

NORTHEAST KINGDOM WASTE MANAGEMENT DISTRICT

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March 11, 2016



NEKWMD
Member Towns
Selectboards

RE: Proposed Amendments to the NEKWMD Charter

Dear District Member:

Please find enclosed proposed changes to the NEKWMD Charter. The enclosed proposal only includes the sections impacted by the proposed changes—additions are underlined and subtractions have a line through them. The full charter can be found on line at:

<http://legislature.vermont.gov/statutes/chapter/24APPENDIX/411>

The purpose of the proposed amendment is twofold:

- (1) To give the NEKWMD Board of Supervisors more flexibility for generating revenue, including the use of a per capita assessment and/or taxes on waste services.
- (2) To replace the Australian Ballot method of approving the District's annual budget. The budget would be approved by the Board of Supervisors (as is the case in every other Waste District in Vermont).

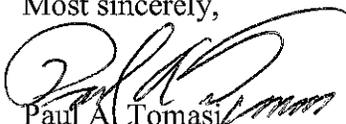
The NEKWMD Board of Supervisors will be taking action on this matter at their next regularly scheduled meeting to be held on Tuesday, April 12, 2016 at 7pm in the Lyndon Public Safety Building, Lyndonville, VT (directly across from the District facility located at 224 Church Street, Lyndonville, VT 05851).

WE STRONGLY ENCOURAGE TOWNS TO DISCUSS THIS MATTER WITH THEIR DISTRICT SUPERVISORS SO THE TOWN'S INTERESTS ARE ACCURATELY REFLECTED DURING THIS PROCESS.

If towns are holding Selectboard meetings between now and April 12, 2016, it might be helpful for Boards to take formal action on this matter and relay those results to their supervisor.

Please do not hesitate to contact me if you have any questions regarding this matter.

Most sincerely,


Paul A. Tomasi
Executive Director

A PROPOSAL TO AMEND THE CHARTER OF
THE NORTHEAST KINGDOM SOLID WASTE MANAGEMENT DISTRICT

1. To amend Section 411-105(l) of the charter to read:

§ 411-105. Powers

Except as otherwise provided herein, the District shall have the following powers:

(l) To establish, implement, and amend from time to time fees for waste disposal and other functions of the District, including per capita fees and taxes on waste services.

2. To amend Section 411-404(a) of the charter to read:

§ 411-404. Revenues and appropriations

(a) The Board of Supervisors shall establish a fee structure for the purpose of generating revenues for the District, which fee structure shall be designed to generate sufficient revenue to enable the District to operate and carry out its functions and financial obligations, including the timely payment of its long-term indebtedness, bonded indebtedness, and anticipated closure costs. The fee schedule shall be based upon the actual tonnage collected and reported by District-registered haulers from each member municipality. The fee schedule shall be expressed in dollars per ton or dollars per cubic yard as the Board of Supervisors shall determine to be most appropriate. Fees shall include the rate of surcharge, tipping fees for recycling, taxes on waste services, and amounts to be assessed against each member municipality of the District for all waste generated within the member municipality and managed by the District including per capita fees, which assessment shall be billed with such frequency as the Board of Supervisors shall determine appropriate.

3. To amend Section 411-403(b) of the charter to read:

§ 411-403. Budget hearing and adoption

(b). The Board of Supervisors shall review the proposed budget in light of the oral comments received at hearing and written comments received and shall prepare a final budget to be acted upon by January 15th ~~to be acted upon by the Board of Supervisors at the annual meeting of the District.~~

(c) Unless a petition is filed in accordance with the provisions of subsection (e) of this section, the budget shall become effective 45 days after the date of its adoption, or at such time following the expiration of 45 days from the date of its adoption as is determined by the Board. If a petition is filed in accordance with subsection (e) of this section, the taking effect of the budget shall be governed by subsection (g) of this section.

(d) A budget adopted by the Board may be disapproved by a vote of a majority of the qualified voters of the District voting on the question at a special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (e) of this section.

(e) A petition for a vote on the question of disapproving a budget shall be signed by not less than five percent of the qualified voters of the District, and presented to the District Secretary within 60 days following the date of adoption of the budget.

(f) When a petition is submitted in accordance with subsection (e) of this section, the Board shall call a special meeting within 60 days from the date of receipt of the petition to determine whether the voters will disapprove the budget.

(g) If a petition for a special meeting is duly submitted in accordance with this section, to determine whether a budget shall be disapproved by the voters of the District, the budget shall take effect on the conclusion of the meeting, or at such later date as is specified in the budget, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the budget, in which event it shall not take effect.

(h) The ballots cast in each member municipality shall be counted by the election officials of each member municipality, preserved and secured with the checklist, and thereafter the result shall be certified to the District Secretary within 48 hours. The provisions of Title 17 shall apply to any District meeting called pursuant to this section.

(i) If the annual budget for any fiscal year is not approved as of the beginning of that fiscal year, the District shall continue to operate on the budget for the immediately preceding fiscal year until a new budget is approved.

(j) Notwithstanding any disapproval of the budget, the District shall be obligated to pay the principal of and interest on bonds, notes, and other evidence of indebtedness of the District and to satisfy any other obligations relating thereto and to pay obligations under any long-term contracts. To the extent provided by the terms of such bonds, notes, or other evidence of indebtedness, or long-term contracts, each member municipality shall be obligated to pay its share of such indebtedness and obligations under long-term contracts. Unless otherwise provided in the vote authorizing the same, a municipality's share of indebtedness shall be determined by the Board of Supervisors and shall be in an amount proportionate to the actual or estimated tonnage or volume of solid waste generated by that municipality as determined by the Board of Supervisors pursuant to section 34 of this chapter.

4. To amend Section 411-501 of the charter to read:

Annual meetings of the District shall be held on the first Tuesday of March for the purpose of member towns ~~adopting a budget for the ensuing fiscal year, and for the purpose of~~ conducting any other properly warned business.