

# MEMO

**TO:** Burlington City Council

**FROM:** Kenneth A. Schatz, Esq., City Attorney

**RE:** Proposed Charter Change on Composition of Board of Finance

**DATE:** October 20, 2010

I was asked to revise the Proposed Charter Change on Composition of Board of Finance to reflect the addition of another city councilor instead of a citizen member to replace the CAO position on the Board. That would mean the voting members of the board would consist of the mayor, president of the city council and three additional city councilors. Attached is a draft for your review.

It is my understanding that you want some balance of political parties on the board, but have not yet decided on the details. The attached draft is similar to the current provision in that the proposed language states: "All of the additional three members elected from the city council may not be members of the same political party." However, that means the president and two other members of the board may be of the same political party, giving that party a majority on the board.

The question for you to consider is whether you want to provide more specific balance. You may want to consider whether you want to treat independents as if they constitute a separate political party. (If so, we would need to clarify that in a proposed charter amendment.) There are numerous ways to address balance, but here are a couple of alternatives:

- Each political party, including independents, that has at least three (or four) members on the city council must have at least one representative on the board.
- At least two of the additional three members elected from the city council may not be members of the same political party as the president of the city council.

Another approach would be advisory:

- As far as possible, the city council shall attempt to select an equal number of persons from each political party, including independents.

The question of balance is a policy choice that is for you to consider and decide upon with respect to a proposed charter change.

I trust this information is responsive to your request. Please feel free to contact me if you have questions.

lb/c: KAS 2010/City Council re Charter Change on Composition of Bd. of Finance, Sec. 154