Councilors Knodell, O'Sullivan
Amended; adopted 11/19/01

REORGANIZATION OF THE GOVERNANCE OF THE CITY

In the year Two Thousand and One
Resolved by the City Council of the City of Burlington, as follows:

That, WHEREAS, the voters approved on November 7, 2000 amendments to the governance of the City as provided in the City Charter; and

WHEREAS, the General Assembly of the State of Vermont has passed Act #M-6, 2001 which consists of amendments to the City Charter relating to the manner in which the city is to be governed; and

WHEREAS, such amendments to the City Charter provide for plenary policy making and legislative authority being vested in the City Council, chief executive authority being vested in the Mayor; the authority of the various city commissions becoming advisory in nature except to the extent governmental authority is delegated by resolution of this Council; mayoral appointment of department heads, and the re-designation of the clerk/treasurer as chief administrative officer; and

WHEREAS, on June 26, 2001, this City Council passed a continuing resolution which continued the present governmental structure until otherwise directed by this Council: and

WHEREAS, the Mayor, as the City's Chief Executive Officer, has consulted with department heads and commissioners to take an inventory of the manner in which the departments have governed their operations, including an examination of authority exercised by department heads and by commissions, actions requiring the advance approval of the Board of Finance and actions requiring advance approval of this City Council; and

REORGANIZATION OF THE GOVERNANCE OF THE CITY

WHEREAS, the Mayor has made a recommendation to this Council as to how he believes the governmental structure of the City should be re-organized, and such recommendation has received the extensive consideration of the Charter Change Committee; and

WHEREAS, the Charter Change Committee has held both deliberative sessions and public hearings with respect to the Mayor's recommendations, and has reported its recommendations to this Council;

NOW, THEREFORE, on the basis of the recommendations of the Mayor and the Charter Change committee, IT IS HEREBY RESOLVED by this City Council as follows:

1. Each Commission shall annually approve and submit to the Mayor a budget recommendation in a format directed by the Mayor. The Mayor, with the assistance of the Board of Finance, shall prepare the budget and submit it to the City Council for its consideration and adoption. Each Department Head and Commission shall be responsible for monitoring expenditures made pursuant to an approved budget, and shall make an official report to the Mayor and City Council every six months as to the results of such monitoring, and shall also develop and annually revise for the Mayor's consideration a five year capital budget plan. All fees and charges to be assessed by any City department for any purpose shall be considered a part of the budget and processed in accordance with the provisions of this paragraph. The budget may contain guidelines for the amendment of fees and charges by a commission during the course of a fiscal year.

2. No contract of any kind or description shall be entered into by any city department except in accordance with procurement and contracting regulations recommended by the Mayor and approved by this Council. Notwithstanding the foregoing, the Board of Electric

Commissioners shall have authority to either itself approve or to delegate to the General Manager the authority to approve short term contracts for the purchasing and selling of electric capacity and energy. In this context, short term shall be considered five years or less in duration. Further, the Board of Electric Commissioners shall also have the authority to either itself approve or to delegate to the General Manager the authority to enter into contracts involving an expenditure of not ~~less~~ more than $100,000.00 or a duration of one year or less. Contracts in excess of one year in duration and more than $100,000.00 in value shall also be authorized by the Board of Electric Commissioners, but shall be reported to the City Council in writing within five business days. Such authorization by the Commission shall be considered full authority to enter into the contract unless the Commission's action is vetoed by vote of a majority of the whole number of the City Council passed within thirty days of the Commission vote. The City Council may also affirmatively act to ratify and confirm the vote of the Commission prior to the passage of such thirty days.

3. All salaries and benefits for city employees shall require the advance approval of this City Council based upon the recommendation of the Mayor or by the Chief Administrative Officer on behalf of the Mayor.

4. The Mayor, through the Office of the Chief Administrative Officer, shall have the responsibility to specify accounting and other financial systems, and computer technology systems which all departments shall follow. This authority shall include the development and maintenance of City wide procurement and contracting policy guidelines. Provided, the Electric Department shall be authorized to continue to maintain

its computer technology system and department.

5. The Mayor, or the Chief Administrative Officer on behalf of the Mayor, shall have the authority to apply for state, federal or private grants.

6. The Department of Human Resources shall have overall responsibility for personnel systems administration and for the development and monitoring of the City's Risk Management Programs, subject to the directives of the Mayor/Chief Administrative Officer and subject to the orders, regulations and ordinances of this City Council.

7. No City department shall be authorized to expend any funds, from whatever source derived, unless and until such funds have been appropriated and made available for a particular purpose through recommendation by the Mayor and approval of this City Council. This paragraph shall be applicable to the expenditure, for City purposes, of any funds raised by foundations which are or have been created to benefit particular City departments or functions. The Board of Finance may, however, promulgate guidelines and preapproval criteria authorizing expenditure for City purposes of funds raised by entities or foundations created for the purpose of benefiting particular City departments and soliciting donations for such purposes.

8. Commissions shall retain all existing regulatory authority unless otherwise directed by the City Council such as, for illustrative purposes only, the determination of traffic and parking regulations by the Public Works Commission, the determination of rules and regulations for use of City parks promulgated by the Parks and Recreation Commission, rules and regulations relating to the operation of the Burlington International Airport by

the Board of Airport Commissioners and regulations relating to the City's electric system by the Board of Electric Commissioners. Adoption of national codes such as building, fire prevention, etc., shall be subject to the orders, regulations and ordinances of this City Council.

9. Commissions shall continue to exercise their current authority with regard to the consideration/adjudication of employee grievances pursuant to the City of Burlington's Comprehensive Personnel Policy and Collective Bargaining Agreements. However, in this context, such Commissions shall be bound by City wide policies as articulated by the Director of Human Resources.

10. The Church Street Marketplace District Commission shall continue to be responsible for developing and recommending the standards for common area fees and the assessment of common area fees to this City Council.

11. The Board of Electric Commissioners and the Public Works Commission shall have responsibility to approve any recommendation by departmental management for increases in electric rates, water rates and wastewater rates, and to recommend to the Mayor the same and City Council for its ultimate adoption. The Electric Department shall report to the City Council, ~~not less than frequently than~~ **at least** once per year, indicating its short and long term planning for electric power and energy supply.

12. The Board of Police Commissioners and Fire Commissioners shall continue to have authority, upon recommendation of the Chief of Police and Chief Engineer of the Fire Department respectively, to approve, using procedures and processes administered by the

Department of Human Resources, the hiring of individuals as police officers and firefighters, and shall also continue to be the last administrative step in the determination of whether a police officer or firefighter should be discharged.

13. The specific standards set forth herein for departments with Boards of Commissioners shall also be applicable to City departments which are not governed by a commission.

14. The Mayor is authorized to supplement and implement the provisions of this Resolution by Executive Order so long as such Orders are consistent with the dictates of this Resolution.

15. The Superintendents of the various City departments shall have responsibility to manage such departments by providing the special and immediate care and practical supervision thereof, subject to the policies established by this City Council, the authorized policies established by the Board of Commissioners and the authority of the Mayor as Chief Executive Officer, a portion of which authority may be delegated to the Chief Administrative Officer.

16. The Mayor is authorized to establish by executive order standards for the utilization of engineering , architectural, construction management and construction services to the City.

17. The provisions of this Resolution shall not be applicable to the Burlington School Department.

18. This Resolution shall be effective as of January 1, 2002.

Except as otherwise specified herein, City Commissions and department heads shall continue to exercise the authorities and responsibilities which they were authorized to exercise as of June 30, 2001.

231105/00013 Resolution re governance 11-13-01
lb/jem/c: Resolutions 2001/Reorganization of the Governance of the City
11/19/01; **as amended 11/19/01**