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POWER OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)  
TO VOTE ON THE BOARD OF FINANCE

In the year Two Thousand Nine.....

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

That WHEREAS, under Sec. 138 of the Burlington City Charter, the Chief Administrative Officer (CAO) "shall, subject to the authority of the Mayor as chief executive officer, have direct responsibility for those administrative, financial and record keeping responsibilities which are not assigned by this charter to another city entity. The chief administrative officer shall have supervisory responsibility for those functions, herein outlined, which were formerly the responsibility of the City Clerk and City Treasurer;" and

WHEREAS, the CAO's major service areas include receiving and recording all revenue, preparing the City's annual report, maintaining all accounts, making investment recommendations, coordinating the annual audit, and preparing reports for the Mayor, City Council and Board of Finance; and

WHEREAS, the members of the Board of Finance serve as trustees of public moneys for the City, as stated in Sec. 154 of the City Charter, and assist the Mayor in the preparation of the budget; and

WHEREAS, under Sec. 155 of the City Charter, the Board of Finance acts as a Board of Audit and is directed to "establish, and each Department shall adopt, such systems of accounting and auditing for each Department of the City Government, as will give uniform and reliable methods for transacting the business of the City," and under Sec. 156 of the City Charter, the Board of Finance is directed to "provide for the annual auditing of the books of each Department,

36 POWER OF THE CHIEF ADMINISTRATIVE OFFICER  
37 (CAO) TO VOTE ON THE BOARD OF FINANCE  
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39 by a competent professional auditor, and may also provide for such further auditing as shall to  
40 said Board seem advisable;" and

41 WHEREAS, the CAO presently sits as a voting member of the Board of Finance, and  
42 such a role is inconsistent with practices on other Boards and Commissions overseeing  
43 Departments throughout the City, wherein staff members attend and participate at meetings but  
44 do not vote; and

45 WHEREAS, because the Board of Finance must necessarily, as trustees of the public  
46 moneys, independently oversee the Department of Finance, the CAO is placed, through no  
47 personal fault, in the inherently conflicting position of voting not only upon how his Department  
48 shall account for its expenditures but upon how it shall be audited and potentially voting upon  
49 whether it may be advisable to audit his Department beyond what is usually deemed necessary,  
50 as a result of which the Board cannot exercise truly independent oversight over the Department  
51 of Finance; and

52 WHEREAS, both democratic accountability and truly independent oversight over  
53 expenditure of public moneys may best be served if an additional City Councilor, were to serve  
54 as a full voting member of the Board of Finance, instead of the CAO, especially considering that  
55 under the current structure any Mayor who is a member of a political party almost always has an  
56 automatic voting majority on the Board of Finance; and

57 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council directs the  
58 Charter Change Committee to begin deliberations as soon as possible regarding charter changes  
59 that would eliminate the CAO's power to vote on the Board of Finance and to instead provide for  
60 the election of an additional City Councilor to the Board of Finance, who shall serve as a full  
61 voting member; and

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63 POWER OF THE CHIEF ADMINISTRATIVE OFFICER  
64 (CAO) TO VOTE ON THE BOARD OF FINANCE

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67 BE IT FURTHER RESOLVED that the City Council requests the Charter Change

68 Committee to report back to the Council by January 4, 2010.

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71 lb/kas/Resolutions 2009/Bd. of Finance – Power of CAO to Vote on BOF

72 12/1/09