

# The Vermont Statutes Online

## Title 24 Appendix: Municipal Charters

### *Chapter 413: NORTHWEST VERMONT SOLID WASTE MANAGEMENT DISTRICT*

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#### Subchapter I. Creation and Powers

#### § 413-101. Creation

Upon approval of this chapter by the participating municipalities, as required in 24 V.S.A. chapter 121, subchapter 3, there is hereby created a union municipal district which shall be known as the Northwest Vermont Solid Waste Management District (hereinafter referred to as the district) and which shall be a body politic and corporate.

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**DISTRICT****Subchapter I. Creation and Powers****§ 413-102. Purpose**

The district is created and shall exist for the purpose of providing for the efficient, economical, and environmentally sound disposal and reduction of solid waste generated by member municipalities and their residents. The means of disposal may include, but are not limited to, collection, transportation, resource recovery, recycling, land disposal, or any combination thereof. The district shall not be organized nor function for the purpose of disposing of hazardous waste.

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The district is composed of and includes all of the lands and residents within those municipalities which vote to approve and enter into this agreement at the time of its creation, and such other municipalities as are subsequently admitted to the district as herein provided, except for those municipalities which may withdraw as herein provided.

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**§ 413-104. Duration**

The district shall continue as a body politic and corporate unless and until dissolved according to the procedures herein set forth.

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**§ 413-105. Powers**

Except as otherwise provided or limited herein, the district shall have the following powers:

- (1) To operate, cause to be operated, and/or contract for the operation of any and all facilities for the collection, transportation, resource recovery, recycling, and disposal of solid waste, and to determine and make proper charges for such services.
- (2) To engage in public education aimed at recycling and reducing the volume of solid waste. Such education may include cooperation with school districts in the formation of appropriate curriculum.
- (3) To engage in or sponsor, or both, innovative projects for the purpose of disposing of solid waste in an environmentally sound manner.
- (4) To purchase, sell, lease, own, acquire, convey, mortgage, improve, and use real and personal property in connection with the purpose of the district.
- (5) To hire and fix the compensation of employees.
- (6) To sue and be sued.
- (7) To enter into contracts for any term or duration.

- (8) To contract with architects, engineers, financial and legal consultants, and other experts for services.
- (9) To contract with individuals, corporations, associations, authorities, and agencies for services.
- (10) To provide solid waste disposal services for the member municipalities, the inhabitants thereof, and the businesses therein, and for such others as its facilities and obligations may allow.
- (11) To contract to pay for solid waste disposal services on the basis of guaranteed amounts, whether delivered for disposal and accepted for disposal or not, of solid waste, with payments based on such guaranteed amounts, whether actually disposed of or not, which payments may be variable and may be determined by formulae expressed in such contracts.
- (12) To contract with the state of Vermont, the United States of America, or any subdivision or agency thereof for services.
- (13) To contract with any member municipality for the services of any officers or employees of that municipality useful to it.
- (14) To promote cooperative arrangements and coordinated action among its member municipalities.
- (15) To make recommendations for review and action to its member municipalities and other public agencies which perform functions within the region in which its member municipalities are located.
- (16) To exercise any other powers which are necessary or desirable for dealing with solid waste problems of mutual concern and which are exercised or are capable of exercise by any of its member municipalities.
- (17) To exercise the power of eminent domain.
- (18) To borrow money and issue evidence of indebtedness as provided by 24 V.S.A. chapter 53 or other provisions of law authorizing general obligations or revenue debt, including 10 V.S.A. chapter 12 and 24 V.S.A. chapter 119.
- (19) To establish a budget and assess member municipalities in accordance therewith.
- (20) To appropriate and expend monies.
- (21) To establish sinking funds for the retirement of bonded or other indebtedness.
- (22) To establish capital reserve funds for public improvements in furtherance of its purpose.
- (23) To regulate the collection, transportation, resource recovery, recycling, and disposal of solid waste within the district and may require that acceptable solid wastes generated within the district and any member municipality therein shall be disposed of only in and upon facilities operated by or on behalf of the district.
- (24) To enact and enforce any and all necessary or desirable regulations for the orderly conduct of the government and for carrying out the purpose of the district.
- (25) To accept and administer gifts, grants, and bequests in trust or otherwise for the purpose of

the district.

(26) To exercise all powers incident to a public corporation.

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#### **Subchapter I. Creation and Powers**

##### **§ 413-106. Responsibility to accept solid waste**

(a) The district shall become responsible for providing a system for solid waste disposal, as delineated in subsections (b), (c), and (d) of this section, when the board of supervisors declares the disposal system operational.

(b) The district shall provide a system for disposal of all solid waste generated by residential and commercial activities, including tires, and metal goods generated within the member municipalities.

(c) The district may provide for:

(1) The disposal of solid waste from industrial activities within a member municipality.

(2) The disposal of sludge through contract with a member municipality, provided that the sludge is disposed of at no cost to the other member municipalities.

(3) The disposal of any or all demolition and construction waste and yard wastes from any member municipality.

(d) The district may contract with a nonmember municipality or a private entity for the disposal of solid waste generated outside the boundaries of the district, provided that the contract will not increase the cost of solid waste disposal to the member municipalities.

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#### **§ 413-107. Procedure for adoption of ordinances, rules, and regulations**

(a) Any ordinance, rule, or regulation of the district may be adopted by the board of supervisors at a duly called board of supervisors' meeting following the following procedure:

(1) If the board of supervisors desires to adopt an ordinance, rule or regulation, it shall hold at least one public hearing on the proposed ordinance, rule, or regulation.

(2) Public notice shall be given of the public hearing by publication of the date, place, and purpose of the hearing in a newspaper of general circulation within the district on a date not less than 15 days prior to the date of the hearing.

(3) The notice shall also be posted in at least three public places within each member municipality and mailed to the town clerk of each municipality at least 30 days prior to the date of the hearing.

(4) The notice shall make reference to a place within the district where copies of the proposed ordinance, rule, or regulation may be examined, and the full text of the ordinance, rule, or regulation, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, shall also be published.

(5) Following such public hearing, the board of supervisors may at any duly called board of supervisors' meeting adopt the ordinance, rule, or regulation by resolution, and the ordinance, rule, or regulation shall become effective upon adoption.

(6) An ordinance, rule, or regulation adopted in accordance with these procedures may be amended or repealed in accordance with the same procedures.

(7) No ordinance, rule, or regulation, or amendment or repeal shall be subject to any voter referendum, provided that a special meeting may be called on such matters in accordance with the procedures of subchapter 5 of this chapter.

(b) The foregoing procedure shall not be required for rules as to the internal workings of the board, or internal administration of this district.

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The legislative power and authority of the district and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a governing body known as the board of supervisors, except as specifically provided otherwise in this chapter.

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The board of supervisors shall be composed of one representative from each member municipality, and one nonvoting member appointed by the Franklin-Grand Isle Regional Planning Commission.

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##### **Subchapter II. Board of Supervisors**

###### **§ 413-203. Appointment**

(a) The legislative branch of each member municipality which votes to join the district prior to January 1, 1988 shall appoint one representative to the board of supervisors. These representatives shall serve until the first Wednesday in April 1988, on which date the board of supervisors will hold its first annual organizational meeting as provided in section 204 of this subchapter. As soon after their appointment, the representatives appointed, pursuant to the provisions of this section, shall meet and elect a chair and vice chair, each to hold office until the board of supervisors select the replacement at the meeting to be held on the first Wednesday in April 1988.

(b) On or before the last Monday in March 1988, the legislative branch of each member municipality shall appoint its representative to the board of supervisors. Member municipalities whose beginning letter falls between A through I shall appoint their representatives for a one-year term. Member municipalities whose beginning letter falls between J through R shall appoint their representatives for a two-year term. Member municipalities whose beginning letter falls between S through Z shall appoint their representatives for a three-year term. On or before the last Monday in March 1989, the legislative branch of each member municipality whose beginning letter falls between A through I shall appoint its representative for a three-year term. On or before the last Monday in March 1990, the legislative branch of each member municipality whose beginning letter falls between J through R shall appoint its representative for a three-year term.

(c) If any municipality joins the district after April 1 of any year, the legislative branch of the joining municipality shall appoint a representative to the board of supervisors whose term will expire at the same time as those representatives appointed for a three-year term the previous March.

(d) All appointments shall be in writing, signed by the chair of the legislative branch, and presented to the clerk of the district. The legislative branch, by majority vote, may remove its appointed representative during the representative's term for stated reasons.

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Annually, on the first Wednesday in April, the board of supervisors shall hold its organizational meeting. At such meeting, the board of supervisors shall elect from among its membership a chair and a vice chair, each of whom shall hold office for one year and until his or her successor is duly elected and qualified. For this election, each member of the board of supervisors present shall cast one vote.

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A schedule of regular meetings of the board of supervisors shall be established at the organizational meeting.

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**§ 413-206. Special meetings**

Special meetings of the board of supervisors may be called at any time by the chair or shall be called by the clerk upon written request of a majority of the members of the board of supervisors. Except in case of emergency, each member of the board of supervisors shall be given at least 24 hours' notice of any special meeting of the board of supervisors by notice in person, by telephone, or by written notice delivered personally, mailed, or left at such member's usual place of residence.

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**Subchapter II. Board of Supervisors**

**§ 413-207. Quorum**

For the purpose of transacting business, the presence of members representing more than 50 percent of the board of supervisors shall constitute a quorum. However, a smaller number may adjourn to another date. Any action adopted by a majority of the votes cast at a meeting of the board of supervisors at which a quorum is present shall be the action of the board, except as otherwise provided in this chapter.

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(a) Except as otherwise provided herein, each member of the board of supervisors shall be entitled to cast one vote.

(b) The vote of the board of supervisors approving the siting of any solid waste disposal facility shall require an affirmative recorded vote of the supervisor representing the town or city in which such facility is to be located, in addition to approval by two-thirds vote of the entire board.

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All representatives to the board of supervisors shall hold office for three years, except as otherwise provided in section 203 of this subchapter and until their successors are duly appointed. Any representative may be reappointed to successive terms without limit.

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Any vacancy on the board of supervisors shall be filled within 30 days after such vacancy occurs by appointment by the authority which appointed the representative whose position has become vacant. An appointee to a vacancy shall serve until the expiration of the term of the representative to whose position the appointment was made and may thereafter be reappointed.

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Except as otherwise provided in this chapter, Robert's Rules of Order shall govern at all meetings

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**DISTRICT****Subchapter II. Board of Supervisors****§ 413-212. Compensation of members of board of supervisors**

Each member municipality shall pay to its representatives to the board of supervisors such reimbursement of expenses as it shall determine reasonable.

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The officers of the district shall be the chair and the vice chair of the board of supervisors, the clerk of the district, and the treasurer of the district.

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**§ 413-302. Bond**

Prior to assuming their offices, all officers shall post bond in such amounts as shall be determined by resolution of the board of supervisors. The cost of such bond shall be borne by the district.

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The chair of the board of supervisors shall be the chief executive officer of the district. The chair shall preside at all meetings of the board of supervisors and shall make and sign all contracts on behalf of the district upon approval by the board of supervisors. The chair shall perform all of the duties incident to the position and office.

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During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chair.

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**§ 413-305. Vacancy**

During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board of supervisors shall elect from among its membership an acting vice chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the vice chair.

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**§ 413-306. Clerk**

The clerk of the district shall be appointed by the board of supervisors, shall not be a member of the board, and shall serve at its pleasure. The clerk shall have the exclusive charge and custody of the public records of the district and the seal of the district. The clerk shall record all votes and proceedings of the district, including meetings of the district and meetings of the board of supervisors, and shall cause to be posted and published all warnings of meetings of the district. The clerk shall prepare all warnings of meetings of the district as required by subchapter 5 of this chapter. Following approval by the board of supervisors, the clerk shall cause the annual report to be distributed to the legislative branches of its member municipalities. The clerk shall prepare and distribute any other reports required by laws of the state of Vermont and resolutions or regulations of the board of supervisors. The clerk shall perform all of the duties and functions incident to the office of secretary or clerk of a body corporate.

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##### **§ 413-307. Treasurer**

The treasurer of the district shall be appointed by the board of supervisors, shall not be a member of the board, and shall serve at its pleasure. The treasurer shall have the exclusive charge and custody of the funds of the district and shall be the disbursing officer of the district. When authorized by the board of supervisors, the treasurer may sign, make, or endorse in the name of the district all checks and orders for the payment of money and pay out and disburse the same and receipt therefor. The treasurer shall keep a record of every note or bond issued by the district and of every payment thereon of principal and interest and, if coupons are taken up, shall cancel and preserve them. The treasurer shall keep correct books of account of all the business and transactions of the district and such other books and accounts as the board of supervisors may require. The treasurer shall render a statement of the condition of the finances of the district at each regular meeting of the board of supervisors and at such other times as shall be required of the treasurer. The treasurer shall prepare the annual financial statement and the budget of the district for distribution, upon approval of the board of supervisors, to the legislative bodies of the member municipalities. The treasurer shall do and perform all of the duties appertaining to the office of treasurer of a body politic and corporate. The treasurer shall settle with the auditors within 60 days of the end of the fiscal year, at such other times as the board of supervisors may require, and upon retirement from office. Upon retirement from office, the treasurer shall immediately pay over to his or her successor all of the funds belonging to the district and at the



same time deliver to his or her successor all official books and papers.

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**§ 413-308. Records**

The conduct of all meetings and public access thereto, and the maintaining of all records, books, and accounts of the district shall be governed by the laws of this state relating to open meetings and accessibility of public records.

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**§ 413-309. Audit**

The board of supervisors shall cause an audit to be performed annually by an independent professional accounting firm or a certified public accountant.

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**§ 413-310. Executive board**

The board of supervisors shall have the authority to establish an executive board and grant such powers as it may deem necessary.

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**§ 413-311. Committees**

The board of supervisors shall have the authority to establish any and all committees as it may deem necessary.

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Officers of the district shall be paid such compensation or reimbursement of expenses, or both, as shall be determined by the board of supervisors.

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An officer may be removed by a two-thirds vote of the board of supervisors whenever, in its judgment, the best interest of the district will be served.

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#### **Subchapter IV. Fiscal Affairs**

##### **§ 413-401. Fiscal year**

The fiscal year of the district shall commence on July 1 and end on June 30 of the following year.

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#### **Subchapter IV. Fiscal Affairs**

##### **§ 413-402. Budget appropriation and assessment**

(a) Proposed Budget. Annually, on or before December 1, the board of supervisors shall approve and cause to be distributed to the legislative branch of each member municipality for review and comment an annual report of its activities, including a financial statement, and a proposed budget of the district for the next fiscal year. This proposed budget shall include reasonably detailed estimates of:

- (1) Deficits or surpluses, or both, from prior fiscal years;
- (2) Anticipated expenditures for the administration of the district;
- (3) Anticipated expenditures for the operation and maintenance of any district solid waste facilities;
- (4) Costs of debt service;
- (5) Payments due on long-term contracts;
- (6) Payments due to any sinking funds for the retirement of debts;
- (7) Payments due to any capital reserve funds;

- (8) Anticipated revenues from sources other than assessments to member municipalities;
- (9) The necessary appropriations to operate and carry out the district's functions for the next fiscal year;
- (10) The proposed assessment to each member municipality; and
- (11) Such other estimates as the board of supervisors shall deem necessary to propose.
- (b) **Public Hearing.** The board of supervisors shall hold a public hearing on or before November 1 of each year to receive comments from the legislative bodies of member municipalities and hear all other interested persons regarding the proposed budget. Notice of such hearing shall be the same as that specified under subchapter 5 of this chapter. The board of supervisors shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable.
- (c) **Budget Adoption, Appropriations, and Assessment.** Annually on or before December 1, the board of supervisors shall adopt the budget, appropriate the sums which it deems necessary to operate and carry out the district's functions for the next ensuing fiscal year, assess each member municipality for its proportionate share of the sums so appropriated, and adopt a schedule designating when such assessments are due and payable by the member municipalities.
- (d) **Apportionment of Assessments.** Assessments shall be apportioned among the member municipalities on a per capita basis or upon such other basis as the board of supervisors determines from time to time will be reasonable.

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##### **§ 413-403. Collection**

Annually, on or before January 1, the treasurer of the district shall issue and present a warrant to the legislative branch of each member municipality requiring that the amount of such assessment, if any, be paid to him or her in accordance with the schedule of payments adopted by the board of supervisors. The legislative branch of each member municipality shall draw an order on the municipal treasury for the amount of such assessment, if any, to be paid to him or her in

accordance with the schedule for payments adopted by the board of supervisors. If any member municipality shall fail to pay when due any assessment against it by the district, it shall incur the maximum penalty allowed by law plus interest at the maximum rate allowed by law. Such penalty and interest, together with the amount due, court costs, and reasonable attorney fees of the district may be recovered by the district in a civil action under this section, notwithstanding the availability of any other remedy available to the district.

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##### **§ 413-404. Limitations of appropriations**

Actions or resolutions of the board of supervisors for the annual appropriations of any year shall not cease to be operative at the end of the fiscal year for which they were adopted, except as otherwise provided by the laws of the state of Vermont. Appropriations made by the board of supervisors for the various estimates of the budget as defined in subsection 402(a) of this subchapter shall be expended only for such estimates, but by majority vote of the board of supervisors, the budget may be amended from time to time to transfer funds between or among such estimates, except as otherwise limited herein. Any balance left or unencumbered in any such budget estimate, or the amount of any deficit at the end of the fiscal year, shall be included in and paid out of the operating budget and appropriations in the next fiscal year.

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#### § 413-405. Indebtedness

(a) Short-Term Borrowing. The board of supervisors may borrow money through the issuance of notes of the district for the purpose of paying current expenses of the district. Such notes must mature within one year. The board of supervisors may also borrow money in anticipation of assessment to each member municipality in an amount not to exceed 90 percent of the amount assessed for each year and may issue notes of the district which must mature within one year. The board of supervisors may also borrow money in anticipation of grants-in-aid from any source and any revenues other than assessments through the issuance of notes of the district. Such notes must mature within one year, but may be renewed as provided by general law. The board of supervisors may also borrow money in anticipation of bond proceeds which have been authorized as provided herein. Said notes shall be issued as provided in 24 V.S.A. chapter 53.

(b) Long-Term Indebtedness.

(1) Submission to Voters. On a petition signed by at least five percent of the voters of the district, the proposition of incurring a bonded debt or other indebtedness to pay for public improvements or of authorizing a long-term contract shall be submitted by the board of supervisors to the qualified voters thereof at a special meeting to be held for that purpose. In the alternative, when the board of supervisors, at a regular or special meeting of the board of supervisors called for such purpose, shall determine by resolution passed by a vote of a majority of members present and voting that the public interest or necessity demands improvements, or a long-term contract, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue, it shall order the submission of the proposition of incurring indebtedness or of authorizing a long-term contract to the qualified voters of the district at a meeting to be held for that purpose. A "long-term contract" means a contract in which the district incurs obligations for which the costs are too great to be paid out of the ordinary annual income and revenues of the district, in the judgment of the board of supervisors. The term "public improvements" shall include improvements which may be used for the benefit of the public, whether or not publicly owned or operated. Bonded debt or other indebtedness may be authorized for any purpose permitted by 24 V.S.A. chapter 119 and 10 V.S.A. chapter 12 or any other applicable statutes for any purpose for which the district is organized. The board of supervisors may not submit to the voters more than twice in the same calendar year the proposition of incurring bonded or other indebtedness to pay for the same or similar public improvement or of entering the same or similar long-term contract.

(2) Warnings of Meeting. The warning calling the special meeting of the district to incur bonded debt or other indebtedness or to authorize a long-term contract shall state the object and purpose for which the indebtedness or long-term contract is proposed to be incurred or authorized, the estimated cost of the improvements or service, the amount of bonds or other evidence of indebtedness proposed to be authorized, a summary of the terms of any contract proposed to be authorized, and means of raising or apportioning costs entailed thereby for debt service or payments under a long-term contract. The warning shall fix the places where and the date on which the meeting shall be held and the hours of opening and closing the polls. The board of supervisors, in cooperation with the board of civil authority of each member municipality, shall determine the number and location of polling places; provided, however, that there shall be at least one polling place in each member municipality.

(3) Notice of Meeting. The clerk of the district shall cause notice of such special meeting to be published in a newspaper of known circulation in the district once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. Notice of such meeting shall also be posted in at least five public places within each member municipality at least 30 and not more than 40 days before the meeting and be filed with the clerk of each member municipality and the clerk of the district prior to posting.

(4) Authorization. When a majority of all the voters present and voting on the question from all the member municipalities at such special meeting vote to authorize the issuance of bonds or other evidence of indebtedness or to authorize a long-term contract, the district shall be authorized to issue the bonds or other evidence of indebtedness as provided in 24 V.S.A. chapter 53 or other applicable statutes, or to enter into the long-term contract. The ballots cast in each member municipality shall be combined and counted by members of the board of supervisors together with the town or city clerk from each member municipality, or the clerk's designee. Subchapter 5 of this chapter §§ 507 (Australian ballot), 508 (Qualifications and registration of voters), 509 (Conduct of meeting), 510 (Reconsideration or rescission of vote), and 511 (Validation of district meetings) shall apply to any district meeting called to incur long-term debt or to authorize a long-term contract.

(5) Assessment. The cost of debt service or of payments under a long-term contract shall be included in the annual budget of the district, and shall be allocated among the member municipalities as provided in subsection 402(c) of this subchapter unless otherwise provided by applicable law and in the vote authorizing the same. The applicable provision of 24 V.S.A. chapter 53 or other enabling law under which debt is incurred or long-term contracts authorized shall apply to the issuance of bonds or other evidence of indebtedness by the district and for that purpose the district shall be deemed a "municipal corporation," the board of supervisors shall be deemed a "legislative branch," and the district treasurer shall be deemed a "municipal treasurer" within the purview of that chapter. Bonds or other evidence of indebtedness and long-term contracts shall be signed by the treasurer and chair of the board of supervisors of the district.

(6) Special Limitation. The board of supervisors shall not submit to the legal voters of the district any proposition to issue bonds or other long-term indebtedness or to authorize a long-term contract less than 18 months after the district has become a body politic and corporate.

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#### **Subchapter IV. Fiscal Affairs**



**§ 413-406. Sinking fund**

The board of supervisors may establish and provide for a sinking fund, however denominated, for the retirement of bond issue or other debt, or to provide security for the payment thereof. When so established, it shall be kept intact and separate from other monies at the disposal of the district, and shall be accounted for as a pledged asset for the purpose of retiring or securing such obligations. The cost of payments to any sinking fund shall be included in the annual budget of the district.

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The board of supervisors shall establish and provide for a capital reserve fund to pay for public improvements, replacement of worn-out buildings and equipment, and planned and unplanned major repairs of a disposal facility, in furtherance of the purpose for which the district was created. Any such capital reserve fund shall be kept in a separate account and invested as are other public funds and shall be expended for such purposes for which established. The cost of payments to any capital reserve fund shall be included in the annual budget of the district.

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**DISTRICT****Subchapter IV. Fiscal Affairs****§ 413-408. Disposal fees**

The board of supervisors may from time to time establish and adjust a disposal fee structure (tipping fee) or such other user based fees as it deems appropriate for the purpose of generating revenues from sources other than assessments to member municipalities, particularly concerning the operation and maintenance of any district solid waste disposal or resource recovery facility, or both.

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The board of supervisors may call a special meeting of the district when it deems it necessary or prudent to do so and shall call a special meeting of the district when action by the voters of the district is necessary under this agreement or under any applicable law. In addition, the board of supervisors shall call a special meeting of the district if petitioned to do so by not less than five percent of the legal voters of the district. The board of supervisors may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the legal voters of the district. The board of supervisors shall endeavor to have the time of such special meetings coincide with the time of annual municipal meetings, primary elections, general elections, or similar meetings when the electorate within the member municipalities will be voting on other matters.

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At any special meeting of the district, voters of each member municipality shall cast their ballots at such polling places within the municipality of their residence as shall be determined by the board of supervisors of the district in cooperation with the board of civil authority of each member municipality.

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Not less than three nor more than 14 days prior to any special meeting called by the board of supervisors, at least one public hearing shall be held by the board of supervisors at which time the issues under consideration shall be presented and comments received. Notice of such public hearing shall include the publication of a warning in a newspaper of general circulation in the district at least once a week, on the same day of the week, for three consecutive weeks, the last publication not less than five nor more than ten days before the public hearing.

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The board of supervisors of the district shall warn a special meeting of the district by filing a notice with the clerk of each member municipality and by posting a notice in at least five public places in each municipality in the district not less than 30 nor more than 40 days before the meeting. In addition, the warning shall be published in a newspaper of general circulation in the district once a week on the same day of the week for three consecutive weeks before the meeting, the last publication to be not less than five nor more than ten days before the meeting.

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The original warning of any special meeting of the district shall be signed by a number of the board of supervisors equal to a majority of the total votes entitled to be cast and shall be filed with the district clerk before being posted.

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The posted notification shall include the date, time, place, and nature of the meeting. It shall, by separate articles, specifically indicate the business to be transacted and the questions to be voted upon. The warning also shall contain any article requested by petition signed by five percent of the voters of the district and filed with the district clerk not less than 40 days before the date of any district meeting.

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The Australian ballot system shall be used at all special meetings of the district when voting is to take place.

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All legal voters of the member municipalities shall be legal voters of the district. The member municipalities shall post and revise checklists in the same manner as for municipal meetings prior to any district meeting at which there will be voting.

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At all special meetings of the district, the provisions of 17 V.S.A. chapter 51 regarding election officials (subchapter 1), voting machines (subchapter 3), polling places (subchapter 4), absent voters (subchapter 6), process of voting (subchapter 7), count and return of votes (subchapter 8), recounts and contest of elections (subchapter 9), and jurisdiction of courts (subchapter 10) shall apply except where clearly inapplicable. The district clerk shall perform the functions assigned to the secretary of state under that chapter. The Franklin superior court shall have jurisdiction over petitions for recounts. Election expenses shall be borne by the district.

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###### **§ 413-510. Reconsideration or rescission of vote**

(a) A question voted on at any special meeting of the district shall not be submitted to the voters for reconsideration or rescission, except at a subsequent special meeting duly warned for that purpose, and called by the board of supervisors on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section.

(b) Where a petition signed by not less than five percent of the qualified voters of the district requesting reconsideration or rescission of a question considered or voted on at a previous special meeting is submitted to the board of supervisors of the district within 30 days following the date of that meeting, the board of supervisors shall provide for a vote by the district in accordance with the petition within 60 days of the submission at a special meeting duly warned for that purpose.

(c) A vote taken at a special meeting shall remain in effect unless rescinded at a special meeting called and warned in accordance with this section.

(d) A question voted on or considered shall not be presented for reconsideration or rescission at more than one subsequent meeting except with the approval of the board of supervisors.

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###### **§ 413-511. Validation of district meetings**

When any of the requirements as to notice or warning of a special district meeting have been omitted or not complied with, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the district powers, may be corrected and legalized by a vote at a special meeting of the district called and duly warned for that purpose. The question to be voted upon shall substantially be, "Shall the action taken at the meeting of this district held on (state date) in spite of the fact that (state the error or omission), and any act or action of the district officers or agents pursuant thereto be readopted, ratified, or confirmed?" Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be cured by a resolution of the board of supervisors of the district by a vote of two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose stating that the defect was the result of an oversight, inadvertence, or mistake. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with upon condition, however, that the original action thereby corrected by the board of supervisors was in compliance with the legal exercise of its corporate powers.

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###### **§ 413-512. Priority**

When a special meeting of the district is called to act upon a proposition to incur bonded or other indebtedness, the special meeting procedures outlined in subchapter 4 of this chapter shall control over the meeting procedures outlined in this subchapter in the event of conflict

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###### § 413-601. Withdrawal of member municipality

A member municipality may withdraw from the district upon the terms and conditions specified below:

(1) Withdrawal prior to the district incurring bonded indebtedness or entering long-term contracts

(A) The board of supervisors shall not enter into any long-term contract or call a special meeting on incurring long-term debt for a period of 18 months from the date of establishment of the district.

(B) No member municipality may withdraw from the district for a period of one year from the date of establishment of the district.

(C) Prior to the district incurring bonded indebtedness or entering into a long-term contract, a member municipality may vote to withdraw in the same manner as the vote for adoption of this chapter by such member municipality. If a majority of the voters of a member municipality present and voting at a meeting duly warned for such purpose shall vote to withdraw from the district, the vote shall be certified by the clerk of that municipality and presented to the board of supervisors. Thereafter, the board shall give notice to the remaining member municipalities of the vote to withdraw and shall hold a meeting to determine if it is in the best interests of the district to continue to exist. Representatives of the member municipalities shall be given an opportunity to be heard at such meeting together with any other interested persons. After such a meeting, the board of supervisors may declare the district dissolved immediately or as soon thereafter as the financial obligations of the district and of each member municipality on account thereof have been satisfied, or it may declare that the district shall continue to exist despite the withdrawal of such member municipality. The membership of the withdrawing municipality shall terminate as soon after such vote to withdraw as the financial obligations of the withdrawing municipality have been paid to the district.

(2) Withdrawal after the district has incurred bonded indebtedness or entered into long-term contract. After the district has incurred bonded indebtedness or entered into a long-term contract, a member municipality may vote to withdraw in the same manner as the vote for adoption of this chapter by such member municipality. It shall be a condition that the withdrawing municipality shall enter into a written agreement with the district whereby such withdrawing municipality shall be obligated to continue to pay its share of the debt incurred by the district for the remaining bonding term or contract term. In addition, the withdrawing municipality shall obligate itself to pay the cost of redesigning and rebuilding any facility of the district occasioned because of the reduced volume of solid waste. The cost shall be determined by an independent engineering firm hired by the board of supervisors. These additional costs shall be paid either in a lump sum or in installments at such times and in such amounts as required by the board of supervisors. In addition, in the event there is a resource recovery facility, if the withdrawal of a municipality will

reduce the volume of solid waste below the minimum required to meet the district's long-term contractual commitments, no withdrawal of a member municipality shall be permitted during the period of such commitments.

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###### **§ 413-602. Admission of new member municipalities**

The board of supervisors may authorize the inclusion of additional member municipalities in the district upon such terms and conditions as it, in its sole discretion shall deem to be fair, reasonable, and in the best interests of the district. The legislative branch of any nonmember municipality which desires to be admitted to the district shall make application for admission to the board of supervisors of the district. The board shall determine the effects and impacts which are likely to occur if such municipality is admitted and shall thereafter either grant or deny authority for admission of the petitioning municipality. If the board grants such authority, it shall also specify any terms and conditions, including but not limited to financial obligations upon which such admission is predicated. The petitioning municipality shall thereafter comply with the approval procedures specified in 24 V.S.A. chapter 121. If a majority of the voters of the petitioning municipality present and voting at a meeting of such municipality duly warned for such purpose shall vote to approve this chapter and the terms and conditions for admission, the vote shall be certified by the clerk of that municipality to the board of supervisors. Thereafter, upon satisfactory performance of the terms and conditions of admission, the municipality shall by resolution of the board of supervisors become and thereafter be a member municipality of the district.

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###### § 413-603. Dissolution of district

(a) Procedure. If the board of supervisors by resolution approved by two-thirds of all the votes entitled to be cast determines that it is in the best interests of the public, the member municipalities, and the district that the district be dissolved, and if the district then has no outstanding debt or obligations under long-term contracts, or will have no such debt or obligation upon completion of the plan of dissolution, it shall prepare a plan of dissolution and thereafter adopt a resolution directing that the question of such dissolution and the plan of dissolution be submitted to the voters of the district at a special meeting of the district duly warned for such purpose. If two-thirds of the voters of the district present and voting at such special meeting of the district duly warned for such purpose shall vote to dissolve the district and approve the plan of dissolution, the district shall cease to conduct its affairs except insofar as may be necessary for the winding up thereof. The board of supervisors shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the district and to the Vermont secretary of state and shall proceed to collect the assets of the district and apply and distribute them in accordance with the plan of dissolution.

(b) Plan of dissolution. The plan of dissolution shall:

- (1) Identify and value all unencumbered assets of the district.
- (2) Identify and value all encumbered assets of the district.
- (3) Identify all creditors of the district and the nature or amount of all liabilities and obligations of the district.
- (4) Identify all obligations under long-term contracts.
- (5) Specify the means by which assets of the district shall be liquidated and all liabilities and obligations of the district shall be paid and discharged, or adequate provision shall be made for the satisfaction thereof.
- (6) Specify the amount of monies due from each member municipality, if necessary, to extinguish the liabilities of the district.
- (7) Specify the nature and amount of any liabilities or obligations to be assumed and paid by the member municipalities.
- (8) Specify the means by which any assets remaining after discharge of all liabilities shall be liquidated if necessary.
- (9) Specify that any assets remaining after payment of all liabilities shall be apportioned and

distributed among the member municipalities according to the same basic formula used in apportioning the annual assessments of the district.

(c) Termination. When the plan of dissolution has been implemented, the board of supervisors shall adopt a resolution certifying that fact to the member municipalities whereupon this chapter and the district created hereby shall be terminated.

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##### **§ 413-604. Amendment of the district agreement**

The board of supervisors may amend this chapter by the following procedure. The board of supervisors at any regular or special meeting of the board of supervisors may, by a majority vote, pass a resolution stating its intent to amend this chapter. A written copy of the resolution, stating the wording of the amendment and the purpose of the amendment and the date of the meeting scheduled to act on the amendment shall be delivered to the legislative branches of each municipality and mailed or left at the usual place of residence of each member of the board of supervisors at least 30 calendar days prior to the meeting scheduled to adopt the amendment. The amendment shall become effective after 30 calendar days following a two-thirds vote of the board of supervisors at the meeting scheduled to act on the amendment, unless a majority of the legislative branches of member municipalities requests, in writing, that the board of supervisors hold a special district meeting to vote on the amendment. Upon adoption by the board of supervisors or approval of the voters, the amendment shall be submitted and acted on by the general assembly in accordance with the provisions of section 2645 of Title 17. The amendment shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the general assembly. For the purposes of this section, this chapter shall be considered a municipal charter. This chapter may be amended from time to time in the manner herein provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or other notes or other evidence of indebtedness or substantially affect any obligations under long-term contracts of the district then outstanding or in effect, or the rights of the district to procure the means for payment, continuation, or termination thereof.

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Should any court of competent jurisdiction judge any term, phrase, clause, sentence, or provision of this chapter to be invalid, illegal, or unenforceable in any respect, such judgment shall not affect the validity, legality, or enforceability of this chapter as a whole or any other part of this chapter.

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As used in this chapter:

(1) "Solid waste" shall mean any discarded garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and other discarded materials possessing no value to the producer in its present form where it is located, produced by normal residential, commercial, and industrial activities, but does not include hazardous waste.

(2) "Hazardous waste" shall mean any solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes, which because of its quantity, concentration, or physical, chemical,

or infectious characteristics may:

(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

(C) any waste classified as hazardous at any time under applicable laws and regulations of the United States and the state of Vermont or any subdivision thereof pursuant to a valid grant of authority.

(3) Solid waste from "residential activities" shall include any solid waste generated by a household or apartment, including but not limited to food waste, packaging, newspaper and other paper products, glass, cans, and plastic.

(4) Solid waste from "commercial activities" shall include any solid waste generated by retail and wholesale establishments, including but not limited to food waste, corrugated container board, metals, and plastics.

(5) Solid waste from "industrial activities" shall include any solid, semi-solid, or liquid waste generated by an industry as part of the production process. Solid wastes generated by employees and similar in composition to that generated by residential or commercial activities are excluded from this definition.

(6) "Sludge" shall mean solids and semi-solids generated by a wastewater treatment plant. Notwithstanding any provision of this chapter, the district shall have the power to impose and collect a surcharge or special assessment for the collection, storage, and disposal of sludge.

(7) "Demolition and construction waste" shall mean all solid waste generated in the demolition and construction of buildings, including stumps, brush, plaster, sheetrock, boards, bricks, mortar, concrete, and roofing materials.

(8) "Yard waste" shall mean grass clippings, leaves, and brush.

(9) "Metal goods" shall include but not be limited to discarded appliances and junk vehicles.

(10) "Resource recovery" shall mean a system for the environmentally sound, efficient handling and disposal of solid waste which utilizes the potential of the finite resources therein. This shall include but not be limited to recycling.

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