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RECALL OF ELECTED OFFICIALS

In the year Two Thousand Ten.....

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

That WHEREAS the Burlington City Charter has no provisions for the recall for cause of local elected officials, and

WHEREAS the Constitution of the United States of America establishes our national government as a representative democracy wherein citizens of the states elect individuals to collectively represent their interests in the Congress and in the office of President; and

WHEREAS the fifty states have adopted their own constitutions and statutes providing for a representative governance structure; and

WHEREAS in addition, many states and municipalities have adopted elements of direct governance, including voter referendum, voter initiative, voter recall and town meeting; and

WHEREAS, a recall provision in the charter, tailored to the needs of Burlingtonians, would provide an additional powerful tool to citizens for ensuring the accountability of their elected officials; and

WHEREAS, recall is allowed for local, county and state elected officials in areas throughout the nation, the most famous example being the 2003 recall of the Governor of California; and

WHEREAS, the Vermont Constitution and the General Assembly permit direct governance at Town Meeting; and

35 RECALL OF ELECTED OFFICIALS

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37 WHEREAS, the Vermont Constitution and the General Assembly do not preempt
38 Vermont communities from permitting voter referenda and initiatives; and

39 WHEREAS, with approval of the legislature, Vermont municipalities with Charters may
40 enact charter provisions for voter recall of local elected officials; and

41 WHEREAS Bennington, Brattleboro, Colchester, Hardwick, Middlebury, Milton,
42 Poultney, Springfield and Waterbury have Charters containing provisions that permit voter recall
43 of local elected officials; and

44 NOW, THEREFORE, BE IT RESOLVED that the Council’s Charter Change Committee
45 review the local voter recall provisions in other Vermont municipal charters as well as municipal
46 voter recall provisions in other cities outside of Vermont, and make a recommendation to the
47 City Council on whether to recommend amending the City Charter to include a provision(s)
48 voter recall of local elected officials; and

49 BE IT FURTHER RESOLVED that the City Council directs its Charter Change
50 Committee to draft for the Council's consideration a proposal for a charter change amendment
51 regarding the recall of the Mayor and City Councilors; and

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

- 54 1) What should be considered legitimate cause for initiating a recall petition;
- 55 2) What percent of the legal voters of the City should have to sign a recall petition before
56 it is deemed valid;
- 57 3) How soon should a recall election be held upon verification of a valid petition;
- 58 4) Should approval of recall be by a simple majority or a super majority of the ballots
59 cast in a recall election;

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RECALL OF ELECTED OFFICIALS

64 5) What shall be the process for filling a vacancy in an elected office resulting from a
65 recall;

66 6) When may a recall petition be brought against an individual during his/her term; and

67 BE IT FURTHER RESOLVED that the Charter Change Committee report its findings

68 and recommendation(s) back to the City Council no later than July 12, 2010; and

69 BE IT FURTHER RESOLVED that the Charter Change Committee is requested to report

70 back to this Council by July 12, 2010.

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75 lb/kas/c: Resolutions 2010/Charter Change re Voter Recall of local elected officials before the end of their term (governance)
76 4/8/10