and Resolves No. 273, § 35.]

§ 36. 25 [Transitional provisions related to the books and records of the Town of Newport; 1917 Acts and Resolves No. 273, § 36.]

§ 37. 26 [Transitional provisions related to the books and records of the Town of Derby; 1917 Acts and Resolves No. 273, § 37.]

§ 38. Paupers (Repealed)

~~(a) The Town of Newport and the City of Newport shall, on and after April first, 1919, be respectively liable for one-half the support of all persons who were paupers on said Town of Newport, meaning those being supported on the Town Farm of said Town, on the first Tuesday of March 1918. As soon as may be after the passage of this charter and forthwith after each annual Town and City meeting hereafter the Overseers of the Poor of said Town and City shall meet to agree upon the charge for board and lodging of said paupers on the City Farm of said City for the year ensuing, and, if they agree, they shall reduce their agreement to writing in duplicate and file one of said duplicates with the City Clerk of said City and one with the Town Clerk of said Town; but if said overseers cannot agree upon said charge, the City Council of said City and the legislative body of said Town shall each select one disinterested person from outside said Town and City, and the two thus selected shall select a third person also disinterested and from outside said Town and City, whose expense shall be borne equally by said Town and City, who shall forthwith hear the parties and determine either a reasonable charge for board and lodging of said paupers on said City farm, or shall make division of all said paupers as equitably as may be, and said three persons, or a majority thereof, shall reduce their award to writing under their hands and in duplicate showing the reasonable charge for board and lodging of said paupers, or showing and designating which paupers shall be supported by said Town and City respectively and deliver one of said duplicates to said Town and City, respectively, to be recorded by the respective Clerks of said Town and City, whereupon such award and designation, if it provides a division of said paupers, shall become and remain binding upon said Town and City forever, and said Town and City shall thereafter be liable for the support of such persons as are designated in said award to be by them respectively supported. The City of Newport and the Town of Newport shall be respectively liable for the support of all other persons who were receiving aid from the Town of Newport on the first Tuesday of March 1918, who resided within their respective limits when they became paupers. Territory within the limits of the Town of Newport owned by the City of Newport, shall be considered as City territory in determining all pauper residence questions.~~

~~(b) The City of Newport and the Town of Derby shall be respectively liable for the support of all persons, who were paupers on the Town of Derby on the first Tuesday of March 1918;~~

~~who resided within their respective limits when they became paupers. The residence of a person for the purpose of determining where a pauper shall be chargeable, shall, in the event of a partial residence in any of the territories referred to in this section on the first Tuesday of March 1918, be completed by a continuance in the same Town or City for a term sufficient to make the three year residence making such person chargeable on said Town or City.~~

§ 39. 27. Public schools and school property

~~The exclusive management and control of the public schools and all school property is vested in a board of five school trustees. Said trustees shall be bona fide residents of the City and qualified voters for school officers. The three incumbents constituting the present Board shall continue in office until their respective terms expire. At the annual meeting each year thereafter, one trustee shall be elected for a term of three years and until his or her successor is elected and qualified. The remaining two members of the Board shall be appointed in the first instance by the City Council, one for a term of one year, and one for a term of two years; and thereafter the successor of each shall be elected and hold office for a term of three years and until his or her successor is elected and qualified. The Board of School Trustees shall make an annual report of their doing and expenditures to the City Council on or before the first day of February in each year for the last preceding fiscal school year, and in this report they shall make estimates of the necessary expenditures for the support of schools for the ensuing fiscal year, the amount of school income to be derived from sources other than taxation and the amount of money to be raised by taxation for the support of said schools, which report shall be published with the report of the City officials, as herein provided. Said Board of School Trustees shall annually recommend to the City Council, on or before the first day of April, the amount of money that they require for school purposes, to be raised by taxation, and the City Council shall include such tax in their annual rate bill. On or before the first day of each July hereafter the City Council shall appropriate for the use of schools such sum as will be raised by taxation in that year for the support of schools, and shall also then appropriate the amount of school income to be derived from sources other than taxation in such year, all of which shall constitute the school fund of said City that the City Treasurer shall pay out from time to time on warrants signed by a majority of the Board of School Trustees which said warrant shall not require the approval of the City Council. All money and property formerly owned by the Newport Academy and Graded School District shall belong to said City and all debts and liabilities of said District shall be paid and discharged by said City, and all lawful contracts of said District on March 1, 1918, shall be carried out by said City. The act incorporating the Newport Academy and Graded School District, and all acts, amendatory thereof, are hereby repealed. The school trustees~~

~~shall give such bond to the City, at the expense of the City, as the City Council shall demand and approve for the faithful discharge of their duties.~~

(a) The management and control of the public schools and all school property is vested in a board of five school trustees. Said trustees shall be bona fide residents of the City and registered voters.

(b) In the event of a vacancy on the Board of School Trustees, the remaining Trustees shall, by majority vote of those present and voting, appoint a qualified person to fill a vacancy on the Board of School Trustees. If after sixty (60) days of the creation of the vacancy the Board of School Trustees fails to fill the vacancy, the vacancy may be filled pursuant to Section 6(b) of this Charter. If there are vacancies in a majority of the Board of School Trustees, the vacancies shall be filled by a special City meeting called for that purpose. The remaining Trustees are, or if none in office the City Treasurer is, authorized to draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies are filled.

(c) The Board of School Trustees shall make an annual report of their revenue and expenditures to the City Council and City Clerk no later than the beginning of the last week of January in each year for the last preceding fiscal year, and in this report they shall make estimates of the necessary expenditures for the support of schools for the ensuing fiscal year, the amount of school income to be derived from sources other than taxation, and the amount of money to be raised by taxation for the support of said schools, which report shall be published with the Annual Report of the City, as herein provided. The School Trustees shall provide proof of bonding or comparable insurance coverage to the City pursuant to Section 22 of this Charter.

§-40. 28. City Manager

~~(a) The Council may, when the City so votes at any annual meeting, appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the Council, and who shall hold office at the pleasure of the Council. The duties of the City Manager shall be:~~

~~1 to see that the laws and ordinances are faithfully executed;~~

~~2 to attend all meetings of the Council at which his or her attendance may be required by that body;~~

~~3 to recommend for adoption to the Council such measures as he or she may deem necessary or expedient;~~

~~4 to appoint, excepting as otherwise provided for by this act, all officers and employees of the municipality, and to perform the duties of such officers and employees as the Council may designate;~~

~~5 to prepare and submit to the Council such reports as may be required by that body, or as he or she may deem advisable to submit;~~

~~6 to keep the Council fully advised of the financial condition of the municipality and its future needs;~~

~~7 to prepare and submit to the Council a tentative budget for the next fiscal year;~~

~~8 and to perform such other duties as the Council may determine by ordinance or resolution.~~

~~(b) The City Manager shall receive such salary as may be fixed by the Council. Before entering upon the duties of his or her office, he or she shall take the official oath required of other officers by this charter and shall execute a bond in favor of the municipality for the faithful performance of his or her duties in such sum as may be fixed by the Council. The City Manager need not be a voter in or a resident of the City.~~

(a) The City Manager shall be the chief administrative officer of the City of Newport under the direction and supervision of the City Council. The City Manager shall be responsible to the City Council for the administration of all City affairs and shall direct and supervise the administration of all departments and offices of the City, except as otherwise provided by this Charter or by law. The City Manager shall have the following powers and duties:

- 1. to ensure, in conjunction with the Mayor, that the laws and City ordinances are faithfully executed;**
- 2. to attend all meetings as required by the City Council;**
- 3. to recommend for adoption to the City Council such measures as they may deem necessary or expedient;**
- 4. to appoint, unless as otherwise provided for by this Charter, all employees of the City, and to ensure that the duties of department heads and employees are performed as the City Council may designate. The City Manager is empowered to suspend or terminate any municipal employee or staff member under their oversight. The City Manager may delegate this supervisory authority to department heads regarding personnel within their respective departments or offices. All personnel actions, including hiring, layoffs, and promotions, shall be conducted in accordance with any active collective bargaining agreements and**

personnel policies, and based on the individual's training, proficiency, and job performance. Prior to the termination of any department head, the City Manager shall consult with the City Council.

5. to prepare and submit to the City Council reports as may be required or as the City Manager may deem advisable;
6. to keep the City Council fully advised of the financial condition of the City and its future needs and to consult with the City Treasurer in the processing of payroll, employee benefits and tax withholdings;
7. in consultation with the Mayor, City Treasurer, and department heads, to prepare and submit to the City Council a tentative budget for the next fiscal year by a date specified by the City Council; and
8. To perform such other duties as the City Council may determine by ordinance or resolution.

(b) The City Manager need not be a voter in or a resident of the City.

(c) The City Manager shall receive such salary as may be fixed by the City Council. Before entering upon the duties of the office, the City Manager shall take the official oath required of other officers by this Charter and shall execute a bond or insurance in favor of the City pursuant to Section 22 of this Charter for the faithful performance of their duties in such sum as may be fixed by the City Council.

§ 41. City Council election of City officers (Repealed)

~~The Council shall, when the City so votes at any annual meeting, elect the Clerk, Treasurer, Constable, listers, auditors, City grand jurors provided for in section 6 of this charter, which election by said Council shall be in lieu of the method provided for in said section 6 of this charter. The term of office of each person so elected by said Council shall be that provided for by said section.~~

§ 42: 29 [Transitional provisions related to effective date.]

§ 30 Harbor Commission

There shall be a Harbor Commission of no less than five members who need not be City residents, and its powers, obligations and operation shall be in accordance with the laws of the State, as amended. Members shall be appointed by the City Council for staggered three-year terms pursuant to the process set forth in existing ordinances, as the same may be subsequently amended from time to time.

§ 31 Severability

If any provisions of this Charter are held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application or circumstances shall not be affected thereby.