

STATUTORY PROVISIONS RELEVANT TO FORMATION OF A JOINT MUNICIPAL POLICE FORCE

Title 24 : Municipal And County Government

Chapter 055 : Police

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Chapter 055 : Police

(Cite as: 24 V.S.A. § 1931)

- **§ 1931. Police officers**

(a) The legislative body, and in its stead, the town manager, when appointed pursuant to chapter 37 of this title, of a municipality as defined in section 2001 of this title **may establish a police department and appoint police officers and a chief of police** who shall be a police officer. Such legislative body or town manager may temporarily appoint qualified persons as additional police officers when necessary, or appoint qualified persons as temporary police officers in the event no police department is established, shall specify the term and duties of such officers, and may fix their compensation, which may be paid by the municipality. They shall be sworn and shall hold office during good behavior, unless sooner removed for cause, or in the case of temporary police officers, for the term specified. Such appointment, oath, and removal shall be in writing and recorded in the office of the clerk of the municipality.

(b) The **direction and control of the entire police force**, except as otherwise provided, **shall be vested in the chief of police**. If the chief of police is absent or disabled, or if the office of chief of police is vacant, the appointing authority may appoint another officer to discharge the duties of the chief of police.

(c) The legislative body or town manager shall report the creation of a new police department or the elimination of an existing police department to the Vermont Criminal Justice Council within five working days of the creation or elimination. The report shall include the effective

date of creation or elimination, the mailing address for the police department, and the name of the appointed police chief. (Amended 1969, No. 282 (Adj. Sess.), § 3; 1971, No. 194 (Adj. Sess.), § 1; 2009, No. 14, § 2.)

(Cite as: 24 V.S.A. § 1938)

- **§ 1938. Intermunicipal police services; purpose; agreements**

(a) Cities, towns, incorporated villages, the University of Vermont, sheriffs, and State agencies may enter into agreements to provide for intermunicipal police services. Intermunicipal police services include general police services, emergency planning and assistance, task forces, and other specialized investigative units to provide police services within the boundaries of the participating municipalities and counties.

(b) The legislative body of each municipality may authorize the chief of police or other designee to provide police resources for intermunicipal police services. The participating municipalities, sheriffs, and State agencies shall enter into a written agreement, which shall provide for the scope of the mutual services, the powers, duties, and responsibilities of each participant, and the governing authority for officers called for duty under the terms of the agreement. The agreement shall also contain provisions relating to the use of equipment, supplies, and materials during the period of mutual service. Any employee covered by such an agreement shall remain an employee of the donor agency.

(c) Agreements entered into under this section shall not be subject to the requirement of chapter 121 of this title.

(d) Cities, towns, incorporated villages, the University of Vermont, sheriffs, and State agencies may enter into agreements under this section with municipalities in the same or adjoining counties and with municipalities in adjoining states. (Added 1993, No. 42, § 1; amended 2003, No. 121 (Adj. Sess.), §§ 82, 83, eff. June 8, 2004; 2003, No. 122 (Adj. Sess.), § 85d.)

Chapter 121: Intermunicipal Cooperation And Services

Subchapter 004 : Interlocal Contracts

(Cite as: 24 V.S.A. § 4901)

• § 4901. Authorization

(a) Any one or more municipalities may contract with any one or more other municipalities to perform any governmental service, activity, or undertaking which each municipality entering into the contract is authorized by law to perform, provided that the legislative body of each municipality approves the contract, and expenses for such governmental service, activity, or undertaking are included in a municipal budget approved under 17 V.S.A. § 2664 or comparable charter provision.

(b) If the interlocal contract is such that the participating municipalities or their legislative bodies, commissions, boards, officers, or voters have the authority to enter into it, by virtue of any charter provision, statute, or the general authority of such municipality or its officers and bodies, then the procedures of this section for approval shall not be exclusive, it being the intent that the powers and procedures set forth in this subchapter for interlocal contracts are supplementary to any other powers or procedures heretofore or hereafter possessed by any municipality.

(c) A municipality may submit an interlocal contract to the Attorney General prior to approval by its legislative body. If such a contract is submitted, the Attorney General shall determine whether the contract is in proper form and compatible with the laws of this State and notify the legislative body of the municipality of his or her determination. In the event that the Attorney General does not respond to the request within 30 days after receipt of a copy of the contract, the legislative body may approve the contract. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 5; 2003, No. 122 (Adj. Sess.), § 85k.)

Subchapter 004 : Interlocal Contracts

(Cite as: 24 V.S.A. § 4902)

• § 4902. Contents of contract

(a) The contract shall set forth fully the purposes, powers, rights, and objectives, and responsibilities of the contracting parties.

(b) The contract may provide:

(1) That one person shall hold the same office or offices in the participating municipalities, notwithstanding any provision of law to the contrary.

(2) The method of choosing officers by election or appointment, the term of office, the compensation of, or mode of setting the compensation of, and the authority to discharge, a person holding office under subdivision (1) of this subsection.

(3) For any duly constituted local or regional board to have jurisdiction in all the municipalities.

(4) For a transfer of a local service function or activity or a portion thereof, previously authorized or exercised by a municipality, to another municipality.

(5) For the acquisition and maintenance of property, forces, and services which the municipalities participating in the contract are authorized by law to acquire and maintain.

(6) For the use of any property, equipment, or personnel of a municipality that is a party to the contract in connection with a joint service or activity authorized by the terms of the contract.

(7) For the deposit of funds appropriated, received, or contributed for purposes of any joint municipal activity or service in one or more special bank accounts, and for designation of persons authorized to have custody of and to draw on such funds.

(8) For the exercise of any powers consistent with law in order to carry out the purposes contemplated in the contract. (Added 1969, No. 197 (Adj. Sess.), § 1.)

Title 24 : Municipal And County Government

Chapter 121 : Intermunicipal Cooperation And Services

Subchapter 003 : Union Municipal Districts

(Cite as: 24 V.S.A. § 4861)

- **§ 4861. Authorization**

If a joint municipal survey committee approves the creation of a union municipal district, it shall prepare an agreement for the formation of the

district and shall file a copy with the legislative body, planning commission, and clerk of each participating municipality. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 1.)

- **§ 4862. Contents of agreement**

Any agreement for the creation of a union municipal district shall specify the following:

- (1) Its duration, if it is to be limited in time.
- (2) The precise organization, composition, and nature of any separate legal or administrative entity created thereby, with the powers delegated thereto.
- (3) Its purposes.
- (4) The manner of election or designation of officers of the district, and the powers and duties thereof.
- (5) The means of establishing a budget and financing the union municipal district, and the method, if so provided, for assessing the member municipalities or the taxpayers thereof for the expenses of the district.
- (6) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property thereon.
- (7) The manner in which the agreement may be amended or renewed, where applicable.
- (8) The conditions and procedure under which a municipality may withdraw from a union municipal district or join a district already in operation.
- (9) Any other necessary and proper matters. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 2.)

- **§ 4863. Approval of agreement**

(a) Any participating municipality may enter into the agreement for the formation of the union municipal district at any annual or special meeting of such municipality duly warned for such purpose.

(b) The vote on the question of accepting the agreement shall be by printed ballot substantially as follows:

Shall the (name of municipality) enter into an agreement for the formation of a union municipal district to be known as " ".

(c) All elections in the separate municipalities shall be held on the same day. The vote shall be by Australian ballot as provided for in 17 V.S.A. chapter 55, subchapter 3.

(d) Where three or more municipalities are concerned in the voting, and at least two approve the agreement, rejection of the agreement by one or more shall not defeat the creation of a district composed of the municipalities voting affirmatively on the question, if the joint survey committee decides that it is feasible or practical to continue the district as a geographic unit, unless the agreement as proposed expressly provides that specific participating municipalities or a minimum number of participating municipalities shall approve the agreement. Members from municipalities rejecting the agreement may take no part in the decision of the joint survey committee, or in any subsequent matters relating to the agreement rejected by the municipalities they represent.

(e) The governing body of the district may authorize the inclusion of additional municipalities outside of the district. Any authorized municipality may take action to enter into the district according to the approval procedures contained herein.

(f) A municipality which is a member of a union municipal district may vote to withdraw from the union municipal district if one year has elapsed since said union municipal district has become a body politic and corporate as provided in section 4865 of this title and if the union municipal district has not voted to bond for construction and improvements as provided in section 4866 of this title.

(g) When a majority of the voters of a member municipality present and voting at a meeting of such municipality duly warned for that purpose shall vote to withdraw from a union municipal district, the vote shall be certified by the clerk of that municipality to the governing body of the union municipal district. Thereafter, the governing body of the union municipal district shall give notice to the remaining member municipalities of the vote to withdraw and such body shall hold a meeting to determine whether 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 meeting, the governing body may declare the district dissolved immediately or as soon thereafter as each member municipality's financial obligations have been satisfied, or it may declare that the district shall continue to exist despite the withdrawal of the member municipality.

(h) A vote of withdrawal taken after a union municipal district has become a body politic and corporate but less than one year after that date shall be null and void. A vote of withdrawal taken after the union municipal district has voted to bond itself for construction and improvements shall likewise be null and void.

(i) The membership of the withdrawing municipality shall terminate as of one year following the vote to withdraw or as soon after such one year period as the financial obligations of said withdrawing municipality have been paid to the union municipal district. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 3; 2001, No. 6, § 12(c), eff. April 10, 2001; 2003, No. 122 (Adj. Sess.), § 85h.)

Subchapter 003 : Union Municipal Districts

(Cite as: 24 V.S.A. § 4864)

- **§ 4864. Employee organizations; police employees; State Labor Relations Board**

If an employee organization is the **exclusive bargaining representative** of employees in one or more participating municipalities in a proposed agreement to create a union municipal district for the purpose of providing services currently provided by these employees, any **questions of unit determination or representation** involving these employees **shall be resolved by the State Labor Relations Board** pursuant to 21 V.S.A. chapter 22. (Added 2003, No. 122 (Adj. Sess.), § 85i.)

Subchapter 003 : Union Municipal Districts

(Cite as: 24 V.S.A. § 4865)

- **§ 4865. Organization**

Upon the approval of the agreement by the required number of municipalities as provided in section 4863 of this title, the union municipal district shall become a **body politic and corporate** with the

powers incident to a public corporation. The district shall be known by the name given in the agreement, by that name may sue and be sued, and may hold and convey real and personal estate for the use of the district. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 4.)

Subchapter 003 : Union Municipal Districts

(Cite as: 24 V.S.A. § 4866)

- **§ 4866. Powers and duties**

A union municipal district may:

- (1) Hire and fix the compensation of employees.
- (2) Contract with consultants and other experts for services.
- (3) Contract with the State of Vermont or the federal government, or any agency or department thereof, for services.
- (4) Contract with any participating municipality for the services of any officers or employees of that municipality useful to it.
- (5) Contract with a county sheriff to provide law enforcement services to the union district.
- (6) Promote cooperative arrangements and coordinated action among its participating municipalities.
- (7) Make recommendations for review and action to its participating municipalities and other public agencies which perform functions within the region in which its participating municipalities are located.
- (8) Exercise any other powers which are exercised or are capable of exercise by any of its participating municipalities, and necessary or desirable for dealing with problems of mutual concern.
- (9) Borrow money and issue evidence of indebtedness as provided by chapter 53 of this title. Obligations incurred under such chapter shall be the joint and several obligations of the district and of each member municipality but shall not affect any limitation on indebtedness of a member municipality. The cost of debt service shall be included in the annual budget of the district, and shall be allocated among the member municipalities as provided in the agreement for the allocation of the assessment for the ordinary expenses of the district. Where voter approval is required pursuant to chapter 53 of this title, the governing

body of the district shall determine the number and location of polling places, and when a majority of all the voters present and voting on the question from all of the member municipalities at such meeting vote to authorize the issuance of bonds, the district shall be authorized to issue the bonds as provided in said chapter. The counting of ballots shall be conducted by the governing board of the district together with the town or city clerk from each member municipality or his or her designee. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 1973, No. 250 (Adj. Sess.), § 6; 2003, No. 122 (Adj. Sess.), § 85j.)



Josh Arneson <jarneson@richmondvt.gov>

Out of Office Re: Handout for Meeting

Joseph McLean <jmclean@firm SPF.com>
To: Josh Arneson <jarneson@richmondvt.gov>

Tue, Aug 30, 2022 at 10:55 AM

Josh: At last night's meeting I realized that my "packet" of information regarding options for forming a joint police department accidentally omitted the statutory provision regarding approval of the UMD plan by the Attorney General's office.

Here is that provision:

Title 24 : Municipal And County Government

Chapter 121 : Intermunicipal Cooperation And Services

Subchapter 001 : General Provisions

(Cite as: 24 V.S.A. § 4802)

- § 4802. Approval of plan

(a) Every agreement for a union municipal district under this chapter shall be submitted to the Attorney General before being presented to the voters for acceptance or rejection. The Attorney General shall determine whether the agreement is in proper form and compatible with the laws of this State. In the event that the Attorney General fails to notify the joint survey committee provided for in subchapter 2 of this chapter of his or her determination within 30 days after receipt of a copy of the agreement, it shall be deemed to have been approved.

(b) In the event that an agreement for a union municipal district deals in whole or in part with services or facilities over which an officer or agency of the State government has constitutional or statutory powers of control, the agreement shall be submitted to him or her or it, at the time of its submission to the Attorney General. The officer or agency involved may file objections with the Attorney General.

(c) No agreement shall be submitted to the voters unless it has been approved by the Attorney General under subsection (a) of this section. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 2003, No. 122 (Adj. Sess.), § 85f.)

(Note that for an Interlocal Contract (as opposed to a UMD), submission of the contract to the AG's office for review is permissible, but not mandatory.)

Also, regarding any Joint Survey Committee that may be formed, please note that section 4833 of Title 24 provides:

- **§ 4833. Officers**

The members of a joint municipal survey committee shall consist of an equal number of representatives from each municipality designated by the legislative branch. Members of the legislative branch of a municipality may serve as members of the committee. The committee shall elect from its own number a chair and secretary and other necessary officers to serve for such period as the members shall decide. (Added 1969, No. 197 (Adj. Sess.), § 1; amended 2003, No. 122 (Adj. Sess.), § 85g.)

Finally, please note that I misspoke regarding the process for approving a UMD. While it is possible to have the agreement that forms the basis for the UMD legislatively approved as a charter, this is not required (unlike where there is a merger of municipalities under Chapter 49 of Title 24, which is a very similar but distinct process). Instead, the UMD will be approved following an affirmative Australian ballot vote in each involved municipality. 24 V.S.A. § 4863. The fact that charter review and approval is not required should help move the UMD process along more expeditiously than would be the case if it were necessary to go to the Legislature before the UMD was effective. My apologies for any confusion on this issue.

Thank you,

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