

1 Except as otherwise provided or limited in this chapter, the District shall have the following
2 powers:

3 (1) Except as provided in section 6 of this chapter, to operate, cause to be operated, or
4 contract, or any combination of these, for the operation of any and all facilities for the collection,
5 transportation, resource recovery, recycling, and disposal of solid waste, and to determine and
6 make proper charges for such services.

7 (2) To purchase, sell, lease, own, acquire, convey, mortgage, improve, and use real and
8 personal property in connection with the purpose of the District.

9 (3) To hire and fix the compensation of employees.

10 (4) To sue and be sued.

11 (5) To enter into contracts for any term or duration.

12 (6) To contract with architects, engineers, financial and legal consultants, and other experts
13 for services.

14 (7) To contract with individuals, corporations, associations, authorities, and agencies for
15 services.

16 (8) To provide solid waste [management, resource recovery and/or solid waste](#) disposal
17 services for the member municipalities, its inhabitants, and its businesses, and for such others as
18 its facilities and obligations may allow.

19 (9) To contract to pay for solid waste disposal services on the basis of guaranteed
20 amounts, whether delivered for disposal and accepted for disposal or not, of solid waste, with
21 payments based on such guaranteed amounts, whether actually disposed of or not, which
22 payments may be variable and may be determined by formulae expressed in such contracts.

23 (10) To contract with the State of Vermont, the United States of America, or any
24 subdivision or agency for services.

25 (11) To contract with any member municipality for the services of any officers or
26 employees of that municipality useful to it.

27 (12) To promote cooperative arrangements and coordinated action among its member
28 municipalities.

29 (13) To make recommendations for review and action to its member municipalities and
30 other public agencies that perform functions within the region in which its member
31 municipalities are located.

1 (14) To exercise any other powers ~~which~~that are necessary or desirable for dealing with
2 resource recovery or solid waste problems of mutual concern, and ~~which~~that are exercised or are
3 capable of exercise by any of its member municipalities.

4 (15) To exercise the power of eminent domain within the District or within any
5 municipality ~~which~~that has withdrawn from the District, provided such property or site to be
6 taken by eminent domain must have been considered, by official action of the Board of
7 Supervisors, as a potential site or sites for a resource recovery facility during the 12-month
8 period immediately preceding the date of withdrawal.

9 (16) To borrow money and issue evidence of indebtedness as provided by 24 V.S.A.
10 chapter 53 or other provisions of law authorizing general obligations or revenue debt, including
11 10 V.S.A. chapter 12 and 24 V.S.A. chapter 19.

12 (17) To establish a budget and assess member municipalities in accordance therewith.

13 (18) To levy taxes, surcharges and other fees consistent with legislative mandate

14 (18) To appropriate and expend monies.

15 (19) To establish sinking funds for the retirement of bonded or other indebtedness.

16 (20) To establish capital reserve funds for public improvements in furtherance of its
17 purposes.

18 (21) Subject to such limitations as may be imposed by law, to regulate the collection,
19 transportation, resource recovery, recycling, and disposal of solid waste generated within or
20 without the District.

21 (22) To enact and enforce any and all necessary or desirable regulations for the orderly
22 conduct of the government and for carrying out the purpose of the District.

23 (23) To accept and administer gifts, grants, and bequests in trust or otherwise for the
24 purpose of the District.

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

26 (25) To grant franchises or establish collection districts, exclusive or non-exclusive, for the
27 purposes of collection of recycling, composting, resource recovery or solid waste disposal.

28 **§ 403-5a. Sovereign immunity**

29 The district shall have the benefit of sovereign immunity to the same extent that the state of
30 Vermont does. The district shall provide liability and other insurance for itself and the members
31 of the Board of Supervisors. The district shall hold harmless and indemnify all members of the

1 Board of Supervisors from all claims of every kind and nature arising out of or connected with
2 duties as supervisors, excepting only willful negligence and criminal conduct.

3 **§ 403-6. Transportation and collection site**

4 Each member municipality, either directly or through independent parties, may ~~be responsible~~
5 ~~for providing~~ provide one or more collection sites for the solid waste ~~or recoverable materials~~
6 generated within such member municipality and for the transportation of such solid waste ~~or~~
7 ~~recoverable materials~~ to the District facility, together with all costs incident thereto. In the event
8 that any member municipality does not wish to institute its own collection system for delivery of
9 the solid waste to the facility designated by the District, then the Board of Supervisors may
10 provide for collection and transportation as provided in subdivision 5(1) of this chapter.

11 **§ 403-7. Responsibility to accept solid waste**

12 (a) The District becomes responsible for providing a system for ~~solid waste disposal~~ resource
13 ~~recovery~~, as delineated in subsection (b) of this section, when the Board of Supervisors declares
14 the disposal system operational.

15 (b) The District may provide a system for ~~disposal~~ resource recovery of all ~~solid waste~~
16 ~~materials~~ generated by residential and commercial activities, tires, and metal goods generated
17 within the member municipalities. The District may provide for the disposal of solid waste from
18 industrial activities within a member municipality. The District may provide for the disposal of
19 ~~sludge-bio-solids~~ through contract with a member municipality, ~~provided the sludge is disposed~~
20 ~~of at no cost to the other member municipalities~~. The District may provide for the ~~resource~~
21 ~~recovery or~~ disposal of any or all demolition and construction waste or yard wastes, or both,
22 from any member municipality. ~~Finally, the District may contract with a nonmember~~
23 ~~municipality or a private entity for the disposal of solid waste generated outside the boundaries~~
24 ~~of the District, provided the contract will not increase the cost of solid waste disposal to the~~
25 ~~member municipalities.~~

26 *Sub-Chapter 2: Board of Supervisors*

27 **§ 403-8. Authority**

28 The legislative power and authority of the District and the administration and the general
29 supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a
30 governing body known as the Board of Supervisors, except as specifically provided otherwise in
31 this chapter. The Board of Supervisors may appoint and employ a General Manager and such
32 other personnel as it deems necessary for the conduct of business of the District. The General
33 Manager oversees all aspects of the District, in accordance with CVSWMD'S mission statement.
34 The General Manager shall be responsible to the Board for the administration of the affairs of the
35 District and for carrying out the policies of CVSWMD. The powers and duties of the General
36 Manager shall be specified by the Board of Supervisors.

1 **§ 403-9. Composition**

2 The Board of Supervisors shall be composed of one representative from each member
3 municipality.

4 **§ 403-10. Appointment**

5 Annually, on or before the last Monday in March, the legislative branch of each member
6 municipality shall appoint its representative to the Board of Supervisors. Appointments shall be
7 in writing, signed by the chair of the legislative branch, and presented to the Clerk of the District.
8 The legislative branch, by majority vote, may remove its approved representative during the one-
9 year term for stated reasons. In addition, each legislative body shall-is encouraged to appoint an
10 alternative representative to the Board of Supervisors, who shall act as the appointed
11 representative during his or her absence. The clerk of the member municipality shall certify to
12 the Clerk of the District the name of the persons appointed as representative and alternate.

13 **§ 403-11. Organizational meeting**

14 Annually, on the first Wednesday in April, the Board of Supervisors shall hold its
15 organizational meeting. At such meeting, the Board of Supervisors shall elect from among its
16 membership a Chair and a Vice Chair, each of whom shall hold office for one year and until a
17 successor is duly elected and qualified. For this election, each member of the Board of
18 Supervisors present shall cast one vote.

19 **§ 403-12. Regular meetings**

20 A schedule of regular meetings of the Board of Supervisors shall be established at the
21 organizational meeting.

22 **§ 403-13. Special meetings**

23 Special meetings of the Board of Supervisors may be called at any time by the Chair or may
24 be called by the Clerk ~~upon written request of a majority of the members of the Board of~~
25 ~~Supervisors~~. Except in case of emergency, each member of the Board of Supervisors shall be
26 given at least 24 hours' notice of any special meeting of the Board of Supervisors by notice in
27 person, by telephone, or by written notice delivered personally, mailed, e-mailed or left at such
28 member's usual place of residence.

29 **§ 403-14. Quorum**

30 For the purpose of transacting business, the presence of members whose accumulated votes
31 represent more than 50 percent of the total number of accumulated votes of all members who
32 have at that time appointed representatives to the Board of Supervisors and the presence of more
33 than 50 percent of the membership of the Board of Supervisors shall constitute a quorum.
34 However, a smaller number may adjourn to another date. Any action adopted by a majority of

1 the votes cast at a meeting of the Board of Supervisors at which a quorum is present shall be the
2 action of the ~~Board~~Board of Supervisors, except as otherwise provided in this chapter. Whenever
3 the number of Supervisors attending a meeting shall not be sufficient to constitute a quorum, the
4 Clerk of the District shall so notify the Clerk of each municipality in the District, naming those
5 Supervisors who were not in attendance.

6 § 403-15. Voting

7 (a) Except as otherwise provided in this chapter, each member of the Board of Supervisors
8 shall be entitled to cast one vote for every 1,000 population, or part thereof, in the municipality
9 which such Supervisor represents; provided, however, no member municipality nor supervisor
10 shall be entitled to more than 20 votes, regardless of the population of such municipality. A
11 member of the Board of Supervisors may not split its votes. The determinations of population
12 shall be made based upon the latest census provided by the Vermont Department of
13 HealthPlanning Office.

14 (b)The vote of the Board of Supervisors approving the siting of any solid waste disposal
15 facility, inclusive of a landfill, incinerator, gasifier, plasma arc conversion facility or a facility
16 using similar technologies that rely on extremely high temperature heating of high carbon
17 feedstocks, any other similar facility that poses a potential for risk to the environment or the
18 public; or a biosolids facility shall require an affirmative recorded vote of the supervisor
19 representing the town or city in which such facility is to be located, in addition to approval by
20 two-thirds vote of the entire ~~Board~~Board of Supervisors.

21 (c)The vote of the Board of Supervisors approving the siting of resource recovery facility
22 including, but not limited to a recycling, transfer, or composting facility shall require an
23 affirmative vote of the Board.

24 (d)The District may not enter into any contract with nonmember municipalities or private
25 entities for the management of solid waste generated outside the boundaries of the District,
26 unless the contract is deemed to be in the best interests of the District, and approved by a two-
27 thirds (2/3) majority of the Board of Supervisors.

28 § 403-16. Term

29 All representatives to the Board of Supervisors shall hold office for one year and until their
30 successors are duly appointed and qualified. Any representative may be reappointed to
31 successive terms without limit.

32 § 403-17. Vacancy

33 Any vacancy on the Board of Supervisors shall be filled within 30 days after such vacancy
34 occurs by appointment by the authority that appointed the representative whose position has
35 become vacant. An appointee to a vacancy shall serve until the expiration of the term of the
36 representative to whose position the appointment was made and may thereafter be reappointed.

1 § 403-25. Clerk

2 The Clerk of the District shall be appointed by the Board of Supervisors, ~~shall not be a~~
3 ~~member of the Board,~~ and shall serve at the pleasure of the Board of Supervisors. The Clerk shall
4 have the exclusive charge and custody of the public records of the District and the Seal of the
5 District. The Clerk shall record all votes and proceedings of the District, including meetings of
6 the District and meetings of the Board of Supervisors, and shall cause to be posted and published
7 all warnings of meetings of the District. The Clerk shall prepare all warnings of meetings of the
8 District as required by section 46 of this chapter. Following approval of the Board of
9 Supervisors, the Clerk shall cause the annual report to be distributed to the legislative branches
10 of its member municipalities. The Clerk shall prepare and distribute any other reports required by
11 laws of the State of Vermont and resolutions or regulations of the Board of Supervisors. The
12 Clerk shall perform all of the duties and functions incident to the office of secretary or clerk of a
13 body corporate. The Clerk, with the approval of the Board of Supervisors, may appoint an
14 Assistant Clerk.

15 § 403-26. Treasurer

16 ~~The Treasurer of the District shall be appointed by the Board of Supervisors, shall not be a~~
17 ~~member of the Board, and shall have the exclusive charge and custody of the funds of the~~
18 ~~District and shall be the disbursing officer of the District. When authorized by the Board of~~
19 ~~Supervisors, the Treasurer may sign, make, or endorse in the name of the District all checks and~~
20 ~~orders for the payment of money and pay out and disburse the same and receipt therefor. The~~
21 ~~Treasurer shall keep a record of every note or bond issue by the District and of every payment~~
22 ~~thereon of principal and interest and, if coupons are taken up, shall cancel and preserve them.~~
23 ~~The Treasurer shall keep correct books of account of all the business and transactions of the~~
24 ~~District and such other books and accounts as the Board of Supervisors may require. The~~
25 ~~Treasurer shall render a statement of the condition of the finances of the District at each regular~~
26 ~~meeting of the Board of Supervisors and at such other times as shall be required of the Treasurer.~~
27 ~~The Treasurer shall prepare the annual financial statement and the budget of the District for~~
28 ~~distribution, upon approval of the Board of Supervisors, to the legislative bodies of the member~~
29 ~~municipalities. The Treasurer shall do and perform all of the duties appertaining to the office of~~
30 ~~treasurer of a body politic and corporate. The Treasurer shall settle with the auditors within 60~~
31 ~~days of the end of the fiscal year, at such other times as the Board of Supervisors may require,~~
32 ~~and upon retirement from office. Upon retirement from office, the Treasurer shall immediately~~
33 ~~pay over to the successor all of the funds belonging to the District, and at the same time deliver~~
34 ~~to the successor all official books and papers.~~
35 The treasurer of the district shall be appointed by
36 the Board of Supervisors. The treasurer, with the approval of the Board of Supervisors, may
37 appoint an assistant treasurer. Neither the treasurer nor the assistant treasurer may be a
38 supervisor. The treasurer shall have the custody of the funds of the district and shall be the
39 disbursing officer of the district. When authorized by the Board of Supervisors, the treasurer
40 shall sign, make, or endorse in the name of the district all checks and orders for the payment of
41 monies and pay out and disburse the same. The Treasurer shall be a non-voting member of the
Executive Board.

1 **§ 403-26a. Grand Juror**

2 The Board of Supervisors may appoint a grand juror who shall inquire into any person's offenses
3 under the district's regulations or applicable law and present them to the proper authority. If the
4 attorney general or the state's attorney is unwilling to prosecute such offenses, the grand juror
5 may do so. For these purposes, the grand juror shall have the same authority within the district as
6 a state's attorney. The grand juror shall not be a member of the Board of Supervisors.

7 **§ 403-27. Records**

8 The conduct of all meetings and public access thereto, and the maintaining of all records,
9 books, and accounts of the District shall be governed by the laws of this State relating to open
10 meetings and accessibility of public records.

11 **§ 403-28. Audit**

12 The Board of Supervisors shall cause an audit to be performed annually by an independent
13 professional accounting firm or a certified public accountant.

14 **§ 403-29. Executive Board**

15 The Board of Supervisors shall have the authority to establish an Executive Board and grant
16 such powers as it may deem necessary.

17 **§ 403-30. Committees**

18 The Board of Supervisors shall have the authority to establish any and all committees as it
19 may deem necessary.

20 **§ 403-31. Compensation of officers**

21 Officers of the District may be paid such compensation or reimbursement of expenses, or
22 both, as may be determined by the Board of Supervisors.

23 **§ 403-32. Recall of officers**

24 An officer may be removed by a two-thirds vote of the Board of Supervisors whenever, in its
25 judgment, the best interest of the District will be served. For this action, each member of the
26 Board of Supervisors shall cast one vote.

27 **§ 403-33. Assistant officers**

28 [Reserved]

1 (b) Budget hearing. The Board of Supervisors shall hold a public hearing on or before the first
2 day of November of each year to receive comments from the legislative bodies of member
3 municipalities and hear all other interested persons regarding the proposed per capita assessment
4 and the proposed budget. Notice of such hearing shall be the same as that specified under section
5 44 of this chapter. The Board of Supervisors shall give consideration to all comments received
6 and make such changes to the proposed per capita assessment and the proposed budget as it
7 deems advisable.

8 (c) Budget adoption, appropriations, and assessment. Annually, on or before May 15, the
9 Board of Supervisors shall adopt the budget, appropriate the sums which it deems necessary to
10 operate and carry out the District's functions for the next ensuing fiscal year, assess each member
11 municipality for its proportionate share of the sums so appropriated, and adopt a schedule
12 designating when such assessments are due and payable by the member municipalities.

13 (d) Apportionment of assessments. Assessments may be apportioned among the member
14 municipalities on the basis of population or relative tonnage or volume of solid waste generated
15 by or within each of the member municipalities. Each member municipality may be assessed a
16 percentage of the sum appropriated equal to the ratio which solid waste generated by the member
17 municipality bears to the total solid waste generated within the District. At the discretion of the
18 Board of Supervisors, population may be used as an indicator of waste generation. The Board of
19 Supervisors may determine each member municipality's solid waste generation based upon
20 actual tonnage or volume delivered, historic tonnage or volume, computed or estimated tonnage
21 or volume, or guaranteed tonnage or volume, whether actually delivered or not. If, after the first
22 year of operation of any District facility, the Board of Supervisors determines that prior
23 assessments were substantially inequitable, it shall retroactively adjust prior year assessments
24 such that municipalities overcharged are given a proportionate credit against future assessments
25 and municipalities undercharged are assessed a proportionate surcharge payable over such period
26 as the Board of Supervisors determines will be reasonable. Thereafter, the Board of Supervisors
27 may from time to time reestablish the percentage of solid waste generation attributed to each
28 member municipality and adjust the assessments accordingly, but no retroactive adjustments
29 shall be made. Similar estimates and adjustments shall be made for new member municipalities
30 and for the first time use of a new or different disposal facility.

31 **§ 403-36. Collection**

32 Annually, on or before January 1, the Treasurer of the District shall issue and present a
33 warrant to the legislative branch of each member municipality requiring the amount of such
34 assessment be paid to the District in accordance with the schedule of payments adopted by the
35 Board of Supervisors. The legislative branch of each member municipality shall draw an order
36 on the municipal treasury for the amount of such assessment, and the municipal treasurer shall
37 pay to the District Treasurer the amount of such order in accordance with the schedule for
38 payments adopted by the Board of Supervisors. If any member municipality shall fail to pay
39 when due any assessment against it by the District, it shall incur the maximum penalty allowed
40 by law, plus interest at the maximum rate allowed by law. Such penalty and interest, together
41 with the amount due, court costs, and reasonable attorney's fees of the District may be recovered

1 by the District in a civil action under this section, notwithstanding the availability of any other
2 remedy available to the District.

3 **§ 403-37. Limitations of appropriations**

4 Actions or resolutions of the Board of Supervisors for the annual appropriations of any year
5 may not cease to be operative at the end of the fiscal year for which they were adopted, except as
6 otherwise provided by the laws of the State of Vermont. Appropriations made by the Board of
7 Supervisors for the various estimates of the budget as defined in subsection 35(a) of this chapter
8 may be expended only for such estimates, but by majority vote of the Board of Supervisors, the
9 budget may be amended from time to time to transfer funds between or among such estimates,
10 except as otherwise limited by this chapter. Any balance left or unencumbered in any such
11 budget estimate, or the amount of any deficit at the end of the fiscal year, may be included in and
12 paid out of the operating budget and appropriations in the next fiscal year.

13 **§ 403-38. Indebtedness**

14 (a) Short-term borrowing. The Board of Supervisors may borrow money through the issuance
15 of notes of the District for the purpose of paying current expenses of the District. Such notes
16 must mature within one year. The Board of Supervisors may also borrow money in anticipation
17 of assessment to each member municipality in an amount not to exceed 90 percent of the amount
18 assessed for ~~each~~ that year, and may issue notes of the District which must mature within one
19 year. The Board of Supervisors may also borrow money in anticipation of grants-in-aid from any
20 source and any revenues other than assessments through the issuance of notes of the District.
21 Such notes must mature within one year, but may be renewed as provided by general law. The
22 Board of Supervisors may also borrow money in anticipation of bond proceeds which have been
23 authorized as provided in this chapter. These notes shall be issued as provided in 24 V.S.A.
24 chapter 53.

25 (b) Bonded indebtedness and long-term contracts.

26 (1) Submission to voters. On a petition signed by at least five percent of the voters of the
27 District, the proposition of incurring a bonded debt or other indebtedness to pay for public
28 improvements or of authorizing a long-term contract in lieu of incurring indebtedness shall be
29 submitted by the Board of Supervisors to the qualified voters thereof at a special meeting to be
30 held for that purpose. In the alternative, when the Board of Supervisors, at a regular or special
31 meeting of the Board of Supervisors called for such purpose, shall determine by resolution
32 passed by a vote of a majority of members present and voting that the public interest on necessity
33 demands improvements or a long-term contract, and that the costs of the same will be too great
34 to be paid out of the ordinary annual income and revenue, it shall order the submission of the
35 proposition of incurring indebtedness or of authorizing a long-term contract to the qualified
36 voters of the District at a meeting to be held for that purpose. A "long-term contract" means a
37 contract in which the District incurs obligations over a term of more than three years for which
38 the costs are too great to be paid out of the ordinary annual income and revenues of the District,
39 in the judgment of the Board of Supervisors. The term "public improvements" includes

1 improvements as defined in 24 V.S.A. chapter 53, whether or not publicly owned or operated.
2 Bonded debt or other indebtedness may be authorized for any purpose permitted by 24 V.S.A.
3 chapter 53 or 119, and 10 V.S.A. chapter 12, or any other applicable statutes for any purpose for
4 which the District is organized. The Board of Supervisors may not submit to the voters more
5 than twice in the same calendar year the proposition of incurring bonded or other indebtedness to
6 pay for the same or similar public improvement or of entering the same or similar long-term
7 contract.

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

19 (3) Notice of meeting. The Clerk of the District shall cause notice of such special meeting
20 to be published in a newspaper of known circulation in the District once a week for three
21 consecutive weeks on the same day of the week, the last publication to be not less than five nor
22 more than 10 days before such meeting. Notice of such meeting shall also be posted in at least
23 five public places within each member municipality at least 30 and not more than 40 days before
24 the meeting and be filed with the Clerk of each member municipality and the clerk of the District
25 prior to posting.

26 (4) Authorization. When a majority of all the voters present and voting on the question
27 from all the member municipalities at such special meeting vote to authorize the issuance of
28 bonds or other evidence of indebtedness or to authorize a long-term contract, the District shall be
29 authorized to issue the bonds or other evidence of indebtedness as provided in 24 V.S.A. chapter
30 53 or other applicable statutes, or to enter into the long-term contract. The ballots cast in each
31 member municipality shall be commingled and counted by members of the Board of Supervisors
32 together with the town or city clerk from each member municipality, or the clerk's designee.
33 Sections 48 (Australian ballot), 49 (Qualifications and registration of voters), 50 (Conduct of
34 meetings), 51 (Reconsideration or rescission of vote), and 52 (Validation of District meetings) of
35 this chapter shall apply to any District meeting called to incur long-term debt or to authorize a
36 long-term contract.

37 (5) Assessment. The cost of debt service or of payments under a long-term contract shall
38 be included in the annual budget of the District, and shall be allocated among the member
39 municipalities as provided in subsection 35(c) of this chapter unless otherwise provided by
40 applicable law and in the vote authorizing the same. The applicable provision of 24 V.S.A.
41 chapter 53, or other enabling law under which debt is incurred or long-term contracts authorized,

1 shall apply to the issuance of bonds or other evidence of indebtedness by the District, and for that
2 purpose, the District shall be deemed a "municipal corporation," the Board of Supervisors shall
3 be deemed a "legislative branch," and the District Treasurer shall be deemed a "municipal
4 treasurer" within the purview of that chapter. Bonds or other evidence of indebtedness and long-
5 term contracts shall be signed by the Treasurer and Chair of the Board of Supervisors of the
6 District.

7 (6) Special limitation. The Board of Supervisors shall not submit to the legal voters of the
8 District any proposition to issue bonds or other long-term indebtedness or to authorize a long-
9 term contract less than 18 months after the District has become a body politic and corporate.

10 **§ 403-39. Sinking fund**

11 The Board of Supervisors may establish and provide for a sinking fund, however
12 denominated, for the retirement of bond issue or other debt, or to provide security for its
13 payment. When so established, it may be kept intact and separate from other monies at the
14 disposal of the District, and may be accounted for as a pledged asset for the purpose of retiring or
15 securing such obligations. The cost of payments to any sinking fund may be included in the
16 annual budget of the District.

17 **§ 403-40. Capital reserve fund**

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

24 **§ 403-41. Disposal fees**

25 The Board of Supervisors may from time to time establish and adjust a disposal fee structure
26 (tipping fee) for the purpose of generating revenues from sources other than assessments to
27 member municipalities, particularly concerning the operation and maintenance of any District
28 solid waste disposal or resource recovery facility, or both.

29 *Sub-Chapter 5: Special District Meetings*

30 **§ 403-42. Special meetings**

31 The Board of Supervisors may call a special meeting of the District when it deems it
32 necessary or prudent to do so and shall call a special meeting of the District when action by the
33 voters of the District is necessary under this chapter or under any applicable law. In addition, the
34 Board of Supervisors shall call a special meeting of the District if petitioned to do so by not less
35 than five percent of legal voters of the district. The Board of Supervisors may rescind the call of

1 a special meeting called by it but not a special meeting called on application of five percent of
2 the legal voters of the District. The Board of Supervisors shall endeavor to have the time of such
3 special meetings coincide with the time of annual municipal meetings, primary elections, general
4 elections, or similar meetings when the electorate within the member municipalities will be
5 voting on other matters.

6 **§ 403-43. Places of meetings**

7 At any special meeting of the District, voters of each member municipality shall cast their
8 ballots at such polling places within the municipality of their residence as shall be determined by
9 the Board of Supervisors of the District in cooperation with the board of civil authority of each
10 member municipality.

11 **§ 403-44. Public hearings**

12 ~~Not less than three nor more than 14 days prior to any special meeting called by the Board of~~
13 ~~Supervisors, at least one public hearing shall be held by the Board of Supervisors at which time~~
14 ~~the issues under consideration shall be presented and comments received. Notice of such public~~
15 ~~hearing shall include the publication of a warning in a newspaper of general circulation in the~~
16 ~~District at least once a week, on the same day of the week, for three consecutive weeks, the last~~
17 ~~publication not less than five nor more than 10 days before the public hearing. Public hearings~~
18 ~~shall be warned by the publishing of a notice thereof in a newspaper of general circulation within~~
19 ~~each member municipality at least fifteen (15) days prior to the meeting.~~

20 **§ 403-45. Warnings required**

21 The Board of Supervisors of the District shall warn a special meeting of the District by filing
22 a notice with the clerk of each member municipality and by posting a notice in at least five
23 public places in each municipality in the District not less than 30 nor more than 40 days before
24 the meeting. In addition, the warning shall be published in a newspaper of general circulation in
25 the District once a week on the same day of the week for three consecutive weeks before the
26 meeting, the last publication to be not less than five nor more than 10 days before the meeting.

27 **§ 403-46. Signing of warning**

28 The original warning of any special meeting of the District shall be signed by a number of the
29 Board of Supervisors equal to a majority of the total votes entitled to be cast and shall be filed
30 with the District Clerk before being posted.

31 **§ 403-47. Warning contents**

32 The posted notification shall include the date, time, place, and nature of the meeting. It shall,
33 by separate articles, specifically indicate the business to be transacted and the questions to be
34 voted upon. The warning also shall contain any article requested by petition signed by five

1 percent of the voters of the District and filed with the District Clerk not less than 40 days before
2 the date of any District meeting.

3 **§ 403-48. Australian ballot**

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

6 **§ 403-49. Qualifications and registration of voters**

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

10 **§ 403-50. Conduct of meetings**

11 At all special meetings of the District, the provisions of 17 V.S.A. chapter 51 regarding
12 election officials (subchapter 1), voting machines (subchapter 3), polling places (subchapter 4),
13 absent voters (subchapter 6), process of voting (subchapter 7), count and return of votes
14 (subchapter 8), recounts and contest of elections (subchapter 9), and jurisdiction of courts
15 (subchapter 10), shall apply except where clearly inapplicable. The District Clerk shall perform
16 the functions assigned to the Secretary of State under chapter 51. The Washington Superior
17 Court shall have jurisdiction over petitions for recounts. Election expenses shall be borne by the
18 District.

19 **§ 403-51. Reconsideration or rescission of vote**

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

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

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

33 (d) A question voted on shall not be presented for reconsideration or rescission at more than
34 one subsequent meeting except with the approval of the Board of Supervisors.

1 municipality present and voting at a meeting duly warned for such purpose may vote to withdraw
2 from the District, the vote may be certified by the clerk of that municipality and presented to the
3 Board of Supervisors. ~~Thereafter, the Board shall give notice to the remaining member~~
4 ~~municipalities of the vote to withdraw and shall hold a meeting to determine if it is in the best~~
5 ~~interest of the District to continue to exist. Representatives of the member municipalities shall be~~
6 ~~given an opportunity to be heard at such meeting together with any other interested persons.~~
7 ~~After such a meeting, the Board of Supervisors may declare the District dissolved immediately~~
8 ~~or as soon thereafter as the financial obligations of the District and of each member municipality~~
9 ~~on account thereof have been satisfied, or it may declare the District shall continue to exist~~
10 ~~despite the withdrawal of such member municipality.~~ The membership of the withdrawing
11 municipality may terminate as soon after such vote to withdraw as the financial obligations of
12 said withdrawing municipality have been paid to the District.

13 (2) Withdrawal after the District has incurred bonded indebtedness or entered into long-
14 term contract. After the District has incurred bonded indebtedness or entered into a long-term
15 contract, a member municipality may vote to withdraw in the same manner as the vote for
16 adoption of this chapter by such member municipality. It shall be a condition that the
17 withdrawing municipality shall enter into a written agreement with the District in which the
18 chapter and withdrawing municipality shall be obligated to continue to pay its share of the debt
19 incurred by the District for the remaining bonding term or contract term. In addition, the
20 withdrawing municipality shall obligate itself to pay the cost of redesigning and rebuilding any
21 facility of the District occasioned because of the reduced volume of solid waste. The cost shall
22 be determined by an independent engineering firm hired by the Board of Supervisors. These
23 additional costs shall be paid either in a lump sum or in installments at such times and in such
24 amounts as required by the Board of Supervisors. In addition, in the event there is a resource
25 recovery facility, if the withdrawal of a municipality will reduce the minimum volume of solid
26 waste required to meet the District's long-term contractual commitments, no withdrawal of a
27 member municipality shall be permitted during the period of such commitments.

28 (3) Determination of withdrawal. No withdrawal of a municipality shall become effective
29 or deemed conclusive until such time as there shall be filed by the Clerk of the District in the
30 records of the District a certificate attesting to the satisfaction of every condition set forth in
31 subdivision 54(1)(C) or (2) of this chapter, whichever is applicable, as determined and approved
32 by the Board of Supervisors.

33 **§ 403-55. Admission of new member municipalities**

34 The Board of Supervisors may authorize the inclusion of additional member municipalities in
35 the District upon such terms and conditions as it in its sole discretion shall deem to be fair,
36 reasonable, and in the best interests of the District. The legislative branch of any nonmember
37 municipality which desires to be admitted to the District shall make application for admission to
38 the Board of Supervisors of the District. The Board shall determine the effects and impacts
39 which are likely to occur if such municipality is admitted and shall thereafter either grant or deny
40 authority for admission of the petitioning municipality. If the Board grants such authority, it shall
41 also specify any terms and conditions, including financial obligations, upon which such

1 admission is predicated. The petitioning municipality shall thereafter comply with the approval
2 procedures specified in 24 V.S.A. chapter 121. If a majority of the voters of the petitioning
3 municipality present and voting at a meeting of such municipality duly warned for such purpose
4 shall vote to approve this chapter and the terms and conditions for admission, the vote shall be
5 certified by the Clerk of that municipality to the Board of Supervisors. Thereafter, upon
6 satisfactory performance of the terms and conditions of admission, the municipality shall by
7 resolution of the Board of Supervisors become and thereafter be a member municipality of the
8 District.

9 **§ 403-56. Dissolution of District**

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

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

25 (1) Identify and value all unencumbered assets of the District;

26 (2) Identify and value all encumbered assets of the District;

27 (3) Identify all creditors of the District and the nature or amount of all liabilities and
28 obligations of the District;

29 (4) Identify all obligations under long-term contracts;

30 (5) Specify the means by which assets of the District shall be liquidated and all liabilities
31 and obligations of the District shall be paid and discharged, or adequate provision shall be made
32 for the satisfaction thereof;

33 (6) Specify the amount of monies due from each member municipality, if necessary, to
34 extinguish the liabilities of the District;

35 (7) Specify the nature and amount of any liabilities or obligations to be assumed and paid
36 by the member municipalities;

37 (8) Specify the means by which any assets remaining after discharge of all liabilities shall
38 be liquidated if necessary;

1 (9) Specify that any assets remaining after payment of all liabilities shall be apportioned
2 and distributed among the member municipalities according to the same basic formula used in
3 apportioning the annual assessments of the District.

4 (c) Termination. When the plan of dissolution has been implemented, the Board of
5 Supervisors shall adopt a resolution certifying that fact to the member municipalities whereupon
6 this chapter shall be repealed and the District created shall be terminated.

7 **§ 403-57. Amendment of chapter**

8 This chapter may be amended by petition of five percent of the voters of the District under the
9 provisions of subchapter 5 of this chapter or by the Board of Supervisors under this section. The
10 Board of Supervisors may, by a majority vote, adopt a resolution stating its intent to amend the
11 chapter. A written copy of the resolution, stating the wording and purpose of the amendment and
12 the date of the meeting scheduled to act on the amendment, shall be delivered to the legislative
13 branches of each member municipality and mailed or left at the usual place of residence of each
14 member of the Board of Supervisors by the Clerk of the District at least 10 business days prior to
15 the meeting scheduled to adopt the amendment. The amendment may be adopted by majority
16 vote of the Board of Supervisors at the meeting scheduled to act on the amendment, unless a
17 majority of the legislative branches of the member municipalities request, in writing, that the
18 Board of Supervisors hold a special District meeting to vote on the amendment. If the
19 amendment is adopted by the Board of Supervisors or by the voters of the District, the Clerk of
20 the District, within 10 days after the vote of adoption, shall certify to the Secretary of State each
21 proposal of amendment, showing the facts as to its origin and the procedure followed pursuant to
22 section 51 of this chapter, relating to reconsideration and recession of vote, shall apply to an
23 amendment adopted by a vote of the Board or the voters under this section. The Secretary of
24 State shall then proceed as with municipal charter amendments under 17 V.S.A. § 2645. The
25 amendment shall become effective upon affirmative enactment of the proposal, either as
26 proposed or as amended by the General Assembly. This chapter may be amended from time to
27 time in the manner as provided, but no such amendment shall be made ~~which~~ that shall
28 substantially impair the rights of the holders of any bonds or other notes or other evidence of
29 indebtedness or substantially affect any obligations under long-term contracts of the District then
30 outstanding or in effect, or the rights of the District to procure the means for payment,
31 continuation, or termination thereof.

32 **§ 403-58. Severability**

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

37 **§ 401-54. Amendment of this chapter**

38 (a) The Board of Supervisors may amend this chapter by the procedure set out in this section.
39 Any vote of the Board of Supervisors required under this section may be as prescribed in section

1 14 of this chapter, except that the votes of the representatives of two-thirds of the member
2 municipalities and two-thirds of the votes cast may be required for adoption. The Board of
3 Supervisors at any regular or special meeting of the Board of Supervisors may pass a resolution
4 stating their intent to amend this chapter. A written copy of the resolution, stating the wording of
5 the amendment and the purpose of the amendment, and the date of a board meeting scheduled to
6 act on the amendment, may be delivered to the legislative branches of each municipality and
7 mailed or left at the usual place of residence of each member of the Board of Supervisors at least
8 30 business days prior to the meeting scheduled to adopt the amendment. The amendment may
9 be considered adopted by the Board of Supervisors 30 business days following approval of the
10 Board. However, if a majority of the legislative branches of member municipalities request a
11 special district meeting within such a 30-day period, a special district meeting may be held on
12 the question of approval of the proposed amendment as provided in subchapter 5 of this chapter,
13 and the amendment may not be adopted unless approved by the district voters.

14 (b) Upon adoption by the Board of Supervisors or approval of the voters, the amendment may be
15 submitted and acted on by the general assembly in accordance with the provisions of section
16 2645 of Title 17. The amendment may become effective upon affirmative enactment of the
17 proposal, either as proposed or as amended by the general assembly. For the purposes of this
18 section, this chapter may be considered a municipal charter.

19 (c) This chapter may be amended from time to time in the manner provided in this chapter, but
20 no such amendment may be made which may substantially impair the rights of the holders of any
21 bonds or other evidence of indebtedness or substantially affect any obligations under long-term
22 contracts of the district then outstanding or in effect, or the rights of the district to procure the
23 means for payment, continuation, or termination thereof.

24 § 403-59. Definitions

25 As used in this chapter:

26 (1) "Solid waste" ~~means any discarded garbage, refuse, metal goods, tires, demolition and~~
27 ~~construction waste, yard waste, and other discarded materials, possessing no value to the~~
28 ~~producer in its present form where it is located, produced by normal residential, commercial, and~~
29 ~~industrial activities-is defined in 10 V.S.A. § 6602.~~

30 (2) "Solid waste from residential activities" includes any solid waste generated by a
31 household or apartment, including, food waste, packaging, newspaper and other paper products,
32 glass, cans, and plastic.

33 (3) "Solid waste from commercial activities" shall include any solid waste generated by
34 retail and wholesale establishments, including food waste, corrugated container board, metals,
35 and plastics.

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

1 (5) "SludgeBio-solids" means solids and semi-solids generated by a wastewater treatment
2 plant. Notwithstanding any provision of this chapter, the District shall have the power to impose
3 and collect a surcharge or special assessment for the collection, storage, and disposal of
4 sludgebio-solids.

5 (6) "Tires" means all rubber, belted, and non-belted automobile and truck vehicle tires.

6 (7) "~~Demolition and construction waste~~" ~~means all solid waste generated in the demolition~~
7 ~~and construction of buildings, including stumps, brush, plaster, sheetrock, boards, bricks, mortar,~~
8 ~~concrete, and roofing materials.~~ "Construction and Demolition Waste" means, for the purpose of
9 these rules, waste derived from the construction or demolition of buildings, roadways, or
10 structures including but not limited to clean wood, treated or painted wood, plaster, sheetrock,
11 roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, masonry,
12 mortar, incidental metal, furniture and mattresses. This waste does not include asbestos waste,
13 regulated hazardous waste, hazardous waste generated by households, hazardous waste from
14 conditionally exempt generators, or any material banned from landfill disposal under 10 VSA
15 Section 6621.

16 (8) "Leaf and Yard Residual" means source separated, compostable untreated vegetative
17 matter, including grass clippings, leaves, Kraft paper bags, and brush, which is free from non-
18 compostable materials. It does not include such materials as pre- and postconsumer food
19 residuals, food processing residuals, or soiled paper. Leaf and yard residual does not include leaf
20 and yard materials handled by a resident on-site. ~~Yard waste" means grass clippings, leaves, and~~
21 ~~brush.~~

22 (9) "Metal goods" means discarded appliances and junk automobiles.

23 (10) "Resource Recovery" means the systematic diversion of waste, which was intended
24 for disposal, for a specific next use. It is the processing of recyclables to extract or recover
25 materials and resources, or convert to energy.

27 § 403-60. Consistency with State law

28 By ratifying this chapter, the General Assembly does not intend to ratify or authorize actions
29 or procedures which otherwise would be inconsistent with State law, as State law may be
30 amended from time to time.

31 § 403-61. [Transitional provisions related to effective date]