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MARCH 2, 2010 ANNUAL CITY MEETING--
PROPOSED CHARTER CHANGE RE:
MAYORAL APPOINTMENT PROCESS

In the year Two Thousand Ten.....

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

That WHEREAS, the City Council Charter Change Committee hereby recommends that the following question be placed on the 2010 Annual City Meeting ballot;

NOW, THEREFORE, BE IT RESOLVED that the following question be placed on the ballot of the Annual City Meeting to be held March 2, 2010:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Sections 116 and 127 thereof to read as follows:

Sec. 116. Duties generally.

The mayor shall be the chief executive officer of said city. The mayor shall use his or her best efforts to see that the laws and city ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The mayor shall take care that the funds of the city are properly expended, and shall recommend to the consideration of the city council whatever measures the mayor may deem necessary for the prudent and efficient management of the affairs of the city.

The mayor shall also be the chief conservator of the peace and safety of the city and as such is empowered to control and direct the police force, in case of riot, insurrection or other emergency, when the mayor may take command of the whole police force, including the chief executive thereof, and may for the occasion appoint and commission as many special policemen as the mayor may deem necessary, who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The mayor shall serve as a voting member of the local control

37 MARCH 2, 2010 ANNUAL CITY MEETING--
38 PROPOSED CHARTER CHANGE RE: MAYORAL
39 APPOINTMENT PROCESS
40

41 commissioners. The mayor shall have those powers of a justice of the peace in the State of
42 Vermont with respect to the performance of marriage and/or civil unions. The mayor,
43 commencing on the first Monday in June 2002, shall appoint all city department heads who were
44 heretofore appointed by city commissions, with the exception of the superintendent of schools,
45 who shall continue to be appointed by the board of school commissioners, and planning director
46 who shall continue to be appointed by the planning commission. Such appointments shall be
47 subject to confirmation by a majority of the membership of the city council. The appointment by
48 the mayor to the position of city officer or department head shall be on the basis of professional
49 competency and/or meritorious performance relating to the duties of the position. In making
50 department head appointments and in evaluating their performance, the mayor shall consult with
51 the applicable city commission. At least two applicable ~~Applicable~~ commissioners chosen by the
52 chair shall be invited to participate in interviews for department head selection; ~~The full~~
53 applicable commission shall formally participate in the annual evaluation of a department head;
54 and shall make a formal recommendation to the mayor concerning the reappointment of a
55 department head. Department heads shall have such administrative, personnel and managerial
56 authority as shall be delegated to them by the mayor.

57 Sec. 127. Department heads and other officers.

58 ~~(a) On or before the first day of June 1999, and whenever a vacancy shall occur, the applicable~~
59 ~~board of commissioners shall deliver to the mayor a list of individuals who are qualified, in the~~
60 ~~commission's view, to be appointed as director of aviation, cemetery superintendent, general~~
61 ~~manager of the Burlington electric department, chief engineer of the fire department, police~~
62 ~~chief, executive director of the Church Street marketplace district, superintendent of the parks~~
63 ~~and recreation department and director of the department of public works respectively. Such list~~
64 ~~shall not contain less than two names unless there is concurrence between the commission and~~

MARCH 2, 2010 ANNUAL CITY MEETING--
PROPOSED CHARTER CHANGE RE: MAYORAL
APPOINTMENT PROCESS

~~the mayor as to the individual to be appointed, in which case only that name may be presented to the mayor. The mayor shall appoint the department head from the list presented, such appointment to occur no later than fifteen (15) days after the list has been presented. Reappointments shall be the responsibility of the applicable commission. However, the mayor shall be regarded as a voting member of each such commission on the question of reappointments. The initial two terms of any occupant of such positions may not exceed one year in length, from and after the July 1st following the date of appointment and until a successor has been appointed and qualified. Thereafter, the reappointment may be for a term not less than one year nor more than three years in length. The mayor may remove any such officer during the term of his or her office for negligence, incapacity or bad conduct as determined by the mayor with the concurrence of the applicable commission. The mayor and the applicable commission shall be responsible annually to approve the goals and objectives of and to evaluate the performance of the above-referenced department heads.~~

~~—(b) All officers whose terms of office are not herein or by general law otherwise specified, shall, except as herein otherwise provided, hold their offices for the specified terms from the first day of July following their appointment, and until their successors are appointed and have qualified.”~~

AND, BE IT FURTHER RESOLVED that in accordance with 17 V.S.A. Sec. 2645, public hearings on the above-proposed amendment of the Burlington City Charter shall be held on January 15, 2009 at 12:00 noon and on January 25, 2009 at 7:00 p.m. in Contois Auditorium, City Hall, Burlington, Vermont.

* Material stricken out deleted.
** Material underlined added.