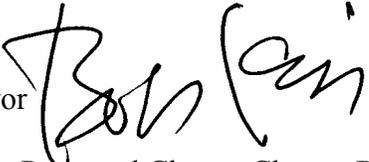


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MEMORANDUM

To: City Council
Fr: Bob Kiss, Mayor 
Re: Veto Message – Proposed Charter Change Re Mayoral Appointment, Reappointment and Removal of Department Heads
Da: October 18, 2010

Members of the City Council:

As Mayor, I am acting to veto this resolution and return it to you with the following objections. This resolution proposes a charter change that fundamentally alters the existing system for the appointment, reappointment and removal of the City's department heads, and consequently undermines appropriate and efficient government.

The proposal gives unilateral authority to the City Council to remove a department head. It will subject any department head to an undefined removal process based on the call for action by as few as just one of the Council's fourteen members. There is no formal process for removal outlined in the proposal. There is no review of the decision to remove a department head, which is based solely on the vote of the Council.

The Council should be extremely careful in recommending substantive changes in the basic framework of Burlington City government. Burlington has been a highly successful city over the last 30 years or more. It is especially unwarranted and unwise to undermine sound municipal policies, that have worked well over time, based on issues of the moment.

Our current appointment process requires both the Mayor and the Council to concur on the initial appointment of a Department Head as well as concur when facts and performance may suggest the removal of a Department Head. This arrangement of mutual agreement for the appointment and removal of Department Heads serves the City well. It ensures that both appointing authorities, each elected by the voters, share this responsibility. It also provides an important measure of security to Department Heads that both branches of City government must agree in order for removal to occur.

The Mayor is responsible for recruiting members of his or her administration in order to implement policies and to perform the work of the City. While the Council shares that responsibility to some extent at the time of initial appointment and in potential cases of removal, the Mayor is ultimately responsible and accountable to the voters for the administration team he or she recruits, recommends, supports and retains.

Giving the Council unilateral and un-reviewable authority to remove Department Heads disrupts the careful balance of responsibilities in the current Charter and establishes a contradictory line of authority in City government. It will lead to arbitrary decision-making, lessen the effectiveness of municipal operations, while encouraging unnecessary conflict between the Council and Mayor.

Unfortunately, the risk of removal of a Department Head based on issues of the moment and political disputes is high, without giving the opportunity for a Department Head or city government the time to work through difficult issues to achieve a successful solution. It is exactly in the face of significant challenges that government should act with wisdom and prudence. With this understanding, it is inconsistent to adopt a policy regarding the tenure of Department Heads that shifts power alone to the City Council.

Please contact me if you have questions about my position or would like to discuss it further. Upon careful reflection, I hope members of the Council will reconsider this change as unwarranted and vote to block its passage in favor of the current policy and practice that has served the City remarkably well over time.