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7 IMPEACHMENT OR FORFEITURE PROCESS FOR MAYOR
8 AND CITY COUNCILORS
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14 In the year Two Thousand Ten.....

15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, the City of Burlington has no provisions in its Charter for either the
18 impeachment for cause and removal from office upon conviction of the Mayor and City
19 Councilors or when such an elected office is deemed forfeited; and

20 WHEREAS, to have such a provision in the Charter would protect the people of
21 Burlington from a situation where either a Mayor or a City Councilor commits an illegal act and
22 only relinquishes office if the individual chooses to resign, thus leaving the outcome entirely up
23 to an individual who would have already betrayed the public trust; and

24 WHEREAS, other municipalities and States have provisions for the impeachment for
25 cause and removal from office upon conviction for Mayors and City Councilors, or the Governor
26 of the State is empowered to remove such elected officials; and

27 WHEREAS, still other municipalities, including in Vermont Winooski and Brattleboro,
28 provide for forfeiture of local elected office under certain circumstances; and

29 WHEREAS, it would not be the desire for impeachment of a Mayor or a City Councilor
30 or forfeiture to ever be used except in clearly defined circumstances, keeping in mind that while
31 this could be an appropriate remedy for which the City Charter should provide it is nonetheless
32 an extreme remedy and should only be used in extreme circumstances; and

34 IMPEACHMENT OR FORFEITURE PROCESS FOR
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36

37 WHEREAS, some grounds to consider for bringing forward an impeachment or forfeiture
38 action could include conviction of a crime involving moral turpitude along with malfeasance,
39 misfeasance and nonfeasance--terms embracing acts which an officeholder has no right to
40 perform, acts performed improperly, and failure to act in the face of an affirmative duty to act;
41 and

42 WHEREAS, within the nation in some municipalities the judge of an impeachment or
43 forfeiture action is the local legislative body, with a two-thirds vote frequently required for
44 removal from office, while elsewhere an impeachment action in a municipality is judged by a
45 court of law;

46 NOW, THEREFORE, BE IT RESOLVED that the City Council directs its Charter
47 Change Committee to draft for the Council's consideration a proposal for a charter change
48 amendment regarding impeachment or forfeiture; and

49 BE IT FURTHER RESOLVED that in drafting such a proposal the Charter Change
50 Committee is further directed to consider the following questions:

- 51 1) Under what grounds should an impeachment or forfeiture action be brought;
- 52 2) Who may bring forward an impeachment or forfeiture action;
- 53 3) Who shall judge an impeachment or forfeiture action;
- 54 4) Who shall prosecute an impeachment or forfeiture action;
- 55 5) What shall be the procedures and burden of proof for an evidentiary hearing; and

56 BE IT FURTHER RESOLVED that the Charter Change Committee is requested to report
57 back to this Council by the Council's meeting in July, 2010.

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