

Charter Change Committee
June 23, 2010
Minutes
(Approved 7/14/10)

Committee Members Present:
Councilor Paul Decelles, Chair
Councilor Mary Kehoe
Councilor Joan Shannon

Also Present: Ken Schatz, City Attorney; Mayor Bob Kiss at 6:15 p.m.

Call to order at 5:40 p.m.

1. Agenda and Minutes - Councilor Kehoe moved to approve agenda and 5/07/10 minutes. Councilor Shannon seconds the motion. Motion approved unanimously.

2. Discussion of Government Models

Mary Kehoe: Consider asking for professor assistance

Discussion of City Manager v. Mayor models of governance

Review of governance comparison spread sheet prepared by Councilor Shannon

Joan Shannon: Doesn't think CAO should be on Board of Finance (BOF) but not sure another Councilor should be either

Ken Schatz asked to provide BOF Charter Language describing role(s) of BOF at next meeting

Committee discussed summaries of other cities:

- No examples of impeachment
- Some examples of recall
- Removal of appointees—rarely addressed, but if so, removal by appointing authority
- Appointment usually for indeterminate terms, with consent of legislative body

Joan Shannon: How does a CC remove a City Mgr? We have a Mayor who makes appointments and then is accountable to the voters.

Mary Kehoe: There are numerous recall efforts going on around country

Joan Shannon: Usually not successful: can be distracting.

Joan Shannon: On reappointments: consider Council approach for initial appointment only.
Recall may open a can of worms. Shouldn't be too easy to require City to hold another election

Paul Decelles: Must be a significant percentage. What should be cause/trigger?

Mary Kehoe: Recall typically 25% of voters.

Discussion of Impeachment v. Recall

Joan Shannon: Wouldn't create recall just because voters change their minds.
Want something where malfeasance (bad intent), claim of wrong doing to allow Petition drive to start,
then require 25% of voters to bring claim to City Council; require supermajority of Council to remove 2/3)

Mayor: Supports 2 year term because involves frequent referendum by voters.
Believes we've done fine under present system since 1865.
Prefers impeachment to recall if we have to do something.
Money takes over recall process.

Mary Kehoe: So many types of models out there
Consider asking UVM to provide some information.

Joan Shannon: A lot of ways to go on BOF.
No examples of staff (i.e. appointed position) having vote on BOF.
Want more information on duties of BOF (Ken to provide).
What does BOF do and who can best serve that role?

Impeachment or Recall: Committee wants to consider something bur hasn't seen a specific model to really follow.

Paul Decelles: Focus group to discuss: public hearing or ask UVM to assist on that issue.
Perhaps VT Law School?
Prepare for March ballot

Ken Schatz asked to look into VT Law School as a resource.

Joan Shannon: Prefers hiring people for terms, rather than talking about reappointment. Should consider giving up approving reappointments; City manager/CAO controlled by Council?

Mary: Burlington has a strong Mayor form of government; appointed CAO is part of Mayor's authority.

Paul: Where should Council fit into a strong Mayor form of government?

Joan Shannon: We have both strong Mayor and strong CC form of government.

Joan Shannon: Typical relationships between CC and City ?

If something egregious occurs should Council be able to intervene in removal process?

Paul Decelles: Shouldn't look at City Mgr. models.

Joan Shannon: Shouldn't vote on reappointments.

Should be some opportunity to remove; do Dept heads have terms? Who and how can removal occur?

Mayor: Appointments of key officials important.

Joan Shannon: Don't know that all dept heads need to be political appointments.

Discussion of current system of Appointment and Reappointment of Department Heads

Joan Shannon: Does Council want to make reappointment votes on all of those reappointments?

Paul Decelles: How remove appointee who commits wrong doing?

Joan Shannon: Let's look at list of Council approvals to see which ones need to be approved by Council.

Paul Decelles: Council doesn't have its own staff so have to rely on department heads.

Discussion of Council's Role on Reappointment – futile or meaningful?

Mayor: Accountable for decision if don't follow Council.

Mary Kehoe: Mayor does need to have his own person in dept head offices.

Ken Schatz asked to provide the following:

- Regarding reappointment:
 - A. Charter language Re: Removal of dept. head (for cause)
 - B. List of appointees.
 - C. Clarify terms of dept heads.
- VLS contact re Impeachment v. Recall
- Role of BOF

Paul Decelles: November ballot off the table

Next Meeting: 07/14/2010 at 5:30 pm

Adjourn at 7:30 p.m.