

CITY COUNCIL RULES CONCERNING CHARTER §130
RE RESIDENCY REQUIREMENT

In the year Two Thousand Six.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Charter Change Committee has met on numerous occasions to consider how best to clarify the circumstances under which exemptions to the City Charter's residency requirements may be granted to Department Heads; and

WHEREAS, the Committee has determined that the best course of action is to set forth a definition for "personal hardship" and an implementation process which must be followed in order for a Department Head to qualify for an extension to the current residency requirements;

NOW, THEREFORE, BE IT RESOLVED the City Council Charter Change Committee recommends adoption by the City Council of the following Rules Concerning Charter §130 as approved by the Committee on September 13, 2006:

City Council Rules for Charter § 130

I. Applicable Law.

§ 130 (c).

(c) Except as provided below, any person appointed by the mayor and approved by the city council for the position of city assessor, city attorney, chief administrative officer, city constable, civil defense director, director of the office of community and economic development, harbor master or human resources director, and any person appointed to be the superintendent or corresponding chief executive officer of the cemetery, electric light, fire, parks and recreation, planning, police, public works or school departments shall, in order to be legally eligible to serve, either be a legal voter of the city as of the date his or her term of office commences and at

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all times thereafter or, if not a legal voter as of the date his or her term of office commences, shall become a legal voter within the city within one year from the date such term of office commences and maintain such status at all times thereafter. **In case of *personal hardship* found and declared to exist by the city council with mayor presiding, the time limit for an individual to become a legal voter of the city may be extended for a set period of time beyond one year.**

II. Purpose of Rules.

The expectation of the City, as expressed by the will of the voters, is that department heads should live in the City. The purpose of the rules is to provide guidelines for determining "personal hardship" and implementing the limited extension allowed by the Charter.

III. "Personal Hardship"

A. The City Council shall grant to a prospective appointee a personal hardship extension if one of the following circumstances is certified to exist:

- (1) ~~minor children in a school district~~ in grades K-12 currently attending a Vermont school other than Burlington; (amended 10/23/06)
- (2) appointee is currently employed by the City and is promoted and appointed to position listed in § 130 (c).

B. A prospective appointee may qualify for a personal hardship for any other circumstance(s) at the discretion of the City Council upon a finding by the council that such circumstance creates a hardship warranting an extension beyond the one year allowed by § 130 (c).

IV. Implementation

A. Hiring Process Up to Appointment

1. The human resources department shall inform applicants in writing on the job description (a) about the residency requirement, (b) that if an extension is desired the applicant must claim a hardship on the application, and (c) that a waiver of these requirements will not be considered after the time of appointment unless there is a major change in circumstances. These rules shall be made available to all applicants.

2. Personal hardship must be claimed on the application for the position, with the reasons set forth therein. At the time of application, applicants shall sign a statement certifying that they acknowledge the residency requirement, the limits on receiving and having an extension, and the responsibilities of an appointee upon receiving an extension.

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3. All hardship requests made pursuant to III B shall be sent directly to the City Council for review and action prior to appointment.

4. A personal hardship extension must be granted at the time of the appointment of the applicant. An extension will not be considered after the time of appointment unless there is a major change in circumstances.

B. Process After Appointment

1. A hardship extension granted due to III. A. (1) shall only be effective for the time that circumstance exists. An extension granted due to III. A. (2) shall be effective for as long as the employee holds the position and stays in the residence occupied at the time of appointment. An extension granted due to III. B. shall be effective for the time specified by the council in the exercise of its discretion or the time the circumstance exists, whichever is shorter. The approval of the extension shall have a date noting the expiration of the extension and the date by which a renewal must be submitted in the case where a set number of years is specified.

2. All appointees granted an extension must annually sign a form prepared by the Human Resources Office certifying that the condition upon which the hardship was found continues to exist. It is the responsibility of the appointee to notify the Human Resources Office of a change in circumstances and make sure that the form is signed.

3. A personal hardship extension granted for a period of specified years may be renewed upon application to the City Council, such application to be submitted at least 6 months prior to the date of expiration of the extension. A renewal request shall be sent to Human Resources Committee and the Human Resources Department for review and advice to the City Council.

4. The failure to obtain an extension is grounds for the immediate termination of an appointee.

5. No person shall be reappointed to the position without there being an extension approved by the City Council.