



**Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall
OR REMOTELY via ZOOM**

When: Jul 22, 2024 07:30 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/91769246173?pwd=9kB3wdOcti1AeuWL3nDbwYqQeKoafz.1>

Passcode: 702594

Or One tap mobile :

+19292056099,,91769246173#,,,,*702594# US (New York)

+13017158592,,91769246173#,,,,*702594# US (Washington DC)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

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+1 719 359 4580 US

Webinar ID: 917 6924 6173

Passcode: 702594

International numbers available: <https://zoom.us/u/acVm3u0CvO>

1. Agenda

Subject

1.1. Motion to amend/adopt agenda

Meeting

July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM,
Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

1. Agenda

Department

Type

2. Adopt Minutes

Subject	2.1. Motion to amend/adopt Draft Minutes from July 18, 2024
Meeting	July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Minutes
Department	City Attorney
Type	
Recommended Action	

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

4. Deliberative Agenda

Subject	4.1. CDO - Emergency Shelters ZA-24-03
Meeting	July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Deliberative Agenda
Department	Council and Board
Type	
Recommended Action	
Subject	4.2. BCO- Ch. 30 re: Vehicle for Hire Board Composition & Requiring Vehicle for Hire Operators to Accept Electronic Payment for Fares
Meeting	July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Deliberative Agenda
Department	Council and Board
Type	
Recommended Action	
Subject	4.3. BCO - Appendix E re: Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

Meeting July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. Deliberative Agenda

Department Council and Board

Type

Recommended Action

Subject 4.4. Police Oversight Discussion

Meeting July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. Deliberative Agenda

Department Council and Board

Type

Recommended Action

5. Adjournment

Subject 5.1. Motion to adjourn

Meeting July 22, 2024 - Ordinance Committee Meeting - Monday, July 22, 2024, 7:30 PM, Hybrid - Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 5. Adjournment

Department Council and Board

Type

Recommended Action

Ordinance Committee
Thursday, July 18, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney), Charles Dillard (Interim Planning Director), Brian Pine (CEDO Director)

Public Present: Todd DeLuca, Michael Monte (Champlain Housing Trust CEO)

Public Present (Remote): Sharon Bushor, Christopher Aaron-Felker,

Meeting called to order at 10:08 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as is.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from July 1

2.01 Adopt Draft Minutes from July 1

Motion to Adopt Minutes from July 1 as written.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

3.01 Verbal Comments

Todd DeLuca, a Ward 4 resident, spoke to the graffiti ordinance, asking that the Committee allow more time for public feedback before moving forward, expressing concerns of timing, liability, and retaliation, emphasizing the importance of ensuring the Committee familiarizes themselves with the relevant history, carefully consider due process, and how the ordinance upholds the ideals of free speech and inclusivity.

Sharon Bushor informed the Committee the Zoom link to the meeting was not highlighted and asked the Committee to ensure it is highlighted going forward so as to ensure members of the public can readily access the meeting through their phones or computers. Bushor also advised

that Ordinance Committee meeting times during work hours are difficult for members of the public to attend and requested the Committee schedule some meetings for after work hours. In regards to the condo conversion ordinance, Bushor expressed support for more opportunities for home ownership but has concerns about the current proposed draft creating more houselessness, stating the initial intent of the ordinance was to protect tenants from being displaced. Bushor suggested that the condo conversion fee should not apply in cases where renters become homeowners of converted units, and that collected conversion fees should go toward a fund dedicated to providing more affordable housing.

Christopher Aaron-Felker expressed support for the Committee addressing the condo conversion ordinance as its repeal will open many options for entry-level home ownership in Burlington. Aaron-Felker echoed Bushor's request for more meetings after work hours and requested the Committee halt their work on the graffiti ordinance, stating it does not support free speech.

Public Comment closed at 10:29 PM.

4. Condo Conversion Discussion

4.01 Condo Conversion Ordinance Discussion

CEDO Director Pine shared the background of the condo conversion ordinance's adoption, stating it was drafted and adopted because the rental housing market stood to lose hundreds of rental units to condo conversions, including units with some form of federal assistance, and many renters were at risk of being displaced. Director Pine said the adoption of the condo conversion ordinance prompted the State to develop its own legislation around condo conversions, which would still be in effect if Burlington repealed its ordinance but does not offer tenants nearly as many protections. Director Pine recommended the Committee move forward with shortening the notice periods to no less than a year while keeping the conversion fee as written because the fees go to the Housing Trust Fund and help the City bolster its public resources. Director Pine also suggested the Committee look into policies adopted by other states and cities concerning renters' right of opportunity to purchase, intended to allow renters to more easily organize to buy property as a cooperative.

Michael Monte, CEO of Champlain Housing Trust, described CHT's approach and experience in converting four rental properties in the last 15 years, where CHT provided 2 years notice, provided relocation benefits to tenants, and offered alternative rental housing to protect renters from displacement, emphasizing the ordinance should reflect a similar approach. Monte added there should also be more provisions for permanent affordability and requirements for the City to create more resources to support conversions as well as tenants' relocations. Monte also stated one-bedroom converted units do not sell well. Councilor Brown McKnight asked for clarification on which units were more marketable, to which Monte replied most buyers want at least three bedrooms. Councilor Shannon noted wanting to dig into marketability issues at a future time.

Councilor Shannon requested that Director Pine and Monte submit a list of their specific concerns and recommendations to the Committee for consideration and discussion. Councilor Bergman seconded the request, expressing skepticism toward the current draft and an interest in

increasing possibilities of home ownership. Councilor Shannon emphasized the draft is probably oversimplified and was brought to the Committee to prompt discussion and advance other ideas to achieve the needs of home buyers and renters.

Councilor Brown McKnight asked Monte to provide a range of examples for the Committee to reference as case studies.

Councilor Shannon said private landlords should be included in future sessions and asked Director Pine to reach out to Eric Farrell and Stu McGowan. Director Pine agreed to reach out to them and to continue working with the Committee and Monte on this ordinance. Councilor Shannon agreed to keep Director Pine informed of when the Committee would meet on this item.

5. Trespass Ordinance Discussion

5.01 Trespass Ordinance Discussion

Attorney Sturtevant shared a draft resolution on the proposed trespass ordinance changes.

Jon Murad, Chief of Police, said he has done research into the current policy, but could not find a singular narrative as to when the City decided to prohibit officers from issuing trespass orders on behalf of people in lawful possession. He said that there is no written policy on this issue, but it has been in effect since he arrived in October 2018.

Councilor Brown McKnight asked if the City could reach out to Williston to see what policy they have on this issue.

Chief Murad said he could put the current practice into written form to share with the Committee.

Councilor Bergman asked for the Department and the City Attorney's Office to look into other models that have been put out by organizations like the ACLU.

6. Graffiti Ordinance Discussion

6.01 Graffiti Ordinance Discussion

Councilor Shannon asked who the arbiter of what is harassing or intimidating graffiti would be. Attorney Ramakrishnan clarified that the draft ordinance does not label certain speech to be hate speech, but rather increases the penalties for illegal graffiti or stickering if there is a harassing or intimidating element based on a protected class. He continued that the courts decide intent on a regular basis.

Councilor Shannon wondered if the City should reach out to the ACLU about this issue. Councilor Bergman agreed that would be a good idea. He continued that he liked the current draft ordinance and how the City does not have to bring every case as the ordinance gives private individuals harmed by harassing graffiti a chance to bring the case to court to end the illegal action.

Councilor Shannon also supported the draft language because it only applies to graffiti or stickering that is already illegal.

Councilor Bergman encouraged Todd DeLuca to submit his concerns in writing so the Committee can address each potential issue point-by-point.

Councilor Brown McKnight expressed her support for the ordinance given the rise in anti-trans, anti-gay, and anti-black graffiti.

7. Any Other Committee Business

7.01 Any Other Committee Business

The next Committee meeting is set for 7:30PM on July 22 in the Bushor Conference Room or remote.

8. Adjournment

8.01 Motion to Adjourn

The meeting was adjourned at 11:54 AM.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Licensing and Records Coordinator

DATE: June 25, 2024

SUBJECT: 06/24/24 City Council Ordinance: CDO—EMERGENCY SHELTERS ZA-24-03

Enclosed please find a copy of the ordinance that was referred to your Committee along with supporting documentation. Please keep this as part of your records.

Thank you.

CITY OF BURLINGTON

ORDINANCE 5.20

Sponsors: Planning, Planning
Commission
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

First reading: 04/24/24
Referred to: Ordinance Committee

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

CDO—EMERGENCY SHELTERS
ZA-24-03

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by deleting Section 5.4.13 Emergency Shelters, and amending Section 13.1.2 Definitions and Appendix A Use Table—All Zoning Districts, thereof to read as follows:

Sec. 5.4.13 Emergency Shelters

~~Emergency shelters shall be subject to the site and design review standards in Art 6.
In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:~~

- ~~(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;~~
- ~~(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;~~
- ~~(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the FD5 and FD6 zones;~~
- ~~(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;~~
- ~~(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,~~
- ~~(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.~~

Sec. 13.1.2 Definitions

~~Emergency Shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person. Provide shelter only overnight. For the purposes of this ordinance, emergency shelter shall be as defined in 24 V.S.A. § 4303 and subject to the limits of 24 V.S.A. § 4413.~~

Appendix A Use Table – All Zoning Districts

***For changes See attached Appendix A

- * Material stricken out deleted.
 - ** Material underlined added.
- Planning/KS/Ordinances 2024/ZA-24-03 Emergency Shelters
CDO Sections 5.4.13, 13.1.2 and Appendix A
06/24/2024

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space				Institutional	Residential					Downtown Mixed Use ¹	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use					Enterprise	
		RCO - A	RCO - RG	RCO - C	I		RL	RM	RH	RC	NMU			NAC	NAC- RC	NAC- CR	E-AE	E-LM ²⁴		
USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC <td>NAC- RC</td> <td>NAC- CR</td> <td>E-AE</td> <td>E-LM</td>	NAC- RC	NAC- CR	E-AE	E-LM			
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC <td>NAC- RC</td> <td>NAC- CR</td> <td>E-AE</td> <td>E-LM</td>	NAC- RC	NAC- CR	E-AE	E-LM			
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC <td>NAC- RC</td> <td>NAC- CR</td> <td>E-AE</td> <td>E-LM</td>	NAC- RC	NAC- CR	E-AE	E-LM			
Emergency Shelter ²⁴	N	N	N	N	NY	CUY	CUY	CUY	CU	N		CUY	CUY	CUY	CUY	N	NY			
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC <td>NAC- RC</td> <td>NAC- CR</td> <td>E-AE</td> <td>E-LM</td>	NAC- RC	NAC- CR	E-AE	E-LM			

1. – 30. As written.

31. See special use standards of Sec. 5.4.13, Emergency Shelters. Reserved

32. – 34. As written.

¹ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation Zoning District	
RCO - A	RCO - Agriculture
RCO - RG	RCO - Recreation/Greenspace
RCO - C	RCO - Conservation
I	Institutional
RL	Residential Low Intensity
RM	Residential Medium Intensity
RH	Residential High Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC - Riverside Corridor
NAC-CR	NAC - Cambrian Rise
E-AE	Enterprise - Agricultural Processing and Energy
E-LM	Enterprise - Light Manufacturing



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington City Council
Mayor Emma Mulvaney-Stanak
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Charles Dillard, Principal Planner, Office of City Planning
Meagan Tuttle, Director, Office of City Planning
DATE: June 24, 2024
RE: Proposed ZA-24-03: Emergency Shelters

Overview & Background

The city adopted emergency shelter standards into its Comprehensive Development Ordinance in December 2017. The standards included a definition, permitted and conditional use designations in the use table, and special use criteria. In July 2023, Act 47 (AKA the HOME Act) was passed into law. Among other things, the act established standards for emergency shelters that came into effect on September 1, 2023. The statutory standards include a new definition of emergency shelter and add emergency shelters to the list of uses subject to limited municipal review under VSA 24, Sec. 4413. This section limits municipal zoning review to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use. The act also expressly notes that regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

Act 47 substantially limits municipal zoning review of emergency shelters and renders moot much of the CDO standards pertaining to them. The proposed amendment seeks to bring emergency shelter standards in the CDO into alignment with the new statutory standards.

During its discussion of the amendment, the Planning Commission requested testimony from experts in the fields of emergency housing and homelessness. Sarah Russell, Special Assistant to End Homelessness for the City of Burlington, and Amy Demetrowitz, Chief Operating Officer at Champlain Housing Trust, attended the meeting. Paul Dragon, Executive Director of the Champlain Valley Office of Economic Opportunity (CVOEO) provided a written communication. In addition to amending Appendix A – Use Table to allow Emergency Shelters as-of-right in the districts where the use is currently allowed conditionally, the Planning Commission recommends allowing the use in the Institutional and Enterprise-Light Manufacturing Districts. Regarding the latter district, the adopted South End Innovation District already allows Emergency Shelters.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment brings emergency shelter standards in the CDO into compliance with the current statutory standards.

Proposed Amendment

Proposed ordinance language is below.

[Begin text amendment]

Deleted language is ~~crossed out~~ and new language is underlined in red.

Sec. 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;
- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;
- (d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;
- (e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and;
- (f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.

Sec. 13.1.2 Definitions.

Emergency Shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person. Provide shelter only overnight. For the purposes of this ordinance, emergency shelter shall be as defined in 24 V.S.A., § 4303 and subject to the limits of 24 V.S.A § 4413.

[End text amendment]

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment has minimal impact on future land use and no impact on density. It brings the city's zoning standards into compliance with the current statute as to emergency shelters. The amendment also makes Emergency Shelters an allowed use in the Institutional and Enterprise-Light Manufacturing Districts.

Impact on Safe & Affordable Housing

The proposed amendment will likely facilitate provision of emergency shelter services to communities in need of them.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, PC OC 10/5/2023	Presentation to & discussion by Commission 3/26/2024	Approved for Public Hearing 3/26/2024	Public Hearing 5/28/2024	Approved & forwarded to Council 5/28/24
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 6/24/24	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

Board of Finance and City Council Submission Checklist

Department: City Planning Submitter: Charles Dillard

Title/Subject: ZA-24-03 Emergency Shelters

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	6/24/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/17/2024	Meagan Tuttle
Mayor's Office informed and approved memo	Yes	6/17/2024	Joe Magee
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/17/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Draft Ordinance and Appendix A, forthcoming from CA Office
If for submission to Council, are sponsors identified?	Yes	Planning Commission, OCP

Board of Finance and City Council Submission Checklist

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Mayor Emma Mulvaney-Stanak
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Charles Dillard, Principal Planner, Office of City Planning
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[End text amendment]

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City Council Process				
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OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

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MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Licensing and Records Coordinator

DATE: July 16, 2024

SUBJECT: 07/15/24 City Council Ordinances (2): Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares; Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares Originating from the Patrick Leahy Burlington International Airport

Enclosed please find copies of the ordinances that were referred to your Committee with guidance to review feedback from Airport Commission. Please keep these as part of your records.

Thank you.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Updates to Chapter 30 of the Burlington Code of Ordinances to
Update to the Vehicle for Hire Board Composition; Require
Vehicle for Hire Operators to Accept Electronic Payment for Fares

ORDINANCE _____
Sponsor: Transportation, Energy, and
Utilities Committee
Public Hearing Dates: _____
First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is
amended by amending Sections 30-4 and 30-22 thereof to read as follows:

30-4 Licensing Board.

(a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members
appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The
first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed
for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years
commencing the first day of July following their appointment and continuing until their successors have been
appointed and qualified. In making appointments, the city council with mayor presiding should consider
including members of the general public who use vehicles for hire, representatives of the vehicle for hire
industry, representatives from the public safety community, and any other persons expressing an interest in
serving, but they are not required to satisfy each category of representatives when making appointments.
Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a
quorum. In the event that a quorum of members is unavailable for good cause in the assessment of the Chair
to conduct regular, monthly business of the Board, the Chair shall notify the Chair of the transportation,
energy, and utilities committee of the City Council, who may appoint any member of the committee to sit on
the Board as an alternative, voting member(s) to form a quorum until such time as a quorum of regular Board
members is attained.

(b) – (c). As written.

An Ordinance in Relation to Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

...

30-22 Pre-agreement and disclosure on rates.

(a) *As written.*

(b) *As written.*

(c) ~~Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.~~ Effective _____, all vehicles for hire, including taxicabs, shall be required to accept electronic means of payment for fares through at least two major national credit card and/or debit card carriers. Upon passage and until this requirement becomes effective, vehicles for hire that do not accept such method of payment must clearly disclose the same to passengers verbally before the passenger(s) enters the vehicle and by prominent signage displayed in the vehicle and visible from the exterior. Such signage shall be of the form as determined and approved by the Vehicle for Hire Administration Office.

(d) Except as provided elsewhere in this Chapter below, no licensee may charge a rate that has not been disclosed prior to the passengers entering the vehicle.

30-23 Taxi rides.

(a) Notwithstanding Section 30-22, vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the board.

(b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that would affect its operation.

(c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

30-24 Dynamic market pricing.

(a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride and includes a feature that requires riders to confirm that they understand such pricing will be applied in order for the ride request to be completed.

An Ordinance in Relation to Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

(b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

- * Material stricken out deleted.
- ** Material underlined added.
- *** Material highlighted as recommended by the TEUC on June 11, 2024

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

A Regulation in Relation to

stages of passage:

Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

ORDINANCE _____
Sponsor: Transportation, Energy, and
Utilities Committee
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix E, Burlington International Airport Rules and Regulations, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Chapter 1, Ground Transportation, thereof to read as follows:

Articles I-III. *As written.*

Article IV. Operations

Sub article 1. General Operations. *As written.*

Sub article 2. Taxicab and Limousine Operations

Sections 4.13-4.16 *As written.*

Section 4.17 ~~Registration and operation generally~~ Meter Use Required.

~~No bus shall be operated at the airport unless it is properly licensed with the Interstate Commerce Commission, under the control of a mass transit authority or regional transit authority and/or has received a certificate of public good from the Vermont Transportation Board.~~

(a) Notwithstanding any provision of Chapter 30 of the Code of Ordinances of the City of Burlington, all persons operating taxicabs, limousines, or vehicles for hire as that term is defined in Burlington City Ordinance Chapter 30-1, shall be required to utilize a taximeter to calculate all fares originating from the Airport queue line for rides expected to be fifty (50) miles or less in duration. Such persons are required to charge no more than the rates established and published by the Vehicle for Hire Licensing Board.

(b) This requirement shall not apply to rides that have been pre-arranged by phone, online reservation, or any method by which both the ride and the rate have been pre-arranged and pre-agreed by both the driver and passenger(s) prior to the driver entering the queue line.

An Ordinance in Relation to Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

Sub-Article 3. Buses

4.18 Registration and operation generally. ~~Filing schedules and rates of fare.~~ *As written for the previously numbered section.*

4.19 Filing schedules and rates of fare. ~~Loading and discharging of passengers.~~ *As written for the previously numbered section.*

4.20 Loading and discharging of passengers. ~~Registration and operation generally.~~ *As written for the previously numbered section.*

Sub article 4. Courtesy Carriers and Contract Carriers

4.21 Registration and operation generally. ~~Equipment, inspection and maintenance.~~ *As written for the previously numbered section.*

4.22 Equipment, inspection and maintenance. ~~Loading and discharging of passengers.~~ *As written for the previously numbered section.*

4.23 Loading and discharging of passengers. *As written for the previously numbered section.*

Articles V-VII. *As written.*

* Material underlined added.

** Material struck through deleted.

**BURLINGTON INTERNATIONAL AIRPORT
BOARD OF AIRPORT COMMISSIONERS
MINUTES OF MEETING
July 2, 2024**

DRAFT

[Hybrid meeting]

MEMBERS PRESENT: Tim George
Jeff Schulman
Helen Riehle
Greg Shepler
Chip Mason
Bryn Oakleaf

MEMBERS ABSENT: Robin Guillian

BTV STAFF PRESENT: Nic Longo, Director of Aviation
Marie Friedman, Director of Finance
Larry Lackey, Director of Engineering & Environmental Compliance
Dave Carman, Director of Aviation Operations
Jeff Bartley, Director of Innovation & Marketing
Hannah Dusablon, Executive Assistant

OTHERS PRESENT: Assistant City Attorney, Burlington Taxi Administrator,
members of the Vehicle for Hire Board, Channel 17

1.0 CALL TO ORDER

Aviation Director, Nic Longo, opened the meeting at 4 PM and facilitated election of the Aviation Commission Chair. Those attending remotely were acknowledged.

2.0 AGENDA

2.01 Approve/Adopt Agenda

MOTION by Greg Shepler, SECOND by Chip Mason, to approve the agenda as presented. VOTING: unanimous (6-0); motion carried.

2.02 Election of Chair

MOTION by Jeff Schulman, SECOND by Helen Riehle, to nominate Tim George as Chair of the Burlington Aviation Commission. There were no other nominations.
VOTING: unanimous (6-0); motion carried.

Tim George is Aviation Commission Chair and assumed facilitation of the meeting.

2.03 Election of Vice Chair

MOTION by Helen Riehle, SECOND by Chip Mason, to nominate Jeff Schulman as Vice Chair of the Burlington Aviation Commission. There were no other nominations.
VOTING: unanimous (6-0); motion carried.

Jeff Schulman is Aviation Commission Vice Chair.

3.0 PUBLIC FORUM

None.

4.0 CONSENT AGENDA

4.01 Minutes: June 5, 2024

MOTION by Jeff Schulman, SECOND by Helen Riehle, to approve the consent agenda as presented. VOTING: unanimous (6-0); motion carried.

5.0 ACTION ITEMS

5.01 Jones Payne Lease Agreement

MOTION by Jeff Schulman, SECOND by Helen Riehle, to recommend to the Board of Finance and City Council to approve the lease agreement with Jones Payne Group, Inc. for space at the airport as outlined

DISCUSSION:

- Staff explained the space leased currently and in the future to the consultant working with the airport.

VOTING: unanimous (6-0); motion carried.

5.02 Eagle Drive Paving Contract

MOTION by Helen Riehle, SECOND by Jeff Schulman, to recommend to the Board of Finance and City Council to approve the contract with ECI for roadwork on Aviation Avenue and Eagle Drive as outlined.

DISCUSSION:

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MOTION by Jeff Schulman, SECOND by Helen Riehle, to recommend to the Board of Finance and City Council to approve the contract with Hagan Associates for marketing and promotional services as outlined.

DISCUSSION:

- Staff explained the five year contract with Hagan Associates. The firm is already working with the airport.
- There was discussion of the air carrier incentive program.

VOTING: unanimous (6-0); motion carried.

6.0 TAXI ORDINANCE UPDATES

The Aviation Commission gave feedback on proposed changes to the Taxi Ordinance that included use of a taxi meter, credit card payment of fares, and having members of TEUC participate in meetings of the Vehicle for Hire Board when necessary in order to form a quorum. Feedback on the proposed changes to the ordinance included clarifying the language relative to payment of fares with cash or credit card to avoid confusion and establishing a driver incentive program, such as “Driver of the Month” recognition. The

Aviation Council was in support of the proposed changes and communicating the feedback that was provided.

7.0 CONSTRUCTION UPDATE

In addition to the written construction update provided to the Airport Commission, staff highlighted the following:

- The airport received the full timber grant (\$1.78 million) for wood elements in Project Next.
- An update on the status of grants and projects was given.

8.0 FINANCIAL UPDATE

In addition to the written financial update provided to the Airport Commission, staff highlighted the following:

- Year to date revenues are at \$24.77 million. Operating revenues are strong.
- Expenses are at \$16.17 million due to repair and maintenance projects.
- Cash account holds \$6.4 million. The airport does not owe the City any money.
- AIP receivables are \$6.66 million.

9.0 NOISE COMPATIBILITY PROGRAM UPDATE

Staff reported:

- Update of the Noise Exposure Map is on track. Information will be available to the public in the fall after the next Technical Advisory Committee meeting.
- Work continues on houses in the Residential Sound Insulation Program.

10.0 AVIATION DIRECTOR'S REPORT

Aviation Director Longo reported:

- Breeze Airlines has added a flight to Fort Myers, Florida making this the fifth destination from Burlington with Breeze.
- United to Denver service will resume in September.
- The airport participated in the recent "Touch-a-Truck" event in South Burlington.
- Airport staff gave a presentation on the airport to the Realtor Group.
- The recent incident with the hangar suppression system at the Army Guard building at the airport is being handled by the Army National Guard not the airport. Airport staff is monitoring the cleanup. The public can contact the Army Guard for more specific information on the cleanup.
- General Aviation planes are using 100 low lead fuel. There is more information on aviation fuel on the FAA website.
- A group of international delegates will be visiting the airport in July to tour airport security systems in place.
- Annual FAA inspection of the airport is upcoming in July.
- Employee appreciation night is scheduled for July 5th at the Lake Monsters baseball game.
- Scheduled seat numbers remain strong and extremely positive. There are fewer landings because larger aircraft are being used.

11.0 COMMISSIONER ITEMS

Bryn Oakleaf announced the new representative to the Aviation Commission for Winooski will begin in August.

12.0 FOLLOW UP ITEMS

None.

13.0 EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Helen Riehle, SECOND by Jeff Schulman, to find that premature public knowledge of information concerning contract negotiations regarding BTV Hotel, LLC would clearly place the City at a substantial disadvantage with such negotiations. VOTING: unanimous (6-0); motion carried.

MOTION by Jeff Schulman, SECOND by Helen Riehle, based on the finding above and pursuant to 1VSA313(a)(1)(A) to go into Executive Session to receive confidential updates on contract negotiations regarding BTV Hotel, LLC, invite airport staff to attend, and adjourn the regular meeting as no action is expected following Executive Session. VOTING: unanimous (6-0); motion carried.

Chip Mason recused himself from the Executive Session discussion.

The regular meeting was adjourned and Executive Session convened at 5:51 PM.

RScty by tape: MERiordan

Summary of Airport Commission comments:

- More clarity around 'good cause' for absent VFH member and appointment of TEUC member;
- More clarity around timing for when a TEUC member can be appointed (preference against last minute appointment due to need to prepare for hearings);
- Noted potential confusion regarding signage being required for cash only drivers during the ramp up period for requirement of credit card acceptance (unclear if there was a recommendation to either eliminate the ramp up period or eliminate the signage requirement during such period);
- Query as to how a cash only driver would be treated with respect to the queue line and whether a scenario where they are passed over for a credit card driver needs to be accounted for in the rules and regs;
- Noted suggestion about how credit card processing fees will be absorbed.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Licensing and Records Coordinator

DATE: July 16, 2024

SUBJECT: 07/15/24 City Council Ordinances (2): Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares; Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares Originating from the Patrick Leahy Burlington International Airport

Enclosed please find copies of the ordinances that were referred to your Committee with guidance to review feedback from Airport Commission. Please keep these as part of your records.

Thank you.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Updates to Chapter 30 of the Burlington Code of Ordinances to
Update to the Vehicle for Hire Board Composition; Require
Vehicle for Hire Operators to Accept Electronic Payment for Fares

ORDINANCE _____
Sponsor: Transportation, Energy, and
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Public Hearing Dates: _____
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It is hereby Ordained by the City Council of the City of Burlington as follows:

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2 amended by amending Sections 30-4 and 30-22 thereof to read as follows:

3
4 30-4 Licensing Board.

5
6 (a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members
7 appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The
8 first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed
9 for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years
10 commencing the first day of July following their appointment and continuing until their successors have been
11 appointed and qualified. In making appointments, the city council with mayor presiding should consider
12 including members of the general public who use vehicles for hire, representatives of the vehicle for hire
13 industry, representatives from the public safety community, and any other persons expressing an interest in
14 serving, but they are not required to satisfy each category of representatives when making appointments.
15 Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a
16 quorum. In the event that a quorum of members is unavailable for good cause in the assessment of the Chair
17 to conduct regular, monthly business of the Board, the Chair shall notify the Chair of the transportation,
18 energy, and utilities committee of the City Council, who may appoint any member of the committee to sit on
19 the Board as an alternative, voting member(s) to form a quorum until such time as a quorum of regular Board
20 members is attained.

21
22 (b) – (c). As written.

An Ordinance in Relation to Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

...

30-22 Pre-agreement and disclosure on rates.

(a) *As written.*

(b) *As written.*

(c) ~~Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.~~ Effective _____, all vehicles for hire, including taxicabs, shall be required to accept electronic means of payment for fares through at least two major national credit card and/or debit card carriers. Upon passage and until this requirement becomes effective, vehicles for hire that do not accept such method of payment must clearly disclose the same to passengers verbally before the passenger(s) enters the vehicle and by prominent signage displayed in the vehicle and visible from the exterior. Such signage shall be of the form as determined and approved by the Vehicle for Hire Administration Office.

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An Ordinance in Relation to Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

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- * Material stricken out deleted.
- ** Material underlined added.
- *** Material highlighted as recommended by the TEUC on June 11, 2024

CITY OF BURLINGTON

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A Regulation in Relation to

stages of passage:

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Public Hearing Dates: _____

First reading: _____

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Sub article 1. General Operations. *As written.*

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Sections 4.13-4.16 *As written.*

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4.18 Registration and operation generally. ~~Filing schedules and rates of fare.~~ *As written for the previously numbered section.*

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**BURLINGTON INTERNATIONAL AIRPORT
BOARD OF AIRPORT COMMISSIONERS
MINUTES OF MEETING
July 2, 2024**

DRAFT

[Hybrid meeting]

MEMBERS PRESENT: Tim George
Jeff Schulman
Helen Riehle
Greg Shepler
Chip Mason
Bryn Oakleaf

MEMBERS ABSENT: Robin Guillian

BTV STAFF PRESENT: Nic Longo, Director of Aviation
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1.0 CALL TO ORDER

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2.01 Approve/Adopt Agenda

MOTION by Greg Shepler, SECOND by Chip Mason, to approve the agenda as presented. VOTING: unanimous (6-0); motion carried.

2.02 Election of Chair

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Tim George is Aviation Commission Chair and assumed facilitation of the meeting.

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3.0 PUBLIC FORUM

None.

4.0 CONSENT AGENDA

4.01 Minutes: June 5, 2024

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5.0 ACTION ITEMS

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Summary of Airport Commission comments:

- More clarity around 'good cause' for absent VFH member and appointment of TEUC member;
- More clarity around timing for when a TEUC member can be appointed (preference against last minute appointment due to need to prepare for hearings);
- Noted potential confusion regarding signage being required for cash only drivers during the ramp up period for requirement of credit card acceptance (unclear if there was a recommendation to either eliminate the ramp up period or eliminate the signage requirement during such period);
- Query as to how a cash only driver would be treated with respect to the queue line and whether a scenario where they are passed over for a credit card driver needs to be accounted for in the rules and regs;
- Noted suggestion about how credit card processing fees will be absorbed.

Resolution Relating to

**CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT**

RESOLUTION 7.5.

Sponsor(s): Charter Change
Committee

Introduced: 07/15/24

Referred to: _____

Action: adopted as amended

Date: 07/15/24

Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, over the past several years, as part of its continued commitment to oversight and
2 accountability, the City Council and the Administration have continued to take steps to revise Burlington's
3 police oversight, transparency, and accountability practices; and

4 WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council
5 requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for
6 community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the
7 Police Commission, and the creation of a separate community oversight body independent from the
8 Burlington Police Department; and

9 WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met
10 fourteen times, seeking and receiving community and stakeholder input on the issues; and

11 WHEREAS, the Joint Committee voted to move forward a proposed charter change for public
12 comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City
13 Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to
14 the Police Commission for review and comment; and

15 WHEREAS, the Police Commission met over the span of three months and brought forth their
16 thoughts to the City Council prior to the proposed Charter Change being brought back up by the Charter
17 Change Committee who met substantively four times regarding police oversight between June 12, 2024 and
18 July 1, 2024; and

19 WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the
20 full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024
21 ballot and warn the language for public hearing;

* * * * *

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Approved....., 20

..... Mayor

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NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the General Election to be held on November 5, 2024 and the City Clerk to set public hearings on the this question in accordance with Charter §303 and 17 V.S.A. § 2645:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:

ARTICLE 62. POLICE DEPARTMENT

183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters and should represent the diverse nature of said city's constituents, including those from historically marginalized communities, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The city council shall make rules and regulations for the government of the entire police ~~foree-department~~ and shall fix the qualifications of applicants for positions and service on said ~~foree-department~~ and to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.

(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, ~~and the~~ chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends

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to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.

After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:

(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately notify the board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of three (3) to five (5) persons appointed per ordinance.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~foree~~department designated.

(a) The direction and control of the entire police ~~foree~~department, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~foree~~police department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~foree~~police department, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the

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charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~free~~ police department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~free-department~~ for a period not to exceed 14 days.

AND BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by §184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or by its meeting on September 23, 2024.

*Materials underlined added

**Materials stricken deleted

KS/Resolutions 2024/Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight
7/11/24

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Changes to City Charter Articles 62, 63, and 65 Regarding Police Oversight

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As amended
Adopted by the City Council

July 15....., 20 24.....

[Signature] Clerk

Approved..... July 17....., 20 27.....

[Signature] Mayor

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