

Ordinance Committee
Monday, August 5, 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)

Public Present: *None.*

Meeting called to order at 11:18 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
2.1 Adopt Draft Minutes from July 18

Motion to Adopt the Draft Minutes from July 18.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

2.2 Adopt Draft Minutes from July 22

Motion to Adopt the Draft Minutes from July 22.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum
3.1 Verbal Comments

No members of the public present in-person or online.

4. Police Oversight Ordinance Discussion (30 Minutes)

Councilor Shannon laid out the goal for the new independent panel on police oversight: “To create a committee that is trusted and perceived as fair by both the public and the police department to greatest extent possible.”

Councilors shared some important notes and ideas they received while discussing the potential membership of the panel with the public:

- Members should be from outside of the community to limit bias
- Members should be hired professionals with contracts
- Members should have a solid background in how policing works
- Members could be willing but random voters and ask to serve on panel—chosen like jurors from a pool
- Panel is a “binding” arbiter between the Chief of Police and the Police Commission so member should be agreed to by both (Councilor Bergman said the panel is not currently established in this way)
- Members could be selected from current Police Commissioners
- Members should be from the Burlington general public
- Members should represent diversity of age, economic status, gender, areas of the city, etc.
- Members should not come from a policing background
- Panel could be three hired independent arbiters and paid \$1,000 per day
- Panel members should be compensated
- Pay one individual contractor
- Panel should include representatives from the business community, crime victims, etc.
- One member could be someone from police academy who is not from Burlington
- Panel should include representation from both police and social justice groups
- One member could be a retired police officer, retired public defender, or retired criminal court judge
- One member could be the City’s HR Director
- One member should be a subject matter expert depending on the context of the allegations
- Members should be residents of the City of Burlington regardless of immigration status
- At least one person with lived experiences—houseless, mental health issues, domestic violence, people who have had interactions with criminal justice system
- Membership should include BIPOC or marginalized communities to have diversity of racial or national origin
- Membership should be inclusive of gender diversity
- Representation from Church St. Marketplace Commission

Councilors shared qualifications and disqualifications they heard from members of the public:

Potential qualifications:

- City council president
- Politically neutral/balanced

- City resident
- Registered to vote in Burlington
- Have to be fair and have history that demonstrates that they can properly demonstrate discretion
- Some members from Burlington, not all
- In depth understanding of policing
- Support policing as part of a justice system
- Do not have strong political ideologies that would drive them in one or another direction
- Live in Burlington for at least 5 years
- Understanding how important and difficult a police officer's job is
- In depth knowledge of HR practices
- People who have been in police dept., mayor's office, commissions, city employees
- Demonstrated history of working to improve Burlington
- Subject matter expert

Potential disqualification:

- Current law enforcement officials
- People who have been in police dept., mayor's office, commissions, city employees

5. Trespass Ordinance Discussion (30 Minutes)

Attorney Sturtevant explained the history of the current policy of Burlington's police officers only enforcing trespass notices but not issuing them on behalf of private property owners. She continued that the Committee could put forward a resolution asking the BPD to clearly codify their current policy so the public can understand it.

Councilor Bergman said the current system is an overreaction from historic events and the policy should change to allow BPD to issue a notice of trespass on behalf of a private property owner.

Councilor Shannon said it makes sense to draft the new policy expectations and let the BPD weigh in on the changes. Councilor Brown McKnight agreed that a policy change is necessary.

Councilor Bergman added that with this policy change there needs to be a process to ensure that our officers are only engaging in defensible and reasonable practices and not engaged in discrimination in any way. The City should be careful not to engage in discriminatory practices on behalf of private property owners.

6. Graffiti/Public Nuisance Ordinance Discussion (30 Minutes)

*Motion to recess for 10 minutes to read the letter submitted by the ACLU of Vermont.
Motion by Councilor Shannon, without objection.*

The ACLU letter is available in the agenda packet.

Motion to find that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the Committee would clearly place the City at a substantial disadvantage because the City risks disclosing such confidential information in public.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

Motion to, based on finding substantial disadvantage, the Committee enter into executive session to confer with legal counsel under of the provisions of 1 V.S.A. 313(a)(1)(F) to include Assistant City Attorneys Sturtevant and Ramakrishnan and the Committee members.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

The Committee entered executive session at 12:32 PM. The Committee left executive session at 1:02PM.

Councilor Shannon said that the Committee will invite the ACLU of Vermont to add to their analysis if they need more time.

7. Any Other Committee Business

The next Ordinance Committee meeting is set for August 14 at 11:00AM.

5. Adjournment

5.1 Motion to Adjourn

Without objection, the meeting was adjourned at 1:03 PM.