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7 MARCH 1, 2011 ANNUAL CITY MEETING--
8 PROPOSED CHARTER CHANGE RE
9 MAYORAL APPOINTMENT, REAPPOINTMENT
10 AND REMOVAL OF DEPARTMENT HEADS
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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 Council Charter Change Committee has considered and hereby
18 recommends that the following question be placed on the 2011 Annual City Meeting ballot;

19 NOW, THEREFORE, BE IT RESOLVED that the following question be placed on the
20 ballot of the Annual City Meeting to be held March 1, 2011:

21 “Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further
22 amended to amend Sections 122 and 129 thereof to read as follows:

23 Sec. 122. Enumerated Delete existing language in its entirety and replace with the following:

- 24 a) The mayor shall appoint on the first Monday of June, 2011 and whenever a vacancy
25 occurs, a chief administrative officer, a city assessor, a director of the human resources
26 department, a city attorney and one or more assistant city attorneys, a city constable and a
27 second, third and fourth constable, a city engineer and surveyor, a city grand juror and
28 assistant city grand juror, a harbor master, a poundkeeper or a firm or corporation to
29 provide the services of such, a director of the community and economic development
30 office, a director of Burlington city arts, a civil defense director, a director of aviation, a
31 cemetery superintendent, an executive director of the Church Street marketplace district,
32 a general manager/superintendent of the electric department, a chief engineer of the fire
33 department, a librarian(s) of the Fletcher Free Library, a superintendent of the parks and
34 recreation department, a police chief and a superintendent/director of the public works

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department. The mayor shall also have the authority to appoint the superintendent/director of any city department which may hereafter be created by the city council.

b) The appointments of an individual to serve in any such position shall be for terms of not less than one year nor more than three years, except that in no case shall an appointment be valid for more than fifteen months following the election of a new mayor. In all cases, such appointments shall continue until their successors have been appointed and qualified.

c) The appointments of new individuals for all of the positions described in subsection (a) of this section shall require the approval of a majority of the whole number of the city council. A mayor may reappoint such individual to continue to serve without requiring approval of the city council.

d) Notwithstanding their term or the provisions of Sec. 129 of this charter, the mayor shall have the power to suspend or remove at his or her discretion individuals appointed to the positions described in subsection (a) of this section.

Sec. 129. Appointing body or person has power to remove

The city council with mayor presiding shall have power, for such causes of incapacity, negligence or bad conduct as to it shall seem sufficient, to suspend or remove from any office any city officer who may be appointed by the city council with mayor presiding and to fill all vacancies in any such office from whatever cause arising. The mayor and each board shall have

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68 like power of removal in respect to any officers who may be appointed by them, except as herein
69 otherwise provided, and provided that in case the appointment of such officer is made subject to
70 the approval of the city council or city council with mayor presiding, the removal of such officer
71 shall likewise be made subject to the approval of the city council or city council with mayor
72 presiding, as such appointment was made. Additionally, the city council may, ~~on the initiative of~~
73 ~~the mayor,~~ by an affirmative vote of at least two-thirds of its entire number, remove ~~at any time~~
74 ~~at its pleasure~~ any city officer or department head ~~it should determine is no longer effectively~~
75 ~~serving the city,~~ for such causes of misfeasance or malfeasance as to it shall seem sufficient and
76 all city officers and department heads shall take and hold office subject to this authority with the
77 exception of the superintendent of schools and planning director who may be removed by the
78 board who appointed them as otherwise provided herein.

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