

N O T I C E & W A R N I N G
A N N U A L C I T Y M E E T I N G

The legal voters of the City of Burlington, Vermont are hereby notified and warned to come and vote at Annual City Meeting on

Tuesday, the 2nd day of March, 2010

between 7:00 a.m. and 7:00 p.m. in their respective wards, at the voting places hereinafter named, for the purpose of electing certain city officers as follows:

WARD ONE – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD TWO – one City Councilor for one-year term, one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD THREE – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD FOUR – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD FIVE – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD SIX – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010; and in

WARD SEVEN – one City Councilor for two-year term; one School Commissioner for two-year term; one Ward Clerk for two-year term; and one Inspector of Election for three-year term, all terms beginning April 5, 2010.

Also, to vote upon four special articles being placed on the ballot by request of the City Council by Resolutions duly adopted and approved, and one special article being placed on the ballot by request of the Board of School Commissioners, and one special article being placed on the ballot by petition, said special articles being as follows:

1. APPROVAL OF SCHOOL BUDGET FOR FISCAL YEAR 2010

“Shall the voters support the School Department’s proposed \$51,932,746.00 Act 68 locally adopted budget (School General Fund Budget) for Fiscal Year 2011 for current expenses and deficit retirement?”

2. APPROVAL OF REVENUE BOND FOR BURLINGTON INTERNATIONAL AIRPORT FOR EXPANSION OF PARKING GARAGE

“Shall the City Council be authorized to issue Airport revenue bonds, to be secured by the revenues of the Burlington International Airport and not by the taxation power of the City of Burlington, in an amount not to exceed \$21,500,000.00 for the purpose of constructing capital improvements at the Burlington International Airport for the expansion of the parking structure, it being understood that the principal amount of the bonds or notes may be reduced by the receipt of federal and/or state grants.”

Total Estimated Project Cost: \$21,500,000

Estimated Airport’s Share: \$21,500,000

3. APPROVAL OF GENERAL OBLIGATION BOND FOR CAPITAL IMPROVEMENTS FOR FIRE DEPARTMENT

“Shall the City Council be authorized to issue general obligation bonds or notes in an amount not to exceed One Million Three Hundred Twenty-five Thousand and 00/100 (\$1,325,000.00) Dollars for the purpose of purchasing two fire trucks and refurbishing a third fire truck?”

Total Estimated Project Costs: \$1,325,000.00

City’s Share: \$1,325,000.00

4. REFERENDUM RE CLEAN ENERGY ASSESSMENT DISTRICT

“Shall the voters designate the City of Burlington as a Clean Energy Assessment

District so that the Burlington Electric Department may operate a program known as POWER (Property Owners Win with Efficiency and Renewables) to enable participating property owners to access funding for eligible energy efficiency and renewable energy projects and then pay back the cost as a regular municipal assessment on that property owner's property tax bill?"

**5. PROPOSED CHARTER CHANGE RE ELIMINATION OF INSTANT
RUNOFF VOTING AND MAJORITY VOTE REQUIREMENT
FOR ELECTION OF MAYOR**

“Shall Sec. 5 of the Burlington City Charter, Acts of 1949 #298 as amended be further amended as follows:

Sec. 5. Election to be by ballot; plurality required for method of election; runoff elections.

(a) The election of the mayor, all city councilors and school commissioners shall be by ballot, and the person or persons receiving a plurality of all votes cast for any office aforesaid shall, except as hereinafter provided, be declared elected thereto. However, if no person receives at least 40 percent of all votes cast for any office aforesaid, no one shall be declared elected and a runoff election shall be held. The only candidates in the runoff election shall be the two persons receiving the greater number of votes or, in case of a tie, the persons receiving the greatest number of votes or the persons receiving the second greatest number of votes. The chief administrative officer shall within seven days warn a runoff election to be held not less than 12 days nor more than 20 days after the date of the warning. The warning shall be published in a newspaper of general circulation in the city and posted in a public place. The person or persons receiving a plurality of all the votes case in a runoff election shall be declared elected.

~~(b) All elections of mayor shall be by ballot, using a system of instant runoff voting without~~

~~a separate runoff election. The chief administrative officer shall implement an instant runoff voting protocol according to these guidelines:~~

~~(1) The ballot shall give voters the option of ranking candidates in order of preference;~~

~~(2) If a candidate receives a majority (over 50 percent) of first preferences, that candidate is elected;~~

~~(3) If no candidate receives a majority of first preferences, an instant runoff retabulation shall be performed by the board of civil authority, within five business days of the election. The instant runoff retabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever continuing candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated until only two candidates remain, with the candidate then receiving the greatest number of votes being elected.~~

~~(4) The city council may adopt additional regulations consistent with this subsection to implement these standards.?"~~

6. PROPOSED CHARTER CHANGE RE: CLARIFICATION OF MAYORAL APPOINTMENT PROCESS

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Sections 116 and 127 thereof to read as follows:

Sec. 116. Duties generally.

The mayor shall be the chief executive officer of said city. The mayor shall use his or her best efforts to see that the laws and city ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The mayor shall take care that the funds of the city are properly expended, and shall recommend to the consideration of the city council

whatever measures the mayor may deem necessary for the prudent and efficient management of the affairs of the city. The mayor shall also be the chief conservator of the peace and safety of the city and as such is empowered to control and direct the police force, in case of riot, insurrection or other emergency, when the mayor may take command of the whole police force, including the chief executive thereof, and may for the occasion appoint and commission as many special policemen as the mayor may deem necessary, who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The mayor shall serve as a voting member of the local control commissioners. The mayor shall have those powers of a justice of the peace in the State of Vermont with respect to the performance of marriage and/or civil unions. The mayor, commencing on the first Monday in June 2002, shall appoint all city department heads who were heretofore appointed by city commissions, with the exception of the superintendent of schools, who shall continue to be appointed by the board of school commissioners, and planning director who shall continue to be appointed by the planning commission. Such appointments shall be subject to confirmation by a majority of the membership of the city council. The appointment by the mayor to the position of city officer or department head shall be on the basis of professional competency and/or meritorious performance relating to the duties of the position. In making department head appointments and in evaluating their performance, the mayor shall consult with the applicable city commission. At least two applicable ~~Applicable~~ commissioners chosen by the chair shall be invited to participate in interviews for department head selection; The full applicable commission shall formally participate in the annual evaluation of a department head; and shall make a formal recommendation to the mayor concerning the reappointment of a department

head. Department heads shall have such administrative, personnel and managerial authority as shall be delegated to them by the mayor.

Sec. 127. Department heads and other officers.

~~(a) On or before the first day of June 1999, and whenever a vacancy shall occur, the applicable board of commissioners shall deliver to the mayor a list of individuals who are qualified, in the commission's view, to be appointed as director of aviation, cemetery superintendent, general manager of the Burlington electric department, chief engineer of the fire department, police chief, executive director of the Church Street marketplace district, superintendent of the parks and recreation department and director of the department of public works respectively. Such list shall not contain less than two names unless there is concurrence between the commission and the mayor as to the individual to be appointed, in which case only that name may be presented to the mayor. The mayor shall appoint the department head from the list presented, such appointment to occur no later than fifteen (15) days after the list has been presented. Reappointments shall be the responsibility of the applicable commission. However, the mayor shall be regarded as a voting member of each such commission on the question of reappointments. The initial two terms of any occupant of such positions may not exceed one year in length, from and after the July 1st following the date of appointment and until a successor has been appointed and qualified. Thereafter, the reappointment may be for a term not less than one year nor more than three years in length. The mayor may remove any such officer during the term of his or her office for negligence, incapacity or bad conduct as determined by the mayor with the concurrence of the applicable commission. The mayor and the applicable commission shall be responsible annually to approve the goals and objectives of and to evaluate the performance of the above-referenced department heads.~~

—(b) All officers whose terms of office are not herein or by general law otherwise specified, shall, except as herein otherwise provided, hold their offices for the specified terms from the first day of July following their appointment, and until their successors are appointed and have qualified.?”

- * Material underlined added.
- ** Material stricken out deleted.

The following are designated as polling places, viz:

WARD ONE--Mater Christi School, 100 Mansfield Ave.
WARD TWO--H.O. Wheeler School, Archibald & Walnut Streets
WARD THREE--Lawrence Barnes School, 123 North Street
WARD FOUR--St. Mark's Youth Center, 1271 North Ave.
WARD FIVE--Burlington Electric Department, 585 Pine St.
WARD SIX--Edmunds Middle School, King & So. Union Sts.
WARD SEVEN—Robert Miller Community & Recreation Ctr, 130 Gosse Court

The polls open at 7:00 a.m. and close at 7:00 p.m.



Bob Kiss, Mayor

Publication Dates:
Burlington, Vermont

lb/kas/c: Annual Meetings/WARNING 2010 (3-02-10)
1/28/10