

# Resolution Relating to

**RESOLUTION 11.03**  
Sponsor(s): Councilors Shannon,  
Kehoe

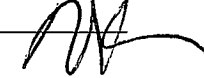
Introduced: 10/26/09

Referred to: \_\_\_\_\_

TEMPORARY REMOVAL OF  
CHIEF ADMINISTRATIVE OFFICER

Action: amended; adopted

Date: 10/26/09 10/27/09

Signed by Mayor: \_\_\_\_\_  



## CITY OF BURLINGTON

In the year Two Thousand Nine.....

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

That WHEREAS, Burlington Telecom is a special project of the CAO's office; and

WHEREAS, as a Special Project of the CAO's office the CAO bears ultimate responsibility for BT's business plan, accounting and expenditures; and

~~WHEREAS, without consultation with either the BTAC or the City Council, the CAO chose to spend funds beyond the funds allocated to BT through the approved financing of \$33 million dollars and its own operational revenue; and~~ amended 10/26/09 

WHEREAS, the CAO chose to increase the debt of BT by \$17 million without the knowledge or consent of the BTAC, City Council, or the Board of Finance; and

WHEREAS, in November 2008 the City Council unanimously requested that the Charter Change Committee recommend a governance and oversight structure for BT; and

WHEREAS, the Charter Change Committee failed to make any recommendation for governance and oversight structure of BT in part at the urging of the CAO; and

WHEREAS, the CAO and others in the administration were aware of a violation of the Certificate of Public Good in November of 2008 and failed to bring the violation to the attention of the City Council, the BTAC, or the Public Service Department at that time; and

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CHIEF ADMINISTRATIVE OFFICER

WHEREAS, BT will cease to exist if it cannot operate within the guidelines of the CPG;  
and

WHEREAS, it is not possible for the City Council or any City entity to immediately  
correct all violations of the CPG, but it is our intent to move in that direction with the help of the  
Public Service Board; and

WHEREAS, BT needs to bring forward any known violations of the CPG to both the  
City Council and the Public Service Board when the violations become known; and

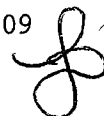
WHEREAS, the City Council and administration have requested temporary relief from  
Condition 60 in order to address the issues that caused the violation; and

WHEREAS, the CAO, the Mayor, and the City Council have no authority to make the  
choice to continue violating the CPG; and

~~WHEREAS, the CAO made unsubstantiated accusations against a BT/AC member to  
justify withholding critical information from the board charged with overseeing the operations of  
BT; and~~

~~WHEREAS, the CAO made unsubstantiated accusations against a BOB/City Council  
member to justify withholding information from the BOB and City Council; and~~

~~WHEREAS, the greatest "conflict of interest" now appears to have been between full  
disclosure of BT's financial position and the interest of reelecting the incumbent Mayor;~~



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NOW, THEREFORE, BE IT RESOLVED that the CAO's office is directed by this City Council to not expend any additional funds from the "cash pool" which would be in further violation of the CPG; and

BE IT FURTHER RESOLVED that the City Council requests that the Mayor put CAO Leopold on <sup>paid</sup> administrative leave pending the findings of a comprehensive financial audit. <sup>amended 10/26/09</sup>

lb/kas/c: Resolutions 2009/Burlington Telecom - Temporary Removal of CAO  
10/26/09

10/26/09 10:00 AM

10/26/09

\* \* \* \* \*

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

City Attorney's Office-Linda Blanchard

RESOLUTION RELATING TO

Temporary Removal of Chief Administrative Officer

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*As amended*

Adopted by the City Council

October 26, 2009

..... Clerk

Approved....., 20.....

..... Mayor

Vol. .... Page .....

Attest:

*Lori Olberg*

Lori Olberg  
Licensing, Voting & records Coordinator

\* \* \* \* \*

VETO

*N. Fin 11/10/09*