

Charter Change Committee
July 14, 2010
(Approved 8/18/10)

Committee Members Present:

Councilor Paul Decelles, Chair
Councilor Mary Kehoe
Councilor Joan Shannon

Also Present: Councilor William Keogh, Channel 5 Reporter, Ken Schatz, City Attorney

Call to order at 5:40 p.m.

1. Agenda & Minutes of 6/23/10
Revise 6/23 Minutes– correct attribution to Joan re statement regarding strong Mayor and City Council
Motion to approve agenda and 6/23 minutes as revised by Mary Kehoe and second by Joan Shannon
Unanimous approval.
2. Discussion of Recall/Impeachment

Discussion of use of academic consultant on recall/impeachment. Potential professors at Vt. Law School and Albany Law School. Better governance? How well do impeachment/recall address concerns? Unintended consequences. Law student project?

Joan Shannon: Need to consider taking adequate time to review and consider. Analysis of likely pros and cons of recall and/or impeachment implication for City, given Burlington political environment (government structure)
Would like to address concerns of:
Ability to remove officials when something invalid about election
Don't want minority to come forward to have revote because unhappy with outcome of election.

Paul Decelles: May want to allow minority to become majority.

Joan Shannon: Don't want simple gathering of petition signatures to allow for revote.

Mary Kehoe: Recall of governor in California for incompetence.

Joan Shannon: If official in prison, should be subject to recall.

Paul Decelles: Shouldn't citizens' concerns drive policy?

Joan Shannon: We represent those citizens.

Mary Kehoe: We could survey recall/impeachment laws.

Joan Shannon: Looking for analysis/research.

Ken Schatz asked to talk to academic people. Committee looking for report by mid-November.

3. CAO on Bd. of Finance

Ken Schatz: Summarized role of BOF.

Mary Kehoe: For the most part, BOF is advisory, actions have to be approved by City Council.
What is wrong with including CAO?

Paul Decelles: It makes more sense to have more city councilors on Board as in Portland.

Mary Kehoe: Except for contracts less than \$100,00, no real authority to make decisions.

Joan Shannon: Agree, not that pressing an issue, but all other jurisdictions don't include staff. If 3-2 vote, Council will know to look closely at matter.
Supposed to function as a first pass, provide advice from a smaller group but BOF may not have enough time. If purpose is to be straw in wind for council, better to have more councilors. If purpose is to provide better financial decisions, need more financial expertise. Consider adding financial expertise from community (appointed or elected at large), prefer appointment by City Council with Mayor Presiding.

William Keogh: Support idea of a professional person on BOF. Mayor and CAO control agenda. He's requested items that haven't been taken up. Not enough time. Time element is important. CAO should staff BOF. Still have influence.

Joan Shannon: Not bad for Mayor to control BOF agenda. President of Council can put issues on City Council agenda.

Joan Shannon: Moves that Ken Schatz draft ballot question, providing that:
CAO not serve on BOF but act as staff.
5th person – citizen (Burlington resident) with financial expertise approved by City Council with Mayor Presiding. 3 Year Terms/one term limit.

Mary Kehoe: Not sure she supports the idea. Would still be a non-elected official on BOF.

Joan Shannon: Problem is that CAO is voting on his or her own proposals.

William Keogh: Also appointed by Mayor, similar point of view.

Mary Kehoe: Seconds motion.

Unanimous approval of Motion.

4. Mayoral appointments.

Joan Shannon: Most councils don't have much authority over appointments. Usually vote once and that's it. Don't vote on reappointments.

Paul Decelles: Futile exercise to vote on reappointments if Mayor doesn't have to follow outcome.

Joan Shannon: Councilors don't have any authority to remove officials. Two-thirds majority of council should be able to address a problem. Council should have authority to initiate removal process.

Discussion of issues related to removal.

Joan Shannon: Add provision allowing City Council authority to initiate removal for incapacity, negligence or bad conduct,
require 2/3rds majority;
eliminate Council authority to approve reappointments;
consider 2 consecutive one year terms, thereafter continue to serve until new Mayor elected.

Paul Decelles: Shouldn't Mayor be allowed to remove department heads?

Mary Kehoe: If vote no on reappointment, person should be removed.

Paul Decelles: Should Mayor have authority to remove a department head without City Council approval?

Joan Shannon: Annual reappointment vote not helpful. Have ways to use bully pulpit to raise issues.

Department heads could serve at pleasure of Mayor and not for terms. City Council can remove by 2/3rds vote for bad conduct, incapacity or negligence.

Paul Decelles: What about charter provision allowing official to stay in office until successor is approved?

Joan Shannon: Mayor should be able to work out operation of office until new department head approved. Mayor and City Council need to work together.

Mary Kehoe: Onerous that Mayor has to get approval from City Council for department heads.

Joan Shannon: Concern about cronyism potential.

Ken Schatz asked to draft ballot question as proposed.

Next meeting: Wed., August 18th, 5:30 to 7:00 p.m.

Meeting adjourned at 7:08 p.m.