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2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): Councilors Wright,
Decelles, Hartnett
Introduced: 04/25/11
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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7 **RECALL OF LOCAL ELECTED OFFICIALS**

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12 **CITY OF BURLINGTON**

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14 In the year Two Thousand Eleven.....
15 Resolved by the City Council of the City of Burlington, as follows:

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

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

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

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

26 WHEREAS, a recall provision in the Burlington City Charter, tailored to the needs of
27 Burlingtonians, would provide an additional powerful tool to citizens for ensuring the
28 accountability of their elected officials; and

29 WHEREAS, recall is allowed for local, county and state elected officials in areas
30 throughout the nation, the most famous example being the 2003 recall of the Governor of
31 California and the most recent example being the recall in 2011 of the Mayor of Miami-Dade
32 County in Florida; and

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

35 WHEREAS, the Vermont Constitution and the General Assembly do not preempt

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40 Vermont communities from permitting voter referenda and initiatives; and

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

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

46 WHEREAS, the last Council passed a Resolution, quite similar in content to this, one
47 year ago, in which it directed its Charter Change Committee to develop a proposal addressing
48 this topic and to report back; and

49 WHEREAS, the Charter change Committee did report back but did not proffer a proposal
50 for the Council's consideration;

51 NOW, THEREFORE, BE IT RESOLVED that, in an effort to expedite matters and to
52 respond to the will of many Burlingtonians who have spoken out on wanting to vote on this
53 topic, this City Council endorses placing on the ballot at the next Annual City Meeting a question
54 proposing an amendment to the City Charter allowing for recall of local elected officials; and

55 BE IT FURTHER RESOLVED that the Charter Change Committee is directed to consider
56 the following questions: 1) To which local elected officials should the recall provision apply; 2)
57 What percent of the legal voters of the City should have to sign a recall petition before it is deemed
58 valid; 3) How soon should a recall election be held upon verification of a valid petition; 4) Should
59 approval of recall be by a simple majority or a super majority of the ballots cast in a recall
60 election; 5) What shall be the process for filling a vacancy in the office of a local elected official
61 resulting from a recall; and 6) When may a recall petition be brought against an individual
62 during his/her term; and

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

68 recommendations back to the City Council no later than the Council's meeting on May 23, 2011.

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70 lb/kas/c: Resolutions 2011/ Charter Change re Voter Recall of local elected officials before their term ends (governance) 2011
71 4/20/11

