



City Council Meeting

Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor

Please click the link below to join the webinar:

<https://zoom.us/j/96070476680>

Or Telephone: +1 646 931 3860 US

Webinar ID: 960 7047 6680

****CCTV link: https://www.youtube.com/playlist?list=PLIjLFn4BZd2PwCge7INoKug676jIf_iUA ****

To participate in Public Forum in person, sign up at the meeting.

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<https://www.burlingtonvt.gov/citycouncil/publicforum>

******ONLINE closes one hour prior to the beginning of public forum******

Do not sign up in person and via Zoom - select one only

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: add to the consent agenda item 6.30. Request for Amicus Support from VLCT (per Assistant City Attorney Sturtevant per City Council President Traverse); remove from the Deliberative Agenda Item 8.3. and place it on the January 13, 2025 City Council Deliberative Agenda; remove from the Deliberative Agenda item 8.6. (per City Council President Traverse)

2. Executive Session Regarding Police Chief's Report (30 mins.)

Subject	2.1. Executive Session Regarding Police Chief's Report (30 mins.)
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Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	2. Executive Session Regarding Police Chief's Report (30 mins.)
Department	Police Department
Type	Action Procedural
Recommended Action	To find that premature general public knowledge of records relating specifically to negotiation of contracts, including collective bargaining agreements with public employees, would place the City at a substantial disadvantage in negotiations because the City risks disclosing confidential information in public. Based on the finding of substantial disadvantage, that the committee enter into executive session under the provisions of 1 V.S.A. 313(a)(1)(B), to include legal counsel, the City Council, the Mayor and her staff, the Chief Administrative Officer and/or her departmental designees.

3. Public Forum: Time Certain: 6:05 pm **See above for signup instructions**

Subject	3.1. Verbal Comments
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	3. Public Forum: Time Certain: 6:05 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

4. Mayor - General Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)

Subject	4.1. Verbal reports
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	4. Mayor - General Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)
Department	Council and Board
Type	Information

5. City Council - General Affairs (to include Climate and Public Health & Safety Emergency Updates: (up to 5 mins. per City Councilor)

Subject	5.1. Verbal reports
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor

Category	5. City Council - General Affairs (to include Climate and Public Health & Safety Emergency Updates: (up to 5 mins. per City Councilor)
Department	Council and Board
Type	Information

6. Consent Agenda

Subject	6.1. Motion to adopt the consent agenda (as amended) and take the actions indicated
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adopt the consent agenda (as amended) and take the actions indicated
Subject	6.2. Accountability List - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	6.3. October 7, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.4. October 7, 2024 Board of Civil Authority Meeting Minutes, Draft - C/T

Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.5. October 28, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.6. October 28, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.7. November 12, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.8. November 12, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.9. November 18, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.10. November 18, 2024 Board of Civil Authority Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting

Subject	6.11. November 18, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.12. November 18, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - C/T
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting
Subject	6.13. Communication: Alan Matson, Inspector of Elections, Ward 6, re: Resignation
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication, place it on file and send a letter of appreciation to Alan Marson thanking him for his time served as a Ward Six Inspector of Elections
Subject	6.14. City Of Burlington And University Of Vermont Medical Center Second Agreement To Extend 1999 Memorandum Of Understanding And Agreement
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor

Category	6. Consent Agenda
Department	Mayor's Office
Type	Action (Consent)
Recommended Action	to authorize the Mayor to sign the City of Burlington and University of Vermont Medical Center Second Agreement to Extend 1999 Memorandum of Understanding and Agreement
Subject	6.15. Reclassification request for Records Clerk position - Police
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	to approve and authorize the reclassification of the 4 (four) Records Clerk positions, Regular, Full-time, Non-Exempt, AFSME, Grade 13 positions to Regular, Full-time, Non-Exempt, AFSCME, Grade 15 positions within the Burlington Police Department
Subject	6.16. Re-classification of one position, the Recreation Assistant, in the Department of Parks, Recreation and Waterfront - BPRW
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the reclassification of the Recreation Assistant, a regular, part-time, non-exempt, AFSCME, Grade 9 position to a regular, part-time, non-exempt, AFSCME, Grade 12 position in the Department of Parks, Recreation & Waterfront
Subject	6.17. Addition of a new position: Airport Maintenance Work II at the Patrick Leahy Burlington International Airport - Airport
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to approve the addition of an additional full time Grade 14 AFSCME position in the existing "Airport Maintenance Worker II" job category within the Landslide Division at the Leahy Burlington International Airport

Subject	6.18. Request for approval to execute a Military Air National Guard Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the Vermont Air National Guard Aircraft System Drainage Improvements - Airport
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to approve and authorize the Director of Aviation to execute a Military ANG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements, upon approval by the Office of the City Attorney
Subject	6.19. Great Streets Standard Lighting Assembly Update - - DPW
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	We are respectfully requesting that the City Council approve the following motion: The City Council approves the use of the lighting assembly as shown in Figure 2 for Great Streets projects in the downtown to meet new lighting standards and further, grants the Burlington Electric Commission the authority to approve changes to the Great Streets lighting assembly that are best practice or safety updates.
Subject	6.20. Second Amendment to Work Assignment Agreement #3 with Utility Services Co., Inc. for additional scope items associated with Redstone Tank Rehabilitation - DPW - Water Resources
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)

Recommended Action	to approve and authorize Chapin Spencer, authorize Chapin Spencer, Director of the Department of Public Works, to execute the second amendment to Work Assignment Agreement #3 with Utility Services Co. Inc. for an amount not to exceed \$14,238, subject to the final review and approval of the City Attorney's Office
Subject	6.21. Tobacco License Renewal (2025-2026): Kampus Kitchen
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the 2025-2026 Tobacco License Renewal for Kampus Kitchen
Subject	6.22. Tobacco Substitute Endorsement Renewals (2025-2026): Grass Queen and Kampus Kitchen
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the 2025-2026 Tobacco Substitute Endorsement Renewals for Grass Queen and Kampus Kitchen
Subject	6.23. Water Resources FY25 Personnel Reorganization - Various - DPW - Water Resources
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	City Council Motion: 1. To approve the: ☐ Reclassification of the Wastewater Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Wastewater Facilities - a Regular, Full-time, Exempt, Non-Union, Grade 24 position. ☐ Reclassification of the Chief of North, East and Pump Stations - a Regular, Full-time, Exempt, Non- Union, Grade 20 position, to Wastewater Treatment Manager - a Regular, Full-time, Exempt, Non- Union, Grade 22 position. ☐ Reclassification of the Drinking Water Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Drinking Water Production - a Regular, Full-time, Exempt, Non- Union, Grade 24 position. ☐ Creation of a Drinking Water Production Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, position. ☐ Reclassification of the Senior Customer Care - a Regular, Full-time, Non- Exempt,

AFSCME, Grade 16 position, to Utility Billing and Customer Care Manager - a Regular, Full-time, Exempt, Non-Union, Grade 20 position.
 2. To approve and authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000.5000_910, 460-19-400-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions

Subject **6.24. License Agreement with Battery Park, LLC (DBA Beansie's Bus) - BPRW**
Meeting December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category 6. Consent Agenda
Department Parks, Recreation, & Waterfront
Type Action (Consent)
Recommended Action to approve and authorize the granting of a license to Battery Park, LLC (DBA Beansie's Bus) to occupy space in the Sherman Street extension from April 1, 2025 – December 31, 2029 for the purpose of carrying on food concession operations; and, to further authorize the Mayor to execute a license agreement with Battery Park, LLC (DBA Beansie's Bus) and all documents necessary to effect the license, subject to the final review and approval of the City Attorney's Office

Subject **6.25. City Council Initiative Fund Support of Free 2024 Highlight Buttons - BCA**
Meeting December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category 6. Consent Agenda
Department City Arts
Type Action (Consent)
Recommended Action to approve the use of \$5,000 from the City Council Initiative Fund to subsidize Highlight tickets

Subject **6.26. FY24 DPW Commission Annual Report**
Meeting December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category 6. Consent Agenda
Department Public Works Department
Type Action (Consent)
 Report
 Information
Recommended Action waive the reading, accept the report and place it on file

Subject **6.27. FIO Document**

Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Communication Information Action (Consent)
Recommended Action	for information only
Subject	6.28. Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City Of Burlington Perpetual Lease Land Interests List (Councilor Traverse)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	6.29. Resolution: Authorization To Accept U.S. Department Of Transportation Innovative Finance And Asset Concession Grant Of \$1 Million For South End Coordinated Redevelopment (Board of Finance)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	6.30. Request for Amicus Support from VLCT
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	City Attorney
Type	Action (Consent)
Recommended Action	authorize the City Attorney's Office to request VLCT Amicus support, and to work with VLCT, in the matter of 32 Intervale, LLC et al v. City of Burlington

7. Advisory Ballot Question

Subject	7.1. Resolution: March 4, 2025 Annual City Meeting -- Advisory Ballot Question Re: Pledge Of Mayor And City Council (Councilor Traverse)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	7. Advisory Ballot Question
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution

8. Deliberative Agenda

Subject	8.1. Burlington - Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Concept Approval - DPW (20 mins.)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Public Works Department
Type	Action
Recommended Action	to authorize the Director of Public Works to execute the Burlington-Winooski BF RAIZ(2), Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River and Burlington STP 5000(29) - Colchester Avenue, Riverside Avenue, and Barrett Street Intersection Base Technical Concept forms from the Vermont Agency of Transportation for design and construction of the Bridge and Intersection, and to take such other actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to implement the transactions contemplated hereby and to add onto the City's Bridge Conditions and Intersection Conditions that the design of the bridge and intersection will include attention to, and make best efforts, to create sight lines that can accommodate a left turn from Mill Street with a restriction during peak hours should that be deemed necessary
Subject	8.2. Presentation: Burlington Water Resources Capital Planning, re: Proposed March 2025 Bond Requests City Council Update December 16, 2024 (30 mins.)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Public Works Department - Water Resources
Type	Presentation
Subject	8.3. Town Meeting TV FY24 Update and FY25/Municipality's FY26 Budget Request (20 mins.) **AGENDA ITEM REMOVED**
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor

Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	requesting an annual municipal contribution in the amount as follows: • A municipal contribution in the amount of \$29,172 for general Town Meeting TV operations • \$17,530 to Town Meeting TV for production support of ongoing hybrid meeting coverage of 6 Neighborhood Planning Assemblies per month. This represents less than half of the actual cost of services. • \$42,000 to CCTV Productions for additional Burlington municipal meeting coverage
Subject	8.4. Presentation: Emergency Housing - Mayor's Office (20 mins.)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Mayor's Office
Type	Information Discussion Presentation
Subject	8.5. Public Hearing Regarding ZA-24-03 Emergency Shelters
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Planning
Type	Action Public Hearing
Recommended Action	open the Public Hearing close the Public Hearing
Subject	8.6. Ordinance: CDO--Emergency Shelters ZA-24-03 (Ordinance Committee)(10 mins.) **AGENDA ITEM REMOVED**
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Planning
Type	Action
Recommended Action	Third reading. Waive the reading and adopt the ordinance as amended by the Ordinance Committee.

Subject	8.7. Indoor Entertainment Permit Application (2024-2025): Spiral House Collective, 19 Church Street (recommended for approval at the 12/11/24 LC Meeting)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Council and Board
Type	Action
Recommended Action	approve the 2024-2025 Indoor Entertainment Permit Application for Spiral House Collective, 19 Church Street with all standard conditions

Subject	8.8. Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8, Art. VII (TEUC)(15 mins.)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Council and Board
Type	Action
Recommended Action	waive the second reading and adopt the ordinance

Subject	8.9. Police Chief's Report (40 mins.)
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Police Department
Type	Presentation

9. Committee Reports

Subject	9.1. Verbal reports
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	9. Committee Reports
Department	Council and Board
Type	Information

10. City Council President - Council Updates (up to 5 mins.)

Subject	10.1. Verbal reports
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor

Category	10. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

11. Adjournment

Subject	11.1. Motion to adjourn
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	11. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

12. Informational and Non-Discrimination Statements

Subject	12.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	December 16, 2024 - Regular City Council Meeting - Monday, December 16, 2024, 5:30 PM, Contois Auditorium, 148 Church Street, 2nd Floor
Category	12. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information



MEMORANDUM

Date: Updated December 10, 2024

To: City Council

From: Emma Mulvaney-Stanak, Mayor

Christian Berry, Interim Director of Racial Equity, Inclusion, and Belonging

Phet Keomanyvanh, former Interim Director of Racial Equity, Inclusion, and Belonging

Re: History and Status of REIB Department, 2020 City Council Resolutions on Racial Justice, and City Anti-Bias Work

History of the REIB Department

The City of Burlington has a long-standing commitment to combating institutional and structural racism, as well as ethnic-based discrimination. In 2000, the City Council adopted the Legacy Action Plan, which outlines Burlington's vision for 2030 and serves as a blueprint for improving the City's economic, environmental, social, and cultural health for future generations. This plan resulted from the collaboration of hundreds of individuals who came together to create a shared vision for Burlington's future.

In May 2010, during the Legacy Plan Town Meeting, grassroots community leaders highlighted the urgent need to address diversity and racial equity within the Legacy Plan. Following this discussion, the Legacy Plan committee added Diversity & Equity as a new sector.

In the months after the Town Meeting, a group of stakeholders focused on racial equity, known as the Diversity and Equity Subcommittee, established goals and strategies to achieve racial equity in Burlington. On May 11, 2011, Wanda Hines, the Social Equity Director for the City of Burlington, organized a Unity Retreat with 50 stakeholders, including community leaders, New Americans, and minority business owners. They recognized the need for a strategic plan to address racial disparities in the City.

Just over a year later, on July 16, 2012, the Burlington City Council unanimously passed a resolution to create a Diversity, Equity, and Inclusion Committee. This committee was tasked with developing a strategic plan to address racial and ethnic disparities in the greater Burlington area. This effort would also encourage city leadership to consider forming a commission to support implementing this work.

Mayor Weinberger appointed twelve individuals to the Ad Hoc Committee, which analyzed information from various community outreach efforts documenting barriers to services and opportunities for communities of color. New engagement initiatives confirmed previous findings from the Legacy Project. On September 20, 2013, Mayor Weinberger issued a Request for Proposals to complete the City's Diversity & Equity Strategic Plan, which the Ad Hoc Committee initiated. Seeking input from an external party was aimed at gaining a fresh perspective and expertise to effectively eliminate race- and ethnicity-based disparities in the City's practices.

On October 24, 2013, the City awarded the contract to the Vermont Partnership for Fairness & Diversity to complete the Strategic Plan, with the agreement dated November 13, 2013. In late December 2013, the Office of the Mayor gathered feedback from senior leadership on a draft of the strategic plan and held a working session for additional comments on January 7, 2014. The City of Burlington introduced its Diversity and Equity Strategic Plan in March 2014, shared it with the City Council on June 12, 2014, and it was formally adopted on October 20, 2014. This plan emerged from a collaborative partnership involving community members, committees, and institutions, with the mission of institutionalizing inclusion, equity, and justice. Those listed below, contributed their time, energy, and expertise in the creation of the City of Burlington's Diversity & Equity Strategic Plan of March 2014.

Luis Calderin, Hal Colston, Wanda Hines, Michael Moser, Judy Scott, Denise Lamoureux, Tom Charbonneau, Kyle Dodson, Adna Karabegovic, David Hartnett, Susan Leonard, Shelly Mathias, Sara Martinez de Osaba, Dwayne Mellis, Peter Owens, Rachel Siegel, Kesha Ram Hinsdale, Daniello Garma Balon, Dr. Curtiss Reid, Dr. Mary M. Gannon, and Malii Brown of the Vermont Partnership for Fairness & Diversity and City of Burlington employees.

In February 2019, the first Equity Report was presented to the City Council by Brian Lowe, Interim Chief Innovation Officer, and Carolyn Felix, BTVSTAT Analyst. By June 2019, the City Council passed a resolution to create a Senior Position aimed at advancing the City's work on Diversity, Equity, and Inclusion, leading to the establishment of a standing Diversity, Equity, and Inclusion Committee. By September 2019, the City Council adopted a resolution to create the position of Diversity, Equity, and Inclusion Director. Tyeastia Green was appointed as the City's first Director of Racial Equity, Inclusion, and Belonging (REIB) in February 2020, and the City's second annual equity report was distributed to local election sites in March 2020.

In July 2020, Mayor Weinberger, Mark Hughes with the Vermont Racial Justice Alliance, and over 30 community organizations joined to declare Racism a Public Health Emergency. In August 2020, the City Council adopted a resolution introduced by Councilor Hightower to establish a Task Force to study a proposal for reparations and to consider a city apology for the institution of slavery. By the fall of 2020, the REIB Department expanded beyond a single Director by hiring two Public Policy and Research Analysts. Between February 2021 and December 2021, the Office of Racial Equity, Inclusion, and Belonging added an additional fifteen (15) staff. After Director Green's resignation in February 2022, Phet Keomanyvanh was appointed as the Interim Director in March 2022, where she served until Kim Carson was appointed in November 2022. Under the leadership of Director Carson, the REIB staff continued the work begun under Director Green. This work included but was not limited to:

- The continuation of the Food Insecurity Program, which was part of the ongoing Eight-Point Plan to protect BIPOC Communities and ensured a racially just recovery by providing over \$90,000 in food aid to support over 500 households.
- The Cannabis Retail Policy, which was an interdepartmental collaboration with the Business and Workforce Development Office, to serve as advisors to City Council members on the City's cannabis retail policy.
- Continuation of the Reparations Task Force, with the aim of conducting a reparations study in Burlington.
- Hosting the 2nd annual Juneteenth Celebration, which brought the community together and welcomed local and national talent to continue building Burlington's legacy of commemorating Juneteenth and uplifting its Black community.

- Providing equity-based education and training opportunities for over 400 City of Burlington employees

In November 2024, Interim Director Keomanyvanh stepped down. Mayor Mulvaney-Stanak appointed Christian Berry to be REIB's new interim Director. The next section of this memo discusses the work of the REIB during its inaugural years and up to the present.

REIB Department Work

Examining REIB's strategic impact and refocusing the vision for a sustainable future - This summer, REIB staff including Interim Director, Phet Keomanyvanh, Communications and Community Engagement Manager, Christian Berry, and Community and Belonging Program Manager, Katie Greene, Mayor Emma Mulvaney-Stanak, and staff from the Mayor's Office worked collaboratively to assess the department's first five years of work and impact within city government and our community. We discussed how to refocus the department to increase impact by clarifying the vision and mission and creating a sustainable workplan for the department. As part of the Mayor Mulvaney-Stanak's core commitment to equity, inclusion, and robust community engagement, we took these internal conversations to the community to engage in dialogue about REIB's vision and mission over several weeks to seven locations throughout the City. These conversations were also an opportunity to update the community on the status of our work, which is summarized in this memo. REIB staff shared initial findings and recommendations with Mayor Mulvaney-Stanak in late November 2024 and will present final findings and recommendations to the City Council REIB Committee in December 2024.

Language Access Policy - REIB continues to work with Community and Economic Development Office (CEDO)'s Assistant Director of Sustainability, Housing and Economic Development, Gillian Nanton, and Human Resources' Talent, Development & Diversity Manager, Vanessa Santos Eugenio to ensure the City's robust language access policy enables all individuals, regardless of language proficiency, to have access to information, services, and opportunities within City government.

CEDO, HR, and REIB are currently developing a three-year assessment for City departments with the goal to improve language access services and identify training opportunities. REIB and CEDO developed and presented a Language Access Policy on September 30, 2024, to the Human Resources Committee for their consideration to adopt the policy in the City Personnel Policy Manual. The HR Committee was in favor of the policy and will put it on their agenda for a vote.

Language access is also critical to the City's work to address our community safety challenges. Translating public safety information and reporting mechanisms can significantly improve public education, access to services, and safety responses. REIB will work with city departments to ensure the City's educational materials such as the Downtown Safety and Security Guide are translated in multiple languages and that reporting tools like See Click Fix are more accessible.

Equity Index Map – REIB is continuing the work with Planning Director, Charles Dillard and the Office of City Planning to create a scalable Equity Index Map that overlays Census demographic data onto City project data. This tool will inform the City's resource allocations and investments for more equitable outcomes and wellbeing across City neighborhoods. The goal is for more focused allocation of capital funding in neighborhoods with historically lower investments. The Equity Index Map was awarded funding under the Safe Streets for All Federal Transportation grant in December of 2023, and is currently in the planning agreement stage with the funder.

This project is expected to start in December of 2024 and has four implementation stages: defining indicators, survey design, community engagement, and creation of the equity index map. This will be a multi-year project with an expected completion date by the end of 2026.

Department Equity Training – In 2021-2022 REIB Training Facilitators provided eight DEI bias trainings to over 700 City employees including the Burlington Police Department (BPD), along with City Council and Board/Commission members. There were four Training Facilitators whose positions were created as limited-service positions that went until 2023. Mohamed Jafar, one of the four trainers recalls “I felt proud to be a part of these trainings that served as educational sessions to bring colleagues together to look at inequalities to have conversations about race, how to interact and show up for one another. The trainings were intentional in addressing systemic racism and white supremacy culture.” Since then, REIB’s Project Managers have provided two DEI trainings and ongoing equity consultation for individual departments to inform projects such as the PlanBTV Walk Bike Action Plan, Champlain Parkway, BPRW’s Equity in Community Gardens, BCA’s Art Selection Matrix, and CEDO’s Language Access module for HR’s NeoGov Training. In addition to REIB’s trainings and consultation, HR provides the annually required anti-discrimination training to all employees. REIB is currently in discussion with HR to develop additional DEI trainings for staff to support hiring and retention and to promote an inclusive work culture.

Empowerment Fund - In response to the ongoing hardships related to the extensive economic and social impacts resulting from the COVID-19 pandemic and recession, Director Green conceived the Empowerment Grant Program to ensure communities of color had access to and received a targeted and equitable share of economic relief and recovery resources. The Empowerment Grant Program recognizes that BIPOC entrepreneurs have fewer financial resources to start or sustain a business and that BIPOC communities need economic assistance as a result of systemic inequities based on socioeconomic status, historical injustice, and race and ethnicity. The primary objective of the Empowerment Grant Program is to support Burlington residents, small business owners, and organizations to encourage innovation, economic growth, and positive changes in the environment, as well as, to foster greater community engagement.

Funding will continue through June 30, 2025. Thus far, the fund has given out \$380,000.00 and supports new initiatives and economic advancement efforts to support Black and Brown Burlingtonians and other marginalized groups. Past recipients include but are not limited to: the Association of Africans Living in Vermont (AALV); King Street Youth Center; nuwave BX Experience, a flagship celebration of Vermont’s Black lived experience and an addition to Burlington’s observation of Black History Month ; Caroline Fund, providing free legal service for low income and marginalized communities; Village Hydroponics, a program that grows year round immigrant culturally relevant crops in shipping containers; Clemmons Farm; CVOEO flood relief for refugee farmers; ONE Farmer’s Market flood relief voucher program; VT Council on World Affairs BIPOC Scholarships; and New American Advisory Council. The Empowerment Fund application process is low barrier and equitable, providing guidelines for funding and a scoring rubric for the public. Translation/interpreter service and technical supports are also offered to help people navigate the application process. There are two rounds of applications for funding. The first was in October 2024 and second in February 2025. The October round of applications opened October 1st. The application deadline for the first round is November 4th, 2024. Learn more about the [Empowerment Fund here](#).

Juneteenth – Juneteenth was first celebrated on June 19, 1866, in Galveston, Texas when freed black people organized the first anniversary of being informed of their freedom. Since then, this celebration has spread across the nation becoming a federal holiday in 2021. Before the City of Burlington recognized Juneteenth, this celebration was taking place in Vermont for many years and was organized by Pastor Roy Hill who has been a community organizer and who has decided his life to championing racial justice and inclusion across our

community. The first official City of Burlington Juneteenth was led by REIB Director, Tyeastia Green, in 2021 with citywide celebrations in different neighborhoods. This celebration served free food that honored the cookout feel of freedom, resilience, and joy. REIB has contracted with OKAY!! OKAY!! Marketing and Creative for the last three Juneteenth celebrations to help with programming, marketing, and event delivery. OKAY!! OKAY!! has been an instrumental partner in our last three Juneteenth celebrations in Burlington. In planning for Juneteenth 2025, REIB will work with other City departments, including BCA and the Clerk Treasurer's Office, to determine budget, scale, timeline, staffing, and contracting needs to produce a successful event. Given a Citywide budget gap leading into FY25, the city needs to leverage in-house event expertise and resources to increase efficiency and reduce cost. REIB receives many requests to fund cultural events. It is important that the City recognize the diversity in our community when exploring how to support the promotion and celebration of holidays and cultural observances across the City.

Embrace and Belonging Monument

In the summer of 2021, following the 2020 social justice uprisings and racial reckoning, then-Director Green, championed a public art project that would become a landmark for the community, creating a permanent physical monument to inspire change. This permanent artwork would replace the temporary "Black Lives Matter" mural on Main Street.

Collaborating with Burlington City Arts (BCA) and Burlington Parks, Recreation, and Waterfront (BPRW), REIB identified Dewey Park as an ideal location, due to it being a well-travelled, central location in the Old North End, but having no existing public art. This location would ensure visibility to a broad scope of community members, particularly Burlington's youth.

That same year, REIB partnered with BCA to issue a call to artists, support the selection process, and manage the implementation process. The selection panel, comprised of community members in Burlington, representatives from the neighborhood, the ONE Farmers Market, students engaged with REIB, and others selected Humanity Memorial, led by renowned sculptor [Ai Qiu Hopen](#), and their design *Embrace and Belonging*.

The monument, which uses the imagery of two entwined symbols inspired by Sankofa birds, their heads turning past one another and embracing, is intended to evoke a societal impetus to reflect on our shared history. This work will center conversations around belonging, racial equity, and affinity. The sculpture is a vector to tell the stories past, present, and future of the Old North End and greater Burlington community.

City Council REIB Committee and Reparations Taskforce

REIB continues to provide staff support for the REIB Committee of the City Council as well as the Reparations Taskforce. Taskforce members have included REIB Directors: Tyeastia Green (2020-2021), Kim Carson (2022-2024), Interim REIB Director Phet Keomanyvanh (2021-2022, 2024), Hal Colston (2020-2021), Roy Hill (2022-), Rebecca Zietlow (2020-2023), Christine Hughes (2020-), and Pablo Bose (2020-).

The City Council REIB Committee, currently chaired by Councilor Melo Grant, meets on the third Tuesday of each month on topics related to diversity, equity, and inclusion. The committee's charge is to support REIB's work and promote a more inclusive and equitable City culture. The Reparations Taskforce was created by an August 2020 City Council resolution to study reparations, consider a proposal for reparations, and consider a city apology for the role that Burlington played in chattel slavery. The enabling resolution directed a report to be made no later than one year after the first meeting of the Task force in November 2020. To date, the Task Force has met 20 times since this memo. A report with the Taskforce's

recommendations was presented to the City Council REIB Committee on October 15th, 2024. The Taskforce is working to schedule a presentation of its final recommendations to the City Council.

The 2020 Racial Justice through Economic and Criminal Justice Resolution

In 2020, Councilors Hightower, Hanson, Stromberg, Freeman, and Pine introduced [a resolution relating to Racial Justice through Economic and Criminal Justice](#). The resolution committed the city to advancing several racial justice efforts. Since then, though REIB has seen a lot of changes in both leadership and resources, the work in the 2020 Racial Justice resolution continues. The commitments laid out in the resolution and current status of that work is detailed below.

Racism as Public Health Emergency– The resolution called for the City to declare racism a citywide health crisis. On July 16, 2020, Burlington declared racism a public health emergency. During the pandemic, REIB hired Marielle Matthews, Public Health Equity Manager and Nyla Ruiz, Health Equity & Engagement Manager, to work on COVID-19 public education and resource delivery systems with a focus on supporting marginalized communities. The expansion of public health staff from zero to two was a milestone in the development of the City’s public health efforts, bringing greater capacity and innovation to address community health needs. Marielle Matthews one of the Public Health Managers shares the accomplishments the REIB’s public health team. “It was the first time there was City representation on Community Health Needs Assessment (CHNA) committee. The team helped in the coordination of BIPOC household vaccination clinics, bringing attention to crucial social determinants of health. There was coordination with the City of Winooski and Vermont Department Health collectively moving coordinated services and language access to communities. The public health team advocated on creating a new Covid-19 vaccination eligibility category that is race conscious, a policy that was eventually adopted by the Governor. Monitoring of Covid-19 viral load in wastewater was created and public health grants for vaccination outreach were given out, first of its kind. The team collaboration on community survey tool to understand broader community needs and supported community partners to secure grants.”

Understanding racism as a public health emergency informs the City’s current community safety work, as well as our efforts to improve our safety response systems through better integration of our public health and public safety apparatuses. We recognize that part of this effort means learning from past health-related work of the REIB and doing better to improve access to health and safety services for BIPOC community members.

One area of special concern is around youth safety, especially given that some involved in violent behavior are Black and Brown youth, including youth with immigrant or refugee backgrounds. We also know those who cause harm to have often been the victims of harm, and so our approach to youth safety must ensure our response is culturally responsive, trauma-informed, and includes a restorative approach. Developing anti-violence interruption strategies with youth and their families means understanding and addressing gaps and disparate impacts, such as the need for more mental health services for youth, especially for mental health professionals who share similar racial or immigrant identities; identifying gaps in economic opportunities for youth and their families; supporting families in meeting their basic needs; and expanding youth programming opportunities starting at younger ages. The Mayor’s Office is engaged with the Burlington Youth Collaborative to better understand citywide efforts to address the ongoing and emerging youth safety issues, and improving health and safety outcomes for youth is a top priority of the Mayor’s Administration and our Senior Advisor for Community Safety, Ingrid Jonas. The Mayor’s Office is working to create a new Public Health Policy Analyst position to expand our response from substance use to a broader perspective. This position will incorporate elements from prior REIB public health positions.

Reinvestment of City Resources – The 2020 Racial Justice Resolution called for the reallocation of general fund dollars from the reduction, through attrition, of sworn officer numbers toward social services and social, racial, and economic justice initiatives. This included a community-based cultural empowerment center, a capital access program, minority-owned business municipal procurement program, and operational capacity for REIB staffing.

- **Community Cultural Empowerment Center** - REIB continues to work with community centers and groups to sponsor cultural events and programs. Some partners REIB has supported through funding are the Richard Kemp Center, BX Experience, Greater Burlington Multi-Cultural Center, Congolese, Somali, and the Tibetan Associations.
- **Capital Access Program** – The capital access funding program is the Empowerment Fund. This fund has granted out \$380,000 to organizations, businesses, and individuals that are elevating and empowering black and brown community efforts. This funding has gone out to support Black History Month, MLK Day, free legal aid for marginalized communities, immigrant and refugee children’s programs, and culturally and sustainable food growing programs.
- **Minority-Owned business municipal procurement program and other economic justice initiatives** – REIB hired Phet Keomanyvanh as the Economic Analyst in 2022 to work with the Clerk Treasurer’s Office to develop a minority-owned procurement program. Due to leadership and staffing changes, this work was put on hold though it continues to be discussed. The current administration is advancing this initiative by requiring the City to develop a list of minority-owned potential contractors to notify of City RFPs **in conjunction with recent updates to the City Procurement Policy**

The Business and Workforce Development Office (BWD), led by Director Kara Alnasrawi, offers the Micro Enterprise Technical Assistance Program to support businesses with marketing business start-up, business growth, finding space, and trainings. In FY24, BWD provided in-depth assistance to 29 businesses. 52% of these businesses identified as BIPOC-owned businesses, and 80% of beneficiaries identified as low to moderate income (under 80% of median income).

BWD’s Will Clavelle (Assistant Director, Business Development) and Johanna Schneider (Small Business Support Specialist) also launched two revolving loan fund programs in 2023 whose primary objective was to support locally owned businesses and industries that were impacted or disproportionately impacted by COVID-19, with particular focus on BIPOC, women-owned, and other underserved businesses. To date, these funds have supported 24 local businesses with 0% interest loans. As of October 1st, 2024, \$430,030 in loans have been disbursed. 63% of loan recipients are BIPOC and 55% are women-owned businesses.

Both BWD programs are no-interest and Sharia law compliant. The funding for these programs was originally from ARPA, but the programs are perpetual as this is a fund replenished from loan repayments.

In the summer of 2024, BWD also launched the Food Cart Incubator Program, a pilot program that supported three BIPOC food vendors with a food cart and spot on Church Street. Each summer on Saturdays around City Hall Park, BWD and BCA’s BTV Market also hosts a diverse group of over 100 local vendors from artists, makers, and artisans. The BTV Market has focused on recruiting more BIPOC vendors over the years. In 2022 the BTV Market was comprised of 27% of BIPOC vendors and saw an increase in 2023 to 28% and in 2024 to 29%.

Finally, in May 2023, the City Council approved the installation of a Kiosk in City Hall Park that was part of the original park design. This project was made possible by ARPA Infrastructure Investment funding. Lead by CEDO, a City Hall Park Kiosk selection committee was formed to review request for proposals for Kiosk design. Himalayan D'Lite was chosen to run the Kiosk and is a local family- and minority-owned business. They opened on August 14th, 2024, with a grand opening ribbon cutting and provided sample dishes to the public.

- **Operational capacity for REIB** – The City of Burlington created the Office of Racial Equity, Inclusion, and Belonging (REIB) in 2019 and hired Tyeastia Green, its first full-time staff member and Director in March 2020. Amidst nationwide protests in defense of Black Lives and the uneven impacts of the COVID-19 pandemic on BIPOC communities, the City allocated \$1M to the Racial Justice Fund of the City's FY21 annual budget (though did not list a funding source). The REIB department budget for FY22 was \$1.7M, although final expenditures were approximately \$2M. In FY23 the department had a \$1.8M budget of which \$1.2M came from ARPA funds. The Weinberger administration proposed a plan for FY24 to spend an additional \$800K of ARPA for REIB as a transition strategy to identify alternative funding sources for the department, including an [Equity Tax](#). In the end, the Weinberger administration decided to forego the Equity Tax and REIB remained ARPA-funded. REIB's FY25 budget is smaller than previous years but Mayor Mulvaney-Stanak specifically directed REIB to be funded by the General Fund, a move away from being funded by one-time monies. For more detailed information on the budget of REIB, see a break down at the end of this memo.

School Resource Officer Change – The 2020 Racial Justice resolution also called for the termination of the MOU between Burlington School District and the Police Department by the end of the 2020-2021 school year and a review of the duties and functions of an SRO so the role can be performed by a professional other than a police officer. In July 2020, the Burlington Board of School Commissioners commissioned a Task Force to review the Burlington School District's MOU with the Burlington Police Department. The Task Force completed their charge and made a series of recommendations to Superintendent Tom Flannagan in February 2021. The Superintendent in turn made a recommendation to the School Board, to accept the recommendations of the Task Force, which the School Board approved. These recommendations asked to reduce the SRO program from two officers to one and asked for the officer to support all schools and not be stationed at one school. It also asked for the funding from the second position to be reallocated to a position for restorative practices. At this point, the BPD informed the BSD that they could not fund any SRO positions due to staffing challenges. Since 2021, the BSD has not had SROs.

Education and Training for City Employees – The resolution called for trainings and events that explore systemic oppression, with one of many being a training on systemic racism for all City staff, including employees in the criminal justice system. The status of REIB's employee training work is summarized above.

Reparations Task Force – The resolution called for the establishment of a Taskforce, which was further detailed in another resolution passed in August 2020. A summary of the Taskforce's work is above.

Police Commission and Charter Changes – The 2020 resolution also called for the Police Commission to have access to all complaints about sworn officers and the Council's Public Safety Committee to have access to public complaints. It also called for City Council to review and propose amendments to the City

Charter's police discipline and use of force process. The Commission has access to all complaints about sworn officers. Council-approved City Charter amendments went to voters in November 2024 to create more community oversight of the police department by granting the Police Commission more oversight authority and creating an independent panel to review misconduct. Voters supported this measure with 62% of the vote and now the item goes to the Vermont legislature for their consideration. As mentioned in a [July 16, 2024 Seven Days article](#), this is the third effort to enshrine greater police oversight in the city charter since 2020.

Changes to Police Union Contract – The resolution called on the City to negotiate certain provisions related to use of force, stronger disciplinary measures, and full transparency on the proceedings of brutal or excessive use of force within the next police union contract process. The [current police BPOA contract](#) with the City was finalized in June 2022 and expires on June 30, 2025. The contract included the following relevant new or revised clauses:

- **New:** A person shall be ineligible for appointment as a sworn member of the Burlington Police Department if they were previously terminated for disciplinary reasons from any commissioned or recruit/probationary position with a law enforcement agency.
- **Amended/Strengthened:** Mid-level and Higher-level infractions may result in disciplinary actions such as: written reprimand, reassignment, demotion, unpaid suspension or forfeiture of pay, dismissal. Generally, lower-level infractions, absent aggravating circumstances, result in non-disciplinary actions as noted above.
- **Amended/Strengthened:** Entries in performance files may be used for progressive discipline are maintained for a maximum of two (2) years from the date of entry. Those are generally non-disciplinary matters such as short notations of verbal counseling or training; performance plans; letters of counseling or coaching; or other non-disciplinary documents. Absent additional discipline being imposed during the time frames noted below, the following timelines are established for relevance in establishing progressive retaining records of discipline: Letters of reprimand and any other discipline short of suspension are relevant and maintained in personnel files for a maximum of two (2) years from the date of the initiation of any internal inquiry of the event/conduct. Disciplinary actions resulting in a suspension are relevant and maintained in personnel files for a maximum of four years from the date of the initiation of any internal inquiry of the event/conduct.

Bargaining preparation for the next round of bargaining is already underway within the City, and bargaining is expected to formally begin in January 2025.

Financial Review of 2023

In the spring of 2023, the Weinberger administration conducted a financial review of the REIB department, which was released on July 7th. The memo made seven recommendations for follow-up:

1. Ensure Board of Finance is aware in advance of budgets for events as part of annual budgeting process and well before any events happen.
2. Hold annual trainings on City's purchasing policy.
3. Strengthen City's existing Conflict of Interest policy as part of purchasing policy.
4. Create robust waste, fraud, and abuse policy.
5. Create policy regarding when out-of-town vendors are allowed to have lodging and travel expenses paid for by the City.

6. Formalize requirements regarding registration for vendors and contractors who work with City.
7. Reinforce policy ensuring contracts are executed by a person with sufficient level of authority to do so.

The first recommendation has been fully implemented; the second and third recommendations will be fully implemented by end of December 2024; the policy in the fourth recommendation was created and sits with the HR Committee for final approval; and the remaining policies are in progress.

On August 14, 2023, the City Council passed a [motion](#) related to the financial review which tasked the HR committee to “move to refer materials posted under this item as supporting documents to the HR committee to considering full impact of this report on our city, Tyeastia Green, Casey Ellerby, and their families. Additionally, refer these materials to the HR committee to establish a process for independent evaluation and oversight of hiring and retention policies and solutions employed by the City of Burlington to combat anti-BIPOC and gender-based discrimination practices.”

The items from this motion were taken up at the [Oct 4, 2023 HR Committee Meeting](#). In executive session, the committee discussed the first part of the motion and received legal advice not to discuss confidential personnel matters in open session. HR Director Kerin Durfee proposed that the Talent and Training Manager make a presentation on the City’s hiring practices and that the committee work with the HR director to propose a policy on evaluation, supervision, and onboarding for Department Heads.

REIB Budget: Current and Past

FY25 Budget (July 1st, 2024 – June 30th, 2025) - 100% General Fund

Staff, Personnel, Benefits (four full-time staff)	\$487,118.00
Operating and Office supplies	\$28,450.00
Professional and Consultant Services	\$20,000.00
Racism as a Public Health Emergency	\$20,000.00
Community Celebrations	\$70,000.00
Empowerment Fund	\$90,000.00
Total FY25 Budget	\$715,568.00

FY24 Budget (July 1st, 2023 – June 30th, 2024) 48% ARPA Funds, 52% General Fund

Staff, Personnel, Benefits	\$997,818.00
Operating and office supplies	\$61,500.00
Professional and Consultant Services	\$180,000.00
Travel and Training	\$30,000.00
Community Celebrations	\$190,000.00
Empowerment Fund	\$190,000.00
Racism as a Public Health Emergency	\$50,000.00
Total FY24 Budget	\$1,699,318.00

FY23 Budget (July 1, 2022nd – June 30th, 2023) 66% ARPA Funds, 34% General Fund

Staff, Personnel, Benefits	\$1,149,034.00
Operating and Office Supplies	\$10,000.00
Professional and Consultant Services	\$184,758.00
Travel and Training	\$20,000.00
Community Celebrations	\$180,000.00
Empowerment Fund	\$190,000.00
Racism as a Public Health Emergency	\$50,000.00
Total FY23 Budget	\$1,822,813

Next Steps in the City's Work to Address Bias and Discrimination

The REIB will continue its strategic planning and re-envisioning work started in June and will incorporate community feedback from its engagement sessions, which concludes in December. The City's goals are to better integrate equity work across all City departments, find a sustainable path forward that also allows REIB to increase its impact, and help ensure city policies and practices are equity informed. This work will also inform the work and priorities of the permanently funded REIB positions within City.

The Mulvaney-Stanak administration will continue to focus on its three priorities: community safety, housing, and climate sustainability. Each one of these priorities, and all administration decisions and policies, will be informed by the Administration's core values: Equity and Inclusion, Affordability, Community Engagement, and Good Governance.

The Mayor has worked with each Department Head on their own equity and inclusion goals, as well as, on their effort to further the Administration's equity goals. This was part of the newly established annual goal setting and performance review process, in which all Department Heads were specifically asked about their equity goals, as well as, being asked to review their department's demographics and to demonstrate a commitment to equity and inclusion.

The Mayor sees equity work as the charge of every City leader *and* we also need dedicated staff within REIB to strategically advise other departments and advance programmatic equity work. As a way of example, here are a few department head goals:

- HR will work alongside REIB to improve our recruitment and retention strategies to diversify our workforce in every City department. Each department head reflected on racial and gender identity demographic information of their department's workforce with the Mayor, reflected on trends, and discussed ways to intentionally improve diversity with the help of HR and REIB. This annual assessment will be part of the annual goal setting process with the Mayor.
- DWP, BCA, Parks, BED will work with Clerk Treasurer's Office to create stronger and consistent citywide affordability measures for lower income people using city services, including renters.
- Planning and REIB will work to expand the use of the Equity Index Tool alongside REIB and Data Team to inform decision making for major projects.
- The Clerk Treasurers office will expand all resident voting and language access education efforts for City elections.

- The Police Department will establish a language access plan for the department that includes interpretative services for members of the public when requested and ensure the department and ECC dispatchers are trained in utilizing these services; and
- REIB will serve as an equity advisor to other departments on the creation of new initiatives or projects and develop an equity matrix tool to be used in supporting City employees in understanding disparate impact on marginalized community members.

The Administration will work to identify and implement policy changes that allow the City to better respond to hate speech and bias incidents and to protect and meet the needs of victims of those actions. City Attorney Jessica Brown recently began work to develop anti-bias and discrimination prevention training for elected and appointed boards and commissions using the Vermont legislative policy and procedures process as a model. This is an outgrowth of continued examples of a need for training and a complaint process to support more inclusive and safe places to serve as elected and appointed leaders in our community.



Office of Mayor Emma Mulvaney-Stanak

149 CHURCH STREET • BURLINGTON, VT 05401 • (802) 865-7272

MEMORANDUM

Date: December 16, 2024
To: Burlington City Council
From: Mayor Emma Mulvaney-Stanak
Re: Statement on December 9 Council Action on Graffiti Ordinance Amendment

The City Council debated a more comprehensive amendment to our Code of Ordinances at its December 9, 2024 meeting, yet passed a very narrow amendment for my consideration. This memo is intended to remind the Council of the history and purpose of this policy effort and offer my clear disappointment in the Council's failure to pass the more meaningful and comprehensive amendment that was before you.

On March 13, 2023, the City Council unanimously adopted a resolution directing the Ordinance Committee to consider changes to the City's graffiti ordinance in order to address defacement of public property that includes messages that are hateful or harmful. The resolution grew out of community concern for repeated hate-motivated speech being displayed in numerous parts of the New North End and Old North End on public signs, in and around city parks, and near schools. The City struggled to enforce repeated graffiti due to limited capacity and the Mayor and Council at the time sought more solutions to prevent hate-based harm from occurring. The community worked in good faith with the Council for many months leading up to the March 2023 resolution and for months afterward to find better solutions to make our city safer and more responsive to acts of hate.

When I began as Mayor in April 2024, the City had not found effective solutions for holding people accountable for the repeated harmful graffiti still taking place in our community or significant ways to make the city safer against acts of hate. I asked our City Attorney's Office to work with the Ordinance Committee to do a significant legal review to find better legal options for responding to hate-motivated violations, and they recommended enhancing our Code of Ordinances to include a private right of action for hate-motivated Ordinance violations, as allowed by our Charter. The Committee took this proposal and included it in a proposed amendment to the City Council on October 23, 2024. Assistant City Attorney Erik Ramakrishnan's [November 12, 2024 memo to the Council](#) summarizes the three changes to the City's Code of Ordinances §§ 1-9 & 21-29: 1) clarifying that defacement of public property is a public nuisance, 2) creating a private right to action for individuals impacted by defacement that is malicious and intended to intimidate or harass a person based on a protected class, and 3) creating an electronic means within the City to report a violation of the ordinance.

The Council declined to adopt the fully amended ordinance by eliminating the private right to action and only advancing a small technical clarification on nuisance and the creation of an email for electronic reporting. Let me be clear, without the private right to action, the amended ordinance does very little to advance the Council's directive from 2023 to address the defacement of public property with hateful

intent. Creating a safer community includes proactively and diligently moving forward legal tools that allow people to feel and be safer. Members of our transgender and LGBTQ+ community have repeatedly told City leaders for years they do not feel safe with the ongoing hateful graffiti. At a time when we are under resourced in our ability to offer more enforcement of graffiti and do more as a City to support those are harmed, we should be enabling more tools for individuals to take legal action if harmed.

As the first out LGBTQ+ person to serve as Mayor of Burlington, I am compelled to remind allies in our community that this is a moment to step forward. There are countless examples in Vermont history when allies stepped forward because it was the right thing to do to support marginalized people in our state – the fight for civil unions and then marriage equality, all-resident voting, gender affirming health care protections – all knowing that litigation may be part of the process for creating laws that affirm and protect these members of our community. And yet, policy makers still proceeded. The court system is part of our legal process and plays the important role of clarifying and interpreting legislation and affirming important policy especially related to those who have historically not been protected by local, state or federal laws.

The ordinance ultimately adopted by Council provided no other solutions to protect our trans and LGBTQ+ community members or others who hold marginalized identities who may be the targets of hate-based graffiti. Instead, a majority of the Council chose to study this further despite years of work on this issue to date. Justice delayed is justice denied.

I ask you to consider - who do we inadvertently protect when we choose not to act as leaders and who do we harm? I call on the City Council to reconsider their action on December 9 and enable a private right of action to exist in our Code of Ordinances for matters related to hate-motivated violations.

CITY COUNCIL ACCOUNTABILITY LIST

This list is a working document. It is a record of resolutions, ordinances, communications that have come to the Council and there is an action requested.

Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator

12/12/2024

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March 2023 meeting. No further action taken
2	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington	refer the communication to TEUC for further review	TEUC Item was taken up at the March 2023 meeting. No further action taken
3	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia	City Council will work in collaboration with community members and organizations and the City administration to develop a plan for ongoing activities to support and amplify the voices of the LGBTQIA+ community; City Council urges Burlington’s state legislative delegation to look at current state hate crime statute to look to extend protections for schools and organizations that advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes, examine Burlington’s graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and harmful messages.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution. UPDATE: Work is being done in the Legislature, a former resident created a physical Burlington trans pride flag to fly in front of City Hall in recognition of Trans Day of Visibility; the flag will fly the flag from March 15 - April 15 to celebrate Trans Day of Visibility and reboot the Trans People Belong campaign.
4	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department	The City Council requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burlington CARES	A report was to come to Public Safety in late 2023. UPDATE: this was presented to the Public Safety Committee as per the resolution in March 2024, report to the full Council in April 2024.
5	7/24/2023	Resolution: The Climate Emergency and the Council Request to Count Vermont Air National Guard GHG Emissions and to Plan to Eliminate VTANG Aviation and Ground GHG Emissions in the Spirit of the City's 2030 Net Zero Goals	requests that the Vermont Air Force National Guard Adjutant General, beginning for the year 2023, calculate aviation and ground fuel usage at the VTANG base and to annually provide BTV Director and TEUC with a complete record of the calculated aviation and ground greenhouse gas emission; for VTANG to work collaboratively to draft a plan to adopt simulation and augmented reality training to substantially reduce or eliminate GHG with initial meeting on or before 12/31/23 and follow up at TUEC's March 2024 meeting	Initial meeting of the parties by 12/31/2023; UPDATE: parties met at March TEUC meeting
6	3/11/2024	City of Burlington, VT 2021-2023 Dog Task Force	To refer the recommendations of the 2021-2023 Dog Task Force Report to the following Committees, Commissions, and Departments for further review, study, and recommended action, and to request that such bodies report back to the full Council with their findings by the first Council meeting of September, 2024: Recommendation regarding updates and additions to Chapter 5 and Chapter 22 of the Burlington Code of Ordinances to the Ordinance Committee, with Council recommendation to engage the Clerk Treasurer’s Office and Parks, Recreation, and Waterfront Department regarding sharing of license revenues; and Recommendation regarding additional Animal Control staffing and improvements to include animal related concerns to the online police report system to the Public Safety Committee and Police Commission for concurrent review; and Recommendation regarding creation of additional off-leash areas to the Parks Commission; and Recommendation regarding standing up an Education Campaign with respect to licensing requirements to the Clerk Treasurer’s Office; and, best practices for animal ownership in the City to the Police Department and the Parks, Recreation, and Waterfront Department	first council meeting in September 2024
7	5/6/2024	Resolution Relating to The Relationship Between City Officials And The Neighborhood Planning Assemblies	to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Officials & the NPA to the Community Development and Neighborhood Revitalization Committee for further review and recommended action	no later than September 2024
8	5/20/2024	Resolution: A Building Emissions Reduction Ordinance	referred to TEUC	TEUC refer any working draft BERO and any related ballot language to the Ordinance Committee no later than the last City Council meeting in October of 2024
9	6/3/2024	Resolution: Review and Update To Rental Weatherization Standards	TEUC to hold one or two meetings to eaxmine implementation of the Rental Weatherization Standards and identify any reasons for delay in achieving the energy audtis and weatherization work required by Ordinance to take place	no later than October 1, 2024, TEUC shall provide the full Council an update on its findings and make any policy update recommendations to the Ordinance Committee

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 7, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser (via Zoom)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles
Mary Danko

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:09 PM.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 6.22 ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) – Ward Two City Councilor Gene Bergman;**
- **Remove from the Deliberative Agenda item 7.1 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon);**

- **Remove from the Deliberative Agenda item 7.3 Proposed Ordinance Amending Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement – C/T (per Mayor Mulvaney-Stanak).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: DARREN SPRINGER, GENERAL MANAGER, BED, RE: BED COMMERCIAL NEGOTIATION (VERBAL) **EXPECTED EXECUTIVE SESSION 6:00 PM – 6:25 PM**

2.1. Communication: Darren Springer, General Manager, BED, re: BED Commercial Negotiation (verbal) **expected executive session**
City Attorney Brown said that the discussion will be about commercial real estate negotiations between BED and private parties and that the City would be at a substantial disadvantage in negotiations and would risk disclosing confidential information if this was held in public session.

MOTION by Councilor Doherty, SECOND by Councilor Broderick, that the Council find that premature general public knowledge of commercial real estate negotiations between the Burlington Electric Department and private parties would clearly place the City at a substantial disadvantage in the negotiations because the City risks disclosing confidential information in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, that based on the finding of substantial disadvantage, the Council enter into executive session under the provisions of 1 V.S.A. 313(a)(1)(A) and 1 V.S.A. 313(a)(2) to include legal counsel, the City Council, the Mayor and her staff, the Chief Administrative Officer and/or her departmental designees, and BED General Manager Springer.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM (CITY AFFAIRS ONLY): TIME CERTAIN: 6:30 PM

3.1. Verbal Comments
Forum opened at 6:37 PM.

COMMENTS:

Burlington residents (in person):

- Colin Palmer spoke about the past year of violence and the death toll in Palestine. He also spoke about the deaths in the south due to Hurricane Helene, as well as racist behavior by the Council and City.
- Grace Ahmed spoke about anti-Semitism in Burlington's schools and that she has had to pull her children out of school as a result. She also spoke about the treatment of Tyeastia Green, and encouraged the City to go into mediation with her to make things right.
- Ferene Paris spoke about uplifting and centering Black women. She spoke about actions taken by the City against Tyeastia Green and the REIB department in 2022. She said that it is intentional that these things are not being talked about.
- Kiah Morris said she does not feel safe watching the only Black woman on City Council repeatedly be silenced and censured by white leadership on the Council, not does she feel safe when the City Council votes down a resolution pertaining to a ceasefire in Gaza. She said she does not feel safe when the REIB department is defunded, and the Police Department is slated for expansion. She said she does not feel safe when former director Tyeastia Green is defamed by the City.

- Todd Deluca spoke about potentially unsafe living conditions at 300 Lake Street and asked the City to look into it.
- Romeo van Hermann expressed support for the deliberative agenda item around a modern police facility. He said that a facility must meet the expectations of public safety and offer a safe space to conduct the work of law enforcement.
- Tyler Pastorak spoke about how devastating it is that this progressive administration built trust with Black women during its campaign and is now turning its back on them. He said that the current public safety approach is not prioritizing those most subjected to harm and danger, but is prioritizing the wealthy and business-owners, and treating the most vulnerable as the threat itself.
- Faried said that the City staffed for two years after promising residents of Sears Lane some basic necessities like running toilets and garbage disposal. He said that instead, volunteers went into the encampment to clean it up and begin constructing mini homes, as well as attempt to turn the unsanctioned encampment into a sanctioned one. He said that they had neared completion of the first mini home when the police showed up and dismantled it. He noted that former director Green was the only City department head who stood with the Sears Lane residents.
- Jane McDougal expressed concern about the police station proposal and asked whether the City will build a new one or modify the old one. She said that there isn't enough space to modify it.

Burlington residents (via Zoom):

- Sharon Bushor spoke to the agenda item related to the police facility, saying that every employee is entitled to a safe and good work environment. She expressed concern about cost for renovations for the police facility, especially given that the fire station on Memorial Block will need to be relocated. She said that both public safety facilities need to be taken into account in these discussions.

Non-Burlington residents (in person):

- Opeyemi Parham spoke about the institutional racism she has experienced in her medical career and the similarities to what is happening to former director Tyeastia Green. She said that mediation is always better than attorneys and lawyers.
- Shawn Morrissey spoke about how former director Green continues to be harmed by the silence and inaction of this administration. He said that the City has the power to repair the many harms against Tyeastia and to protect Black people in this community, but that the continued actions are nothing more than anti-Blackness and hate.
- Alexis Kelly said that the City should consider mediation with former director Tyeastia Green.
- Reverend Karen Johnston spoke about how she has felt very welcomed into the community, but said that this is unfortunately due to her whiteness. She said that what is happening to former director Green is bad and she urged the Council to seek mediation.
- Sister Sankofa said that racial equity, inclusion, and belonging work is still ongoing, despite being moved to temporary funding in the City. She said that citizens will not allow the City of Burlington to go back to business as usual and will stand in solidarity with former director Tyeastia Green.
- Kathleen Voight Walsh noted that the challenges that BIPOC women experience shorten their lives and that white lives are not shortened this way. She said that white people do not need to be afraid and that it is time to listen to the Black women and vulnerable people in the community. She said that there is a lot to learn from these people, who have suffered for generations and continue to suffer because white people are afraid.
- Lydia Diamond spoke in support of former director Tyeastia Green. She said that Black women don't want to fight, but want to be respected. She said former director Green should receive reparations for her treatment.

Forum closed at 7:14 PM.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that with the hurricanes hitting the South, mutual aid has been sent from the City's Fire, Police, and Electric departments to the communities impacted by the storms. She provided a brief staffing update, noting that the City is in the final round of the hiring process for its planning director, and should be wrapping up in the next several weeks. She also noted that the City Attorney's Office is working to hire another assistant city attorney to fully staff the office. She further noted that there is a temporary special assistant position on overdose prevention centers, to help the City successfully open the overdose prevention center. She said that all 18 department heads have finished goal-setting for this year, including reviewing core expectations of every department head, ensuring that their goals meet the Mayor's three primary goals on community safety, housing, and climate, as well as the values of equity and inclusion, affordability, good governance, and robust community engagement.

Mayor Mulvaney-Stanak then spoke about a number of public safety items. She spoke about the police facility agenda item, noting that it fits into the larger conversation about redevelopment of the Memorial Block and that the City has been engaged with developers around advancing a more flexible, comprehensive strategy around the City's facility needs. She then spoke about the unsheltered crisis and the failure of the State to address the known growing numbers of households being exited from the motel program. She said the City has very few options to help these people, and she urged the Council to sign onto a letter urging the governor to reverse this decision to end the motel program, and that this letter also articulates the disproportionate impact this emergency has had on the City of Burlington. She noted the convening of a late-night public safety task force to determine what the City's public safety needs are at night, such as late-night mental health resources. She spoke about the Burlington Youth Collaborative and its efforts to identify programming that will help prevent the involvement of youth in street violence.

Mayor Mulvaney-Stanak then spoke about several budget and finance items. She noted that at the end of August the City held a budget summit, to address how the City will handle its budget planning differently starting with the FY26 budget. She noted the roll-out of the City's budget dashboard, which is available to the public, and she encouraged people to review it on the City's website. She said that at that summit they also discussed equitable and participatory budgeting practices, with the hope that the community will be engaged in future to help set financial priorities and needs. She spoke about a modern gov initiative, informed in part by the operational efficiency study conducted this past year, to help right-size the government and determine what services to prioritize. She noted that there will be a labor management advisory committee to help map out the phases of this work, in order to ensure that employees feel engaged in the process.

Mayor Mulvaney-Stanak then spoke about the Racial Equity, Inclusion, and Belonging Office. She said that when she became Mayor, she worked with staff in this office to look into the Department's work over the last five years, the unfinished items from the 2020 resolutions, understanding the best and most impactful actions can be done as a City government, and how to move the work forward in a way that is sustainable. She noted that the REIB positions are funded by the General Fund and are not reliant on one-time funding. She noted that there will be a report on how the City has used empowerment funds and reinvested dollars, as well as an outstanding report from the reparations task force. She emphasized that equity work must go beyond the REIB department and needs to be a full commitment from every leader and department head in the City. She shared examples of equity work in City departments.

Mayor Mulvaney-Stanak ended by speaking about the City's legislative agenda and priorities for the next legislative session. She said that it has been reviewed by the State delegation and that she plans to bring it forward to the Council at its October 28th meeting. She said that she would like these priorities to be affirmed or approved so that they can have them in place for whoever is elected to represent Burlington, as well as hire a lobbyist to make sure that the City's interests in Montpelier are well-positioned.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Grant strongly recommended that Burlington residents watch the July 18, 2024 Public Safety Committee meeting, to watch the recruitment presentation from the Police Department's team, as well as a presentation from the Fire Department on two upcoming initiatives called Prevent and CityLink. She said that the last Public Safety Committee meeting occurred on September 19 and included a detailed update from Fire Chief LaChance on needed repairs at the central fire station, fleet repair issues, data on response to possible and actual overdoses, and a detailed plan for recruiting lateral transfers within the Fire Department. She also spoke about the monthly report-out from Police Chief Murad. She noted that the next Public Safety Committee meeting is scheduled for October 17. She noted that it will include discussion on a program the Fire Department is launching called Burlington Community Connect. She finally noted that she attended the UVM Community Coalition Meeting, which is a group of employees of UVM, UVM students and representatives from their Student Government Association, and community residents from Wards 1 and 8. She said that she suggested that UVM hold a community safety forum for students, because students rarely attend forums held in Contois Auditorium.

Councilor Bergman spoke about a CATMA conference being held in South Burlington next week, which will include workshops and presentations on Transportation Demand Management, the public transit funding crisis, and a legislative panel. He also noted that the Renewable Energy Vermont Conference will be held two days after that in the same location, which has a major focus on workforce development and thermal energy networks. He also spoke about an item on the consent agenda around a graffiti-to-mural project in the Old North End.

Councilor Shannon spoke about a letter received from the Burlington Police Officers' Association regarding recruiting for the Police Department. He said that the letter was written by an officer who worked at the Police Academy and interviewed recruits about potentially applying in Burlington and why they were or were not considering it after graduating. He said that recruits were reluctant to apply to work at BPD due to lack of support from politicians and the community and that surrounding communities have a proven track record of support from town managers and community members. She said the letter goes on to propose solutions, including fixing the optics that officers are not supported among politicians.

City Council President Traverse provided brief context for the removal of agenda item 7.1 regarding the police facility. He said the intention behind the resolution was threefold—to ensure that review of a new public safety facility isn't limited to the lens of the Memorial Block pre-development agreement, but to look at the needs for both the fire and police stations, to ensure that the Council has a seat at the table in these discussions, and to ensure a commitment to hearing further updates at the Council with regards to progress in this area. He noted that the Mayor has committed to coming back before the Council by the end of the year to provide an update on the ongoing process.

6. CONSENT AGENDA

6.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

6.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

6.3 Communication: C/T, re: July 15, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.4 Communication: C/T, re: July 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.5 Communication: C/T, re: July 15, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.6 Communication: C/T, re: August 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.7 Communication: C/T, re: August 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.8 Communication: C/T, re: August 12, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.9 Communication: C/T, re: August 15, 2024 First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.10 Communication: C/T, re: August 22, 2024 Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.11 Communication: C/T, re: August 22, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.12 Communication: C/T, re: September 9, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.13 Communication: C/T, re: September 9, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.14 Communication: C/T, re: September 9, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.15 Communication: C/T, re: September 23, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.16 Communication: C/T, re: September 23, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.17 Communication: C/T, re: September 23, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 28, 2024 Regular City Council Meeting.

6.18 Communication: Ashton MacKenzie, re: Adopt Neighborhood Code Without New Restriction On Building Height - waive the communication and place it on file.

6.19 Creation of two (2) new positions - Library/HR - approve the 1. Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFCSME, Grade 15 position in the Fletcher Free Library; and 2. Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFCSME, Grade 14, position in the Fletcher Free Library.

6.20 FIO Documents - for information only.

6.21 Resolution: Appointment of Acting Ward Eight Ward Clerk And Acting Inspectors Of Election For Wards Three And Eight For November 5th, 2024 General Election And Special City Election (Councilor Traverse) - waive the reading and adopt the resolution.

6.22 ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) - Ward Two City Councilor Gene Bergman - This request is for \$5,500 from the City Council's Initiative Fund to cover the cost of the Clark Derbes's leadership of the community paint day and Muralist Hom Phadham mural.

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.22.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon) ****AGENDA ITEM REMOVED****
No discussion.

7.2 Creation of a Library Outreach Specialist Position and approval for a contract with Howard Center, Inc. – Library
Director Danko began by noting that the Library is open to everyone and is a cornerstone of democracy, and as such, library staff strive to have a welcoming environment. She noted that the Library is one of three places downtown to offer public bathrooms, including City Hall and City Hall Park. She noted that the Library has certain rules of behavior and that breaking them entails trespassing. She noted that the Library must be in balance and must be welcoming to everyone. She noted that one of the rules in ordinance is that the Library is a substance-free institution and that individuals cannot have drugs or drug paraphernalia on them in the library or they will be trespassed. She noted that the Library is now working hard on collaborating with various city departments, and is looking to collaborate with the Howard Center on the initiative and item on tonight's agenda.

Director Danko noted that the idea of bringing an outreach specialist into the library has been implemented by other municipalities successfully, including San Francisco, Chicago, Vancouver, Denver, Georgetown, and Hoboken. She said that the bulk of this position's work would be to ensure that warm hand-offs to other agencies and services is occurring for individuals who need them. She said that this would also be a resource for the whole community. She said that because this is through the Howard Center, the position would have support from the Howard Center through supervision and peer support. She noted that this will be funded for the first year partly by the Mayor's Office and partly through a private donor through the Friends of the Fletcher Free Library.

Councilor Litwin said he is hopeful that the City is moving toward an overdose prevention center operating in the City, and asked if the library envisions an off-ramp or transition of this position to a different space. He also noted that many of the examples cited that provide these services have library budgets that far exceed those of Burlington. He asked whether this position is sustainable for a City as small as Burlington. Director Danko replied that they have seen this implemented in smaller systems as well as larger ones, and that in the larger ones, this service is going out to the smaller branch libraries as well. She said that this is a one-year pilot program and that they are trying to keep an open mind during the pilot. Councilor Litwin said he would be looking for ways to support the City's institutions while also being fiscally prudent.

Councilor Doherty spoke about an experience he had at the library while an individual was going through a crisis and was given support by library staff and security in a compassionate, kind, and effective way. He noted that this type of action is not one that is considered traditional for library staff. He asked what the expectations would be of this outreach specialist on a day-to-day basis. Director Danko spoke about the nuanced situations that occur at the library on a daily basis. She noted that when someone is having a crisis, it could be related to a mental health issue, an addiction issue, or another type of issue. She said that she hopes that the person in this position is better trained and equipped than the library staff to determine the drivers of that erratic behavior and provide assistance more quickly and effectively.

Councilor Broderick expressed support for this position. He asked whether this position would be a Howard Center employee or a City employee. Director Danko replied that the City would be contracting with the Howard Center to have an employee embedded at the library.

Councilor Broderick asked what kind of support the Howard Center would be offering this position. Director Danko replied that the position would be in the library for 37.5 hours per week and that they will have supervision from the Howard Center as well as support from the library team.

Councilor McKnight asked how this role will improve the library experience for lifelong learners. Director Danko said that the library is a microcosm of the community and the way that they approach the sadness that they see in the library is something that everyone can work through together. She said that she hopes this position will be another front-line employee to help manage the different situations that arise in the library on a day-to-day basis.

Councilor Neubieser expressed support for this position and for the library's efforts.

Councilor Bergman expressed support for this item and also said that he hopes it is not just a one-year pilot. He noted that the issues that are being dealt with are deep-seated, complex, and long-term.

Councilor Carpenter noted for the public that the library is reorganizing security services and bringing them in-house.

Councilor Litwin asked about evaluation plans and metrics to determine how the pilot fared, over the course of the year. Director Danko replied that they have a draft set of metrics based on their conversation with the Hoboken library staff.

MOTION by Councilor Broderick, SECOND by Councilor Barlow, to approve and authorize Mary Danko, Director of the Fletcher Free Library, to execute a contract and any related documents needed to carry out said contract with Howard Center, Inc., for a 12 month contract of Library Outreach Specialist services for the Fletcher Free Library for \$103,210.08 for which the City will be responsible for \$78,210.08 and with \$25,000 being supplied by the Friends of the Fletcher Free Library and to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney's Office and to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25. Councilor Litwin made a friendly amendment to also require that Director Danko establish metrics by which the position will be evaluated and report back to the City Council on those metrics and the outcomes of the evaluation of this position prior to the end of the first contract term.

VOTING: unanimous; motion carries.

7.3 Proposed Ordinance Amending Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement – C/T **AGENDA ITEM REMOVED**
No discussion.

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Barlow said the Transportation, Energy, and Utilities Committee will meet on October 22 at 5:30 PM to discuss the building emission reduction ordinance resolution, including hearing additional feedback from key stakeholders and discussing next steps.

Councilor Bergman said the Charter Change Committee will soon have a proposal that will likely come back to the City Council related to redistricting and not requiring a charter change in addition to voter approval for it. He said that the committee is also waiting for an item from

the Community Development and Neighborhood Revitalization (CDNR) Committee on rent hike notice. He said the committee is also intending to do research into Councilor compensation.

Councilor Grant noted that the Racial Equity, Inclusion, and Belonging Committee will meet on October 15 to discuss the work being done by the reparations task force, as well as hosting community forums on the vision and mission redesign of the Department. She said those will occur on October 9 at 5:00 PM, October 19 at 3:00 PM, and October 24 at 5:00 PM. She also noted that the Public Safety Committee will next meet on October 17. She said they will work to address some of the concerns raised in the letter from BPOA. She said the City and Police Department needs a strategic plan to highlight the support that officers receive from City leadership and the community. She said she would like to see more participation from the Police Department itself. She suggested that others on the Council also submit commendations to highlight meaningful positive experiences with the Police Department. She also suggested that the Police Department develop and implement a strategic social media plan.

Councilor Neubieser noted that the CDNR Committee will meet on October 16 at 6:30 PM to discuss a resolution to require notice for rent hikes.

Councilor Carpenter spoke about the Human Resources Committee using 360 evaluations to implement those.

Councilor Shannon noted that the Ordinance Committee voted out the graffiti ordinance and included a request that the Administration work on a plan for enforcement. She said that they are also working on the condo ordinance, the trespass ordinance, and the emergency shelter ordinance. She noted that they are still planning on working on the dog task force report and Neighborhood Code work, but that they have had to prioritize other items this year so far.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. ADJOURNMENT

10.1 Motion to Adjourn

The meeting adjourned at 8:48 PM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CITY HALL , CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 7, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser (via Zoom)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles

1. CALL TO ORDER and AGENDA

City Council President Traverse called the meeting to order at 8:33 PM.

1.1 Motion to amend/adopt agenda

MOTION by Councilor McKnight, SECOND by Councilor Broderick, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated

2.2 Resolution: Appointment of Assistant Election Officials for November 5th, 2024 General Election And Special City Election (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to Adjourn

The meeting was adjourned without objection at 8:34 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 28, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom)
Sarah E Carpenter
Mark Barlow
Gene Bergman (via Zoom)
Ben Traverse
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg
Michael LaChance
Charles Dillard
Sarah Morgan
Chapin Spencer
Corey Mims

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:06 PM.

MOTION by Councilor Neubieser, SECOND by Councilor McKnight, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 8.37: Resolution: March 4, 2025 Annual City Meeting—Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change);**
- **Add to the deliberative agenda item 9.11: Ordinance: POLICE Composition of Independent Panel (Ordinance Committee).**

- **Remove from the deliberative agenda item 9.11 (per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. EXECUTIVE SESSION

2.1. Potential Litigation – City Attorney’s Office

City Attorney Brown said the matter for discussion involves potential or pending litigation involving the City.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, that the Council find that premature general public knowledge of legal advice and information concerning the details of “pending and/or potential” litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, that based upon that finding, the Council and City Attorney go into executive session to receive confidential attorney-client communications, 1 V.S.A. §313(a)(1)(F), in a pending civil litigation matter, 1 V.S.A. §(313)(a)(1)(E), to include the City Attorney’s Office, Mayor, Mayor’s staff, and Chief Administrative Officer Schad.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:11 PM.

The City Council exited executive session at 6:40 PM.

3. PUBLIC FORUM: TIME CERTAIN: 6:20 PM

3.1. Verbal Comments

Forum opened at 6:40 PM.

COMMENTS:

Burlington residents (in person):

- Troy Headrick spoke to the pending discussion regarding Tyeastia Green’s severance request. He said that her request for severance is appropriate and said that the anger surrounding this issue is valid and a natural response, given the complexity of the issue. He spoke about how quickly Black women are subjected to unfair scrutiny and are often dismissed when they speak up. He said the Council should lead by example, with accountability, fairness, and equity.
- Todd Deluca spoke about the graffiti ordinance, saying it won’t do much to reduce the amount of graffiti in the City. He said that the ordinance covers every ordinance violation in the City and that using public nuisance as a hate speech enhancement is an unprecedented approach. He spoke about the ACLU’s letter to the Ordinance Committee, which urges the City to reconsider the proposed changes, saying that they are likely unconstitutional.
- Jacob Davis spoke about the Neighborhood Code, saying that the character of a neighborhood is not defined by how many or how few buildings are in the neighborhood, but by the people within the neighborhood. He said that more housing will lead to better outcomes for everyone.

- Celia Byrd spoke as the Chair of the Burlington Board of Health in support of the proposed resolution 9.9, related to the evaluation and improvement of syringe exchange programs, syringe litter, and the environmental impact of syringe disposal. She said this addresses an important aspect of the substance use disorder issue within the community. She noted that while this is a good step, much more can be done, and welcomed the opportunity to continue working on improving strategies.
- Jak Tiano spoke about the Neighborhood Code amendments, saying that he is encouraged that they have taken another small step in the right direction, after this round of more intense scrutiny, especially regarding the expansion of dimensions regarding secondary structures. He said that he hopes this leads to more affordability in the City for current and future residents.
- Max Tracy expressed disappointment about the continued issues around Tyeastia Green and the lack of justice taking place. He said that additional actions have been taken that have caused further harm. He noted that Black femmes have met with the administration and have given as clear steps as possible to take to address this and start to make it right. He also expressed disappointment about the ongoing conversation of the status of the REIB Office going forward, saying that there needs to be a real commitment to racial justice in the City moving forward. He urged the City to fund the department and make it a chartered department.
- Ferene Paris said the City needs to reflect on the question of whether Black lives still matter for this City, noting the continued scrutiny around Tyeastia Green's tenure with the City and the question of funding for the REIB department moving forward.
- Christopher Aaron Felker spoke against agenda item 9.10 (the graffiti ordinance), speaking about how it has evolved to touch every City ordinance. He spoke about the origin of the ordinance, which was a sticker campaign last year regarding a matter of community concern. He noted that the City has continued to suppress or discourage this type of speech, which is deeply troubling. He said that no one is born in the wrong body.
- Jane McDougal said the Police Department needs better representation and said that this would help with recruitment.

Burlington residents (via Zoom):

- Sharon Bushor spoke about items 9.8 and 9.7. She said that the livable wage ordinance is much better than the original version, as it includes the Joint Fiscal Office as a reference point to set the livable wage. She expressed concern about the criteria used to adjust the health care benefit that is either subtracted or added to a livable wage, saying those references might not be vetted. She also expressed concern with the criteria being used for contracts, which is set at the same level as the livable wage. She also spoke about the procurement policy updates, saying that she thinks a tracking device on the consent agenda for the Board of Finance and public's awareness is needed for transparency.
- Evan Gould spoke in support of the Neighborhood Code amendments. He spoke about the rental notice amendment and item 9.9. He spoke in support of exploring alternative options, especially as the City moves toward safe injection sites, toward improved waste disposal.
- Emma Kouri spoke in support of Tyeastia Green and resolving the issues so that she can move on with her life. She also said that she is dismayed at the new Administration taking deeply harmful steps in terms of reinventing the REIB Office. She asked whether the City cares about Black lives. She said the rewritten mission of the REIB Office completely strips away its soul and meaning.

Forum closed at 7:10 PM.

4. WORK SESSION ON OPERATIONAL EFFICIENCY STUDY AND MODERN GOVERNANCE INITIATIVE – EMMA MULVANEY-STANAK AND KATHERINE SCHAD

4.1 Work Session on Operational Efficiency Study and Modern Governance Initiative – Emma Mulvaney-Stanak and Katherine Schad
Chief Administrative Officer Schad began by speaking about the history of the Operational Efficiency Study for City government. She said that it originated as a potential tool to close the budget gap, noting that when it was originally pursued it was estimated that it could save about \$3 million. She noted that an RFP was issued late last year, with the study taking place in the spring, and a draft report received in the

summer of 2024, with a final report received in September. She said that after sharing this with employees and the unions and incorporating their feedback, they are also asking for the City Council's review and feedback. She noted that this study was of 7 General Fund departments, and that other departmental studies have also been conducted, including the CNA report of the Police Department, a Fire Department staffing study, a Citywide user fee study, and a CEDO capacity needs assessment.

Chief Administrative Officer Schad said that the crux of the problem in the City is that the City's General Fund revenues over the last ten years have grown by 4.6% and that its expenditures have grown by 5.09%, which is not sustainable. She said that in 2017 there was a \$5 million surplus, and that in FY26 the City is estimating an initial gap of somewhere between \$8 million and \$12 million. She spoke about a conceptual timeline for this process, saying that it is multi-year and multi-pronged, with three phases over the next several years. She noted that Phase One items are those most likely to affect the FY26 budget, including clarifying and integrating the work of the REIB department, transitioning out the recycling program and licensed childcare services, and centralizing functions such as event planning and accounting, and increasing parking fees.

Chief Administrative Officer Schad then spoke about the recommendations within the Operational Efficiency Study (OES). She noted \$3.1 in overall recommended savings, with \$1.7 million recommended from holding positions vacant for a year or eliminating them entirely. She said that due to receipt of the report in September, the City was unable to use this information and decided to freeze 18 positions without that input. She said that most of the positions that were recommended for holding vacant have been filled, and that residents were not consulted about OES recommendations or which positions to hold vacant due to the Mayoral transition in the spring. She noted that about \$350,000 in salaries could be saved under various scenarios. She spoke about additional savings of about \$381,000 that could be realized through consolidating or merging departments or functions, largely through job elimination or reducing grades for some positions. She noted that some consolidations will be considered, but that the City will need more accurate cost savings estimates first. She noted that this group of recommendations will take time and will be part of a multi-year process. She noted \$710,000 in savings related to other ideas, such as outsourcing recycling and hiring a purchase coordinator, but that the City thinks the savings may be less than the consultant estimated. She noted that there is also a group of items that were already counted or that the City is not considering. She said that one recommendation was around increasing cost recovery for BCA, but that this was already implemented as a result of the user fee study in the FY25 budget. She noted that one recommendation around eliminating the park ranger program is not being considered by the City, and that a recommendation around outsourcing custodial services is also not being considered by the City. She noted that out of the \$3.1 million in savings found by the consultant, the City has determined that it will implement \$350,000 of those recommendations.

Chief Administrative Officer Schad then spoke about ongoing work around the ModernGov Initiative. She noted that the goal is to be clear around what services are essential for the City to provide, what is sustainable in terms of available resources, and how the City can provide those services most efficiently. She noted that all General Fund departments will be involved, and that no decisions have been made about what a new structure will look like, and noted that the City is at the beginning of a multi-year process that will seek input from the community.

Chief Administrative Officer Schad spoke about early considerations. She noted that many City departments create management challenges, inefficiencies, and duplication of services and expertise across departments, that a modern government requires a nimble term to respond to constituents' needs, and that the City added a number of services and positions with one-time federal funding during the pandemic, and that it needs to have a community conversation about what priorities are and what it can continue to afford in a sustainable way. She said that for example, the City's FY22 budget included \$4.5 million of ongoing costs that were funded with one-time federal grants. She said that to maintain these expenses alone, the City would need to increase property taxes by 10% to fund them with municipal dollars alone. She said that the City is trying to increase non-property tax revenue sources, including raising user fees and PILOT. She said that the City is engaging

with employees and unions on this, including fielding surveys to employees. She said that the main feedback from the survey is the need for better communication, a desire for greater efficiency but concerns about the impact on quality, that there is support for modernization with some reservations, and that the City needs to be inclusive in decision-making in this area.

Chief Administrative Officer Schad spoke about the decision-making process. She said that the City will continue conversations with employees, the community, and the City Council, and will consult with unions and follow collective bargaining agreements through implementation of the initiative. She said that different decisions will require different approvals, noting that any elimination of positions or changes to operational services will be proposed by the Mayor and approved by the City Council, and that any charter changes that arise from proposed organizational changes will need to be approved by the City Council, voters, and state legislature.

Chief Administrative Officer Schad spoke about next steps. She said that these include more communication around the topic, convening a labor and management advisory group from the unions, seeking feedback from the community, and developing more refined cost estimates.

Mayor Mulvaney-Stanak then opened the floor up for discussion. She asked the Council what they would like to explore as the City works to modernize government. She asked what the Council's top priorities are as the process is begun. She asked what questions Councilors still have about the EOS or the ModernGov initiative.

Councilor Litwin asked about the timeline for any changes that require charter changes. He asked about the comment regarding a more nimble government and if that means through fewer personnel. He asked whether an audit is needed of the \$2.9 million of \$4.5 million that was slated for continuing through a sustainable funding source but that the funding source was never secured. Mayor Mulvaney-Stanak replied that any charter changes would occur in the Phase Two changes. She said that in terms of a nimbler government, 18 departments is too many departments in a City to be managed. She said that any merging of departments and elimination of positions will be guided by clear community feedback on its priorities and what the community considers essential services. Chief Administrative Officer Schad said that in terms of the FY22 one-time funding and lack of sustainable funding sources, she has more information and could share it with Councilors.

Councilor Barlow noted the projected budget gap for FY26, and said that it seems like the City does not have the luxury of time in working to close this. He asked whether the proposed timelines are aggressive enough, given this wide gap. He said the City needs to be aggressive about realizing as much cost savings as it can.

Councilor Broderick expressed severe opposition to outsourcing and privatizing recycling services. He asked about how the study calculated that it would realize savings from this without impacting the cost for residents. He expressed concerns about having more traffic on the road from these private companies, as well as concerns around negative impacts on labor.

Councilor Kane asked about the privatization of recycling services. He said that the report reads as an attempt to use taxpayer money to buy support for unpopular and unsound austerity and privatization efforts. He said he does not see where the evidence is for realized savings from these proposed efficiencies. He said these wouldn't ultimately save money for individuals, since they will still bear the cost of recycling, but from another source. He noted efforts in 2020 to improve trash collection, which remain incomplete, and said that those should have also been included in these considerations. He noted that estimates in 2020 for consolidated trash collection pegged savings at \$2 to \$3 million per year. He requested that the Administration start from scratch with the ModernGov initiative, without taking the OES recommendations into consideration. He said that the City saves money by providing public services like water, electricity, and recycling, and that any profit results in taxpayer relief. Mayor Mulvaney-Stanak replied that the only privatization she is recommending is for recycling, and noted that she is recommending that those employee positions be repurposed for other jobs in the Department of Public Works that have been difficult to

recruit for, not be eliminated entirely. She said the City doesn't currently have the resources or capital for trash consolidation. She asked Councilors to be thoughtful about how it characterizes these recommendations, and to be collaborative in this effort to close the budget gap, given that it will be extremely challenging to raise the revenue at this time to maintain the services it is offering.

Councilor McKnight noted that the consultants may have missed what makes Burlington special and missed taking into consideration Burlington's values when it issued its recommendations. She said that they also missed the concept that Burlington City Arts and the Parks Department are also valuable public goods. She said these two departments are crucial in addressing public safety challenges, as they help get people out and enjoying City spaces, which makes the City safer. She asked how the Administration is thinking about the vision for the City's values. She agreed that 18 departments is too many, and asked whether it would be possible to see scenarios where the City has 10 departments, and what those would be, for example. She also asked how the City came up with the ultimate \$350,000 recommended in savings, as well as the list of items the FY22 one-time funding paid for. Chief Administrative Officer Schad replied that she can supply the list of the FY22 items, and said she could provide more detail on how the City went from the \$1.7 million in savings to \$350,000.

Councilor Grant said she has been focused on PILOT funds for a long time. She said the City needs to have an honest conversation about PILOT funds and when they were last studied and increased. She noted that 50% of the land in Burlington is not taxed or taxable, even though they benefit from public utilities and infrastructure. She said it would be good to have a strategy to examine PILOT fees. She spoke about the importance of the urban park ranger position.

Councilor Shannon asked about the intention of the ModernGov concept. She expressed disappointment in the OES report and the ultimate findings, though she agreed with the Mayor's approach of not taking this report at face value and using it more as a starting point. She agreed that 18 departments is too many to manage, but that the mergers suggested in the OES report don't make sense. She said the City should take the report and use it more as a first step. She said the City needs to preserve and grow its revenue, and that some of the suggestions in the report seem contrary to this. She said that raising fees doesn't necessarily raise revenues, given that there is a point of diminishing returns. She also said that there needs to be an equity component to increasing fees. Mayor Mulvaney-Stanak replied that the ModernGov concept is across the City, not just the 7 General Fund departments focused on in the OES, and said that it is a more big-picture exercise. She said that it will use the OES as a starting point. She agreed about the park ranger position's importance. She spoke about the first phase of the ModernGov initiative and how it will look at and potentially reorganize community safety, such as that position, Burlington CARES, and the new social worker at the library, for example. She also added that for this fiscal year, the City is looking at ensuring consistency around equity measures for how fees are being charged. Chief Administrative Officer Schad noted that at the November 18 Board of Finance meeting there will be a budget-to-actuals report-out, and will include more information in its verbal report.

Councilor Carpenter said she would love to see a proposal for a smaller, more modern government. She also said the City needs to be honest and realize that an \$8 million in cost reduction is going to be painful any way that it is looked at. She concurred with Councilor Grant about reviewing the PILOT fees, but acknowledged that this is also somewhat a matter of State law and that it should also get onto the City's legislative agenda for this upcoming biennium.

Councilor Neubieser said that one of Burlington's strengths is that it tends to rely on its own capacity and resources to get things done rather than outsource it to consultants, noting that this OES may have been not the most efficient or effective use of funding, given the end product. He expressed support for the amount of engagement in the unions that has been undertaken in this conversation so far. He expressed caution about privatization. He expressed support for revisiting PILOT funds and realistically maximizing that revenue generation, as well as more progressive revenue generation. He said that the Council also needs to re-evaluate its own role in modern government moving forward.

5. LEGISLATIVE PRIORITIES WORK SESSION – EMMA MULVANEY-STANAK

5.1 Legislative Priorities Work Session – Emma Mulvaney-Stanak

Mayor Mulvaney-Stanak said that the Administration has put together a draft list of legislative priorities for the City, with input from department heads, in terms of state policy changes or statute changes. She said that she would like feedback on this draft list from the Council, and in November, a vote affirming these priorities and working with the new legislative delegation on them. She said that the priorities are organized by her own major priorities of community safety, affordable housing, and climate. She noted subcategories related to good governance practices, affordability, and equity. She noted that they also include some charter changes that are already in the queue, such as the police oversight question on the current ballot, discussion around gun policy, and just-cause eviction. She said that other charter changes for the future include more affordable local tax policy. She said that in terms of community safety, she noted the gun policy, a call to expend funds more urgently around expanding residential treatment for mental health and substance use disorder, more resources for acute mental health needs in Burlington, and expending already-allocated funds to the judiciary to ensure that the backlog in cases is resolved. She said that in terms of housing, she noted a call for more effective and predictable statewide policy on general assistance emergency shelter, just cause evictions, and notification of rental increases. She also spoke about priorities around structural policy changes to make building affordable housing more feasible. She spoke about climate priorities, including more funding for Green Mountain Transit, and more state funding for water, stormwater, and wastewater infrastructure upgrades. She spoke about affordability items, including health care reform and addressing rising health care costs. She spoke about charter changes related to modernizing the City to meeting its financial needs, including the borrowing limit for capital and general obligation bonds, as well as looking at the public safety tax language in the charter. She spoke about equity items, including the mayoral/community oversight of the police, growing language access and engaging the State as a partner to address language access needs, and funding for at-risk youth.

Councilor Bergman said the City needs to include getting State funding for more affordable housing. He said that it will be important to have the State implement more rigorous building code requirements for more climate-friendly energy standards.

Councilor Barlow said that any response to affordable or emergency housing needs to be regional, and the City should stress this to the State.

Councilor Neubieser expressed support for more transparency in City government and processes, and said that this communication between the Administration, Council, and State delegation is a good best practice.

Councilor McKnight suggested prioritizing the top issues on this list. She said that her top priorities are addressing the homelessness crisis and regionalizing the response to it, funding for the justice system and particularly asking for resources to go to the counties with the largest backlogs (such as Chittenden County), and a proposed new addition of seeing stricter bail standards and better monitoring of conditions for release for violent crimes and repeat offenders.

Councilor Grant noted that when the Council asks for court resources to be allocated, it needs to be careful about how backlogs are defined. She noted that Chittenden County has the most cases, but not the highest percentages of backlogs. She said that the City needs to also be careful about how it defines repeat offenders. She spoke about attending a state public safety meeting, but said that Burlington's problems are being characterized as being specific to Burlington, but that they are also issues that are being experienced by other cities and municipalities in the state. She also spoke about delays in the release of the state's opioid settlement funds, saying that they need to be distributed in a timely manner.

Councilor Kane raised an issue around equitability around the City's tax assessment system. He also spoke about an initiative related to pursuing a state rental registry system. He spoke about innovative models in other cities about tackling homelessness, though noted that some may be pricey.

Council Litwin said that municipalities are not able to look into rent control and rent stabilization in the State and said that Chittenden County should push for this.

City Council President Traverse spoke in support of adding tools for prosecutors and judges in terms of addressing certain increased criminal activity in the community. He also said the City should be monitoring what not to do on certain items, such as walking back certain reforms to the state's education financing methodology. He said the legislature should also encourage looking into project-related TIF financing.

6. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

6.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that the City has offered an Assistant City Attorney position to Emmett Wood, and that they will bring this to the Council for approval in November. She noted that the City has posted a position for the Overdose Prevention Center implementation process. She noted a new customer service position posted for recruitment within the Police Department. She finally noted that the City has almost concluded its hiring process for the new Planning Director, and hopes to provide a further update to the Council within the next several weeks. She noted that the next community safety forum is November 7, 2024 from 5:30 – 7:00 PM at the Fletcher Free Library. She noted that City Hall Park has been added to the City's community hot spot focus. She spoke about ongoing work in exploration of a unified public safety building. She spoke about recent police recruitment activities, including recent activities with a talent marketing campaign and a social media campaign. She spoke about the annual awards ceremony for recognizing current officers, and encouraged Councilors to attend and show appreciation and support. She spoke about housing, noting that the State is establishing an emergency shelter in Williston, and spoke about meeting with the Governor to discuss the City's burden in supporting unsheltered individuals. She noted that the Aviation Director will report back to the Council regarding the F-35 issue in November. She spoke about goals for each department head in FY25. She noted the opening of an urgent care mental health clinic today (October 28), which is the start of providing one more tool in terms of mental health resources. She also noted that she will be meeting with the Governor and his team on Wednesday.

7. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

7.1 Verbal Reports

Councilor Grant noted that the City's most recent Public Safety Committee meeting was last week, noting a report-out from the Fire Department on recent incidents. She noted that 60% of incidents were related to EMS. She also spoke about a discussion with the Police Department around traffic enforcement information and community engagement.

Councilor Broderick spoke about the ordinance around energy benchmarking encouraging Councilors to attend the next Transportation, Energies, and Utilities Committee meeting if they have questions.

Councilor McKnight noted that anti-trans comments and statements are not welcome at Council meetings. She also spoke about an excerpt from a recent King Street Center newsletter, which spoke about the broken social contract in terms of public safety in downtown Burlington.

She spoke about having more accountability for the adults in Burlington who cause harm, in order to set a better example for the City's youth.

Council Litwin spoke about the resolution on the consent agenda on rental rate increase notifications, which will help the City be more nimble to rental market realities.

8. CONSENT AGENDA

8.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

8.2 Communication: C/T, re: Accountability List – waive the reading, accept the communication, and place it on file.

8.3 Communication: C/T, re: July 15, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.4 Communication: C/T, re: July 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.5 Communication: C/T, re: July 15, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.6 Communication: C/T, re: August 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.7 Communication: C/T, re: August 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.8 Communication: C/T, re: August 12, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.9 Communication: C/T, re: August 15, 2024 First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.10 Communication: C/T, re: August 22, 2024 Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting..

8.11 Communication: C/T, re: August 22, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.12 Communication: C/T, re: September 9, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.13 Communication: C/T, re: September 9, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.14 Communication: C/T, re: September 9, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.15 Communication: C/T, re: September 23, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.16 Communication: C/T, re: September 23, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.17 Communication: C/T, re: September 23, 2024 Local Cannabis Control Commission Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 7, 2024 Regular City Council Meeting.

8.18 Communication: Max Tracy, re: Justice for Tyeastia – waive the reading and place the communication on file.

8.19 An open letter in support of Tyeastia Green by Emma Kouri – waive the reading and place the communication on file.

8.20 On safety: an open letter to Burlington City Council from Emma Kouri – waive the reading and place the communication on file.

8.21 Open Letter in support of Tyeastia Green from Christine Longmore Hughes – waive the reading and place the communication on file.

8.22 An open letter in support of Tyeastia Green from Kathleen Kemp – waive the reading and place the communication on file.

8.23 Communication: Sheryl Green, re: Continuing to support Tyeastia Green - waive the reading and place the communication on file.

8.24 Communication: Troy Headrick, re: In Continued Support of Tyeastia Green - waive the reading and place the communication on file.

8.25 Communication: Kate Vetter, Communications Director, King Street Center, re: King Street Center Fall Newsletter - waive the reading and place the communication on file.

8.26 BED Customer Information System contract – BED - approve and authorize the General Manager of BED to execute with SpryPoint a Master Services Agreement to purchase a SaaS subscription and receive associated implementation, support, and maintenance services for a customer information system, customer portal, and mobile workforce management system at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year.

8.27 VT Center for Crime Victim Services "Victims of Crimes Act" (VOCA) grant (Grant #02160-VOCA23-4009608 – CJC - approve the acceptance of Grant # 02160-VOCA23-4009608-2025 in the amount of \$140,164 for FY25 and to authorize CEDO Director Pine or his designee to sign the grant acceptance and to take such further actions and execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby, subject to review and approval by the City Attorney's Office, including acceptance of any additional amounts that may become available during the same fiscal year from the same source that do not require a local match or place new conditions on the City.

8.28 Ethan Alley Parkway Traffic Calming Grant Project Commitments Form – DPW - 1. To approve and authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for Ethan Allen Parkway Traffic Calming, obligating the City to commit a local match of \$117,273 which includes a 10% contingency for a total project budget of \$192,273 in furtherance of accepting a reimbursable grant amount up to \$75,000, and to take such further actions and execute such further instruments as may be necessary or convenient to implement the project within existing project appropriations, subject to review and approval by the City Attorney's Office; and 2. To approve necessary amendments to the Ethan Allen Parkway Project Budget by adjusting the accounts substantially as described herein and in the attached draft budget amendment form, and further to authorize the Chief Administrative or designee to effect all necessary transfer of funds in furtherance of such amendments.

8.29 Annual Report – Vehicle for Hire Licensing Board – waive the reading, accept the report and place it on file.

8.30 Downtown Tax Increment Financing District Audit – Authorization for Final Transactions – C/T - 1. To approve authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of both the City's 711 and Downtown TIF Funds in the total amount of \$506,395 from remaining FY2024 Operating Budget portion of the City's Assigned Fund Balance; and 2. To approve and authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of the City's Downtown TIF Fund in the total amount of \$106,388 from the City's 711 Fund; and 3. To approve and authorize the Chief Administrative Officer to take all necessary steps to ensure the reimbursement of the City's Traffic Fund in the total amount of \$134,653 from the City's Downtown TIF Fund.

8.31 Special Event Outdoor Entertainment Permit Application (November 15 – December 22): Burlington City Arts & Burlington Workforce Development, BTV Winter Market, City Hall Park – approve the special event outdoor entertainment permit application (November 15 – December 22) for Burlington City Arts & Burlington Workforce Development, BTV Winter Market, City Hall Park.

8.32 Approval of Assignment and Assumption of Ground Lease for Burlington Harbor Marina – City Attorney's Office – authorize the Mayor to execute the Assignment and Assumption Agreement on behalf of the City of Burlington, as landlord, by which TS-Grove PT Marinas BM, LLC will assume Burlington Harbor Marina, LLC's obligations under its Ground Lease with the City dated October 27, 2017, as amended, and to take such further actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transaction contemplated hereby.

8.33 Creation of one (1) new position, the Police Receptionist (Police Department) – BPD/HR - approve the creation of a “Police Receptionist,” a Regular, Full-time, Non-exempt, AFCSME, Grade 13 position within the Burlington Police Department.

8.34 Approval to Execute the Nissan Corporate Resolution – C/T – approve and authorize the CAO, or designee to execute the Nissan Corporate Resolution.

8.35 FIO Documents – for information only.

8.36 Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8. Art. VII (TEUC) – waive the first reading, suspend the rule on sending this to Ordinance Committee, and schedule for a second reading before the City Council on December 9, 2024.

8.37 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change) – referral to the Charter Change Committee.

MOTION by Councilor Litwin SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.37.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.1 Tobacco License and Tobacco Substitute Endorsement License Applications (2024-2025): Stewart’s Shops Corp, dba Jolley #526, 1555 North Avenue

MOTION by Councilor Grant, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement License Applications for Stewart’s Shop Corp, dba Jolley #526, 1555 North Avenue.

VOTING: unanimous; motion carries.

9.2 Public Information Hearing re: November 5th, 2024 Special City Election Public Ballot Questions
City Council President Traverse opened the public hearing.
There was no public comment.

City Council President Traverse closed the public hearing.

9.3 Discussion re: Burlington Fire Department Lateral Recruitment Program – Fire
Chief LaChance spoke about the Fire Department’s lateral recruitment program, noting that its intention is to address declining entry-level firefighter recruitment levels. He said that this is intended to recruit individuals who have at least one year of firefighting experience in another municipality, which focuses on individuals who already have certain certifications and trainings. He noted that the City will still require a one-year probationary period, but said that this hiring still gives credit for years of pay toward the promotional ladder.

Councilor Grant asked about the Fire Department’s recruitment budget, and Chief LaChance replied that it is \$3,000. Councilor Grant noted that the Fire Department’s social media campaign in terms of recruitment has been extremely successful, and that it is a model that has been underutilized by other parts of the City.

Councilor Litwin asked about any relevant exit data around the difficulty in hiring first responders and other personnel at the Fire Department. Chief LaChance said that it has typically been harder to hire for police jobs than Fire Department jobs, noting further that the Fire Department has not historically had a recruitment budget, but that it does speak to the lack of filling these positions.

Councilor Neubieser expressed support for the Fire Department's recruitment efforts.

9.4 Public Hearing Regarding ZA-24-04: Neighborhood Code-2A, Part 2
City Council President Traverse opened the public hearing.

Sharon Bushor said she was hoping for a more robust discussion on the implementation of changes for secondary structures, noting that there was no change except for the increased dimensions from 900 to 1,100 square feet, which was recommended by her to the Planning Commission. She expressed disappointment that there is no incentive bonus to stimulate affordable housing.

City Council President Traverse closed the public hearing.

9.5 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE ZA-24-04 Neighborhood Code 2A, Part 1: Technical Corrections & Secondary Structures (Office of City Planning, Planning Commission, Ordinance Committee)

MOTION by Councilor Carpenter, SECOND by Councilor Broderick, to waive the second reading of the amended ordinance and adopt the amended ordinance.

DISCUSSION:

- Councilor Carpenter spoke about the importance of increasing housing in the City.
- Councilor Shannon expressed disappointment about this item, saying that the Ordinance Committee's work on this item is not reflected in this.
- Councilor Broderick asked about the effective date of this and how it would affect any recently submitted applications, and Interim Planning Director Dillard replied that no recently submitted applications would be affected by the changes in these amendments, and that it would apply to applications submitted going forward. He also noted a commitment from staff to report back to the Council with an update on the implementation of the Neighborhood Code, which would document how many applications Permitting & Inspections has received and how many have successfully been approved.
- Councilor McKnight asked how many applications has been received in the past six months that pertain to primary structures and Neighborhood Code. Planner Morgan replied that there have been thirteen applications spread out across Burlington, and Interim Planning Director Dillard noted that they had planned to see about ten units per year in the form of primary and secondary structures related to this change, noting that there has been some pent-up demand.
- Councilor Carpenter asked for a status update on Planned Unit Development (PUD) amendments, and Interim Director Dillard replied that the Planning Commission has met three times on this item.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – absent, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – nay, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – aye (8 ayes, 3 nays, 1 absent); motion carries.

9.6 Champlain Parkway Cooperative Agreement Amendment No. 9 – DPW

Director Spencer noted that the City has reached substantial completion of the initial construction contract of the Champlain Parkway, and that this item is to seek approval for the remaining phases of the project.

Public Works Engineer Mims said that this cooperative agreement is the City's significant funding source for the project, with 98% of it being reimbursable with a 2% local match. He noted that the 2% match represents about \$340,000 on a total of \$17,000,000.

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to authorize the Director of Public Works, or his designee, to execute Amendment No. 9 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$17,000,000 and the local match obligation by \$340,000, for a total authorized maximum limiting amount of \$82,000,000, including a total local match obligation of \$1,640,000, subject to the prior review and approval of the City Attorney's Office.

DISCUSSION:

- Councilor Bergman said that though he is generally supportive of projects like this, he cannot support this due to lack of movement on the Railyard Enterprise Project and the impacts on the King/Maple Neighborhood.
- Councilor Shannon agreed with Councilor Bergman about this project in particular, but noted that seeing the project to completion is the only real option on the table tonight.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – absent, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (10 ayes, 1 nay, 1 absent); motion carries.

9.7 Resolution: Adoption of a Policy on Procurement, Property Disposition,. And Approval Authority for Public Contracts and Related Financial Transactions (Board of Finance)

Chief Administrative Officer Schad noted that the City Attorney's Office conducted a rewrite of this policy, and noted pertinent substantive changes. These include changes and refinements to sole source procurement processes, thresholds for approvals at various levels, advertising requirements for procurements, and mechanisms for awarding on-call contracts.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to waive the reading and approve the resolution adopting the proposed Policy on Procurement, Property Disposition, and Approval Authority for Public Contracts and Related Financial Transactions.

VOTING: unanimous; motion carries.

9.8 Ordinance: Technical Amendments to Article VI of Chapter 21 of the Burlington Code of Ordinances, Commencing at Section 21-80, Livable Wages, to Streamline Enforcement and Other Processes (Councilor Traverse)

Assistant City Attorney Ramakrishnan noted that the City currently does not have compliance monitors for a living wage ordinance and noted that finding them has proven difficult. He said that previous compliance monitors had some suggestions for streamlining compliance monitoring processes, and that this item puts those suggestions into practice.

MOTION by Councilor McKnight, SECOND by Councilor Carpenter, to waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, to suspend the rule on referring this item to the Ordinance Committee, and refer this item to the Board of Finance to review and report it back to the City Council prior to the end of November 2024.

VOTING: unanimous; motion carries.

9.9 Resolution: Evaluation And Improvement Of Syringe Exchange Programs Syringe Litter, And The Environmental Impact Of Syringe Disposal In Burlington (Councilors Litwin, Barlow, Brown McKnight, Shannon, Traverse, Carpenter, Grant, Kane, Doherty)

MOTION by Councilor Litwin, SECOND by Councilor Grant, to waive the reading and adopt the resolution as amended.

DISCUSSION:

- **Councilor Litwin said that this resolution seeks to achieve centralization of much of the good work that has been implemented in different places to address issues related to syringe litter and inappropriately discarded syringes. He spoke about this as an attempt to address public health and environmental issues related to syringe disposal.**

VOTING: unanimous; motion carries.

9.10 Ordinance: Ordinance Amending B.C.O Sec. 1-9 & 21-29 Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to waive the reading of the proposed ordinance amending B.C.O. § 1-9 & 21-29 (Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications), and to approve the first reading, and to schedule for a second reading on November 12, 2024.

DISCUSSION:

- **Councilor Shannon said that this modifies two sections of the City's ordinance, saying that this also protects individuals targeted by the violation that would suffer monetary damages and the ability to cover attorneys' fees. She also noted the ACLU's objections to these proposed amendments, which was reviewed by the City Attorney's Office. She noted that the part of the ordinance that pertains to graffiti that was amended was to allow for an electronic means of reporting violations, as well as a request to the Administration that they come up with an enforcement plan.**
- **Councilor Litwin asked who is defining the "intent to intimidate and harass" criteria noted in the proposed ordinance, given that it could be open to interpretation. Assistant City Attorney Ramakrishnan replied that it is up to the courts to decide this.**
- **Councilor McKnight asked about the Mayor's Office's plans for enforcement of this proposed ordinance amendment. Mayor Mulvaney-Stanak replied that her office needs to work on next steps related to this ordinance.**
- **Councilor Neubieser expressed concern about creating another online platform for reporting issues, instead of using See Click Fix.**
- **Councilor Grant said that the City needs to manage its expectations of enforcement of anything at this juncture, given the shortage of staff in the City in an enforcement capacity. Assistant City Attorney Ramakrishnan replied that the offense would be civil and not ticketed by a police officer, and that enforcement would be through civil action.**

VOTING: unanimous; motion carries.

9.11 Ordinance: POLICE Composition of Independent Panel (Ordinance Committee)
No discussion – this item was removed from the agenda.

10. COMMITTEE REPORTS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
None.

12. ADJOURNMENT

12.1 Motion to Adjourn

MOTION by Councilor Neubieser, SECOND by Councilor Grant, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:31 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 28, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom)
Sarah E Carpenter
Mark Barlow
Gene Bergman (via Zoom)
Ben Traverse
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:34 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to adopt the agenda.

VOTING: unanimous; motion carries.

2. DELIBERATIVE AGENDA

2.1 First and Third Class Liquor License Applications (2024-2025): Sodexo Operations, LLC, dba Champlain College, 163 South Willard Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Third Class Liquor License Applications for Sodexo Operations, LLC, dba Champlain College, 163 South Willard Street with all standard conditions.

VOTING: unanimous; motion carries.

2.2 First and Third Class Liquor License Applications (2024-2025): Sodexo Operations, LLC, dba UVM, 590 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to approve the 2024-2025 First and Third Class Liquor License Applications for Sodexo Operations, LLC, dba UVM, 590 Main Street with all standard conditions.

VOTING: unanimous; motion carries.

2.3 Second Class Store Liquor License Applications (2024-2025): Stewart's Shops Corp, dba Jolley #526, 1555 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Litwin, to approve the 2024-2025 Second Class Store Liquor License Application for Stewart's Shops Corp, dba Jolley #526, 1555 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:36 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 12, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow (at 7:46 PM)
Gene Bergman (Zoom)
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser (Zoom)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Kim Sturtevant
Hayley McClenahan
Lori Olberg
Keaton Knowles
Chapin Spencer
Megan Moir
Martin Lee
Matt Dow
Jenny Oster
Bill Ward

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:04 PM.

MOTION by Councilor Doherty, SECOND by Councilor Carpenter, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 6.9 Communication: Amy Leigh Malinowski, re: In Continued Support of Tyeastia Green;**
- **Add to the consent agenda item 6.10 Communication: Stephen Chisa, re: In Continued Support of Tyeastia Green;**
- **Remove from the deliberative agenda item 7.7 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Public Safety Tax Rate (Councilor Bergman)(per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

2.1. Verbal Comments

Forum opened at 6:05 PM.

COMMENTS:

Burlington residents (in person):

- Bradley Grimard spoke about personal experience with car thefts in his neighborhood and expressed concern about public safety in the City, especially for vulnerable residents. He urged the City to do something to protect residents and ensure their safety.
- Suzanne Sugar spoke about the resolution relating to the charter change for the public safety tax. She noted that in March, voters approved a measure to add funding for public safety to the Fire and Police Departments, but that the solutions being proposed are non-directional, non-concrete, and don't seem to be occurring, calling it a bait and switch for the community.
- David Maher expressed support for efforts to reduce the number of discarded syringes littering public spaces in the City. He said the City's needle exchange program should require users to return used syringes in order to get new ones.
- Mike Selick expressed concern about the City Council's decision to study the efficacy of syringe service programs, noting that these types of programs have existed for decades and have already been studied and shown to reduce harm and litter in a cost-effective manner.
- Mike Conroy spoke about agenda item 7.7 and general public safety. He said that before the City undertakes budgeting exercises to reorganize various departments, it needs to hire 20 more police officers to address capacity issues that lead to declining public safety.
- Selene Colburn expressed concern about the resolution passed that directed the Board of Health to investigate the issue of syringe litter and the effectiveness of syringe service programs, saying the effectiveness of syringe service programs has been studied and determined to be successful for years.
- Robert Bristow-Johnson spoke about item 7.6 on the agenda, related to redistricting. He said that the next time the City is redistricted, it needs to pay better attention to the proposed map for the State's legislative districts to ensure consistency.
- Sandy Baird spoke with concern about the stickering ordinance before the Council, saying she is a free speech absolutist and that she is concerned that this ordinance is a violation of First Amendment guarantees for freedom of speech and will open the City up to lawsuits. She also spoke about the police oversight resolution, saying she supports supervision and oversight of the Police Department by the Police Commission.
- Todd Deluca spoke about his interactions with one specific unhoused woman over the last week, and said he hopes the City can help address public safety issues and issues around unhoused individuals, because he is worried for these individuals' safety in addition to the safety of housed residents.

Burlington residents (via Zoom):

- Ashley Adams said it is disheartening that the City continues to operate the largest single source of climate pollution in the State (the McNeil Plant), saying that putting the Burlington Electric Department in charge of climate policy is a conflict of interest. She said that the City's net zero energy roadmap does not count carbon emissions from burning wood at the McNeil Plant, nor does it count flights

at the airport. She said that greenhouse gases need to be reduced from all sources. She asked that climate policy be placed in the hands of a different City department.

- Sharon Bushor spoke about the livable wage ordinance and expressed support for it. She also spoke about potential significant rate increases that will be presented later tonight as the result of some potential water and wastewater infrastructure upgrades, and she expressed concern about the impact of this on taxpayers.

Non-Burlington residents (in person):

- Cora Honigford spoke in support of syringe service programs, overdose prevention centers, and other evidence-based mitigation efforts around substance use. She said that syringe service programs are evidence-based and do not need to be studied further. She said that everyone deserves to live in a safe community, regardless of housing status.
- Elizabeth Deutsch spoke in support of needle exchange programs, and said it is ludicrous to study the efficacy of a program that has shown decades of positive, evidence-based outcomes. She said the number of people who would be harmed by the cessation of these programs is astronomical, and that eliminating such programs would be punitive and regressive.

Forum closed at 6:36 PM.

3. BURLINGTON WATER RESOURCES CAPITAL PLANNING PROPOSED MARCH 2025 BOND REQUESTS WORK SESSION

3.1 Burlington Water Resources Capital Planning Proposed March 2025 Bond Requests Work Session

Director Spencer began by noting that a number of the City's water and wastewater systems are at risk of failure and need significant upgrades, given that it has been 30 years since the last comprehensive investment in the City's wastewater plants. He said that the City also needs to shore up its investments in its systems to reliably serve Vermont's only Level 1 trauma center (the University of Vermont Medical Center) and the hill neighborhoods at higher elevations. He noted that the ask in total is for approximately \$200 million across bonds for these investments.

Division Director Moir began by speaking about the water bond work that was completed related to the 2016 \$8.34 million bond, as well as the work completed with the \$30 million Clean Water Resiliency Bond. They noted that over 9.29 miles of water mains were relined or replaced, a significant number of miles of sewer and storm mains were replaced, and green stormwater infrastructure was built, which all has resulted in higher scores for the systems' risk scores.

Division Director Moir then spoke about why more investment is needed. They said that the goal is to provide reliable and sustainable drinking water and waste/stormwater infrastructure to the current and future Burlington, by replacing aged infrastructure and ensuring that there is sufficient capacity for housing and other growth the City is looking to create, as well as improving resiliency in the face of climate change and addressing safety and code upgrades to protect and retain workers for the City. They also spoke about how investments and upgrades will protect the lake by preventing beach closures and reducing phosphorus discharges from Burlington to the lake. They highlighted several phased infrastructure projects for wastewater infrastructure improvements, water projects, and stormwater projects.

They then provided high-level cost estimates for the potential projects and investments in question, as well as estimated impacts for rate-payers. They noted that they are requesting \$21 million in bonding for drinking water, \$204 million for wastewater, and \$14 million for stormwater bonding. They highlighted the urgency of the request, noting that the likelihood of failure for certain critical assets has become too high to guarantee sustainable and reliable services, given that assets are 30 years old and the typical useful life for them is 20 years. They also noted that new wastewater treatment permits require implementation of additional phosphorus reductions by 2030, and that the

next burst in housing growth for later this decade will require additional capacity in the City's systems. They further noted that preliminary engineering is now substantially complete for most projects, which took four years to do. They said that over a five-year time period, this would mean a 113% rate increase for rate payers, and then spoke about potential ways to help mitigate the impact of that rate increase on customers' bills (such as working with the State's Revolving Loan Fund to finance more of the projects, evaluating the feasibility of WIFIA, pursuing grant funding, and restructuring rates to a tiered system). They also spoke about ways to enhance the City's affordability programs.

Division Director Moir then spoke about the project and outreach schedule for these asks. They said that the division has conducted outreach to the Commission and to the Transportation, Energy, and Utilities Committee (TEUC) and created a webpage, and will continue to communicate with these bodies through the remainder of the fall. They said that they anticipate returning to the Council in January for approval to put the bond vote language on the March 2025 ballot. They said they will continue to conduct outreach and community engagement on the proposed investments at NPAs, public meetings, through a social media campaign, and through information postcards.

Division Director Moir then posed a number of questions to the Council for consideration and input prior to moving ahead. They asked if the City should include bond capacity for the Siphon Replacement project, or assume that FEMA will shoulder those costs. They asked if there is support for the East Plant Consolidation Alternative. They asked if affordability programs should be focused on residential users, and whether the TEUC is the appropriate forum to discuss these programs. They asked if the bond vote request should be reduced in anticipation of the charter change that could authorize the annual General Obligation borrowing amount to increase to \$6 million for water, wastewater, and stormwater (even though this change isn't guaranteed to be approved).

Councilor Litwin said that TEUC could be a good forum for these discussions, but so could CDNR and potentially REIB. They also asked the Mayor to include this issue in the City's legislative priorities, to ensure that the State helps support the City in these obligations. Director Spencer said that they are flexible in which committees they can go to, and that they are engaged with the state's congressional delegation to try and secure more federal funding. Councilor Litwin emphasized that taxpayers are overburdened, and expressed concern that this bond vote may not go through, and said securing more state and federal support is tantamount to the success of this.

Councilor McKnight asked how these requests got so high and why the City didn't upgrade some of its infrastructure ten years ago, when systems were at the end of their useful lives. She also asked whether Vermont could partner with New York State, to jointly work on phosphorus reductions in Lake Champlain. She further asked about a more staged approach to help bring costs down, given that her top concern is about affordability. Division Director Moir noted that New York State has its own requirements for phosphorus reduction in the Lake. They said there could be a staged approach and postpone work on the North plant, but said that the North End is anticipated to experience growth, which will mean more capacity needed. Director Spencer said that in terms of why significant upgrades were postponed, he arrived in the City in this role during a period of no rate increases and low capital investment and has been in a catch-up, defensive position ever since, though it is now trying to be more proactive.

Councilor Shannon said it is reasonable to approach the state for help with this, given the state's goals for housing growth, and that these upgrades are crucial for that growth. She noted that certain water and wastewater users are already shouldering a higher level of rates (specifically the breweries) and asked if they have been outreached on these potential impacts. Division Director Moir acknowledged that it is a delicate balance to structure rates in an equitable and fair way between residential and commercial users.

Councilor Neubieser asked for materials to communicate with constituents about affordability and clear potential rate impacts. He said that he is very focused on affordability for residents in the City. He expressed support for seeking commitments from the state to help pay for these

investments. He also noted that they should consider having larger institutions pay more. Division Director Moir said they can put together a calculator for communicating about costs more specifically.

Councilor Grant said that taxpayers are experiencing extraordinary pressures currently, and said that the City needs to be reaching out to all levels of government to receive support for this. She spoke about how deferred maintenance is a problem across the state. She asked for more details on the plan to engage the state's federal delegation for this. She also said that rates for large users should be scrutinized and potentially increased.

Councilor Carpenter said the City should be looking at large users, especially those who don't pay taxes. She also said it would be helpful to see estimated costs for municipalities that don't have municipal water and sewer systems. She noted that the state has directed growth in municipalities with municipal water/sewer systems, which makes sense, but said that the state and other neighboring communities should help contribute to some of these costs, and that Burlington can't bear the burden alone.

Councilor Kane asked why there are three plants in the first place, and Division Director Moir replied that they suspect that they are located where they are because this is where the discharge is and how gravity influenced the flow. Councilor Kane asked how much lower the bonding amount would get if the City's charter change to increase its General Obligation bonding amount is successful, and Division Director Moir replied that they can get back to the Council with a calculation, but said that it ultimately wouldn't reduce rates, given that bonding is bonding.

City Council President Traverse said that some of the reasons for needing these replacements are due to state mandates, so the City should be asking more serious questions of state lawmakers in terms of the support that they can provide. He asked several questions about the rough comparison calculations to other recent upgrades at other municipalities. He also asked for comparisons with other similarly-sized municipalities in other states. He said that this potential rate increase needs to be placed in the context of other high-priority, expensive initiatives, as well as potential state tax increases, and a tight budget for FY26.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak began by speaking about the latest public safety forum that was held last week, which centered around themes of violence and anti-violence strategies, and youth who are involved in troubling behaviors in the City. She spoke about attendance at the forum and the organizations that were present. She noted that the next public forum in January will focus on substance use. She spoke about deferred maintenance at public safety facilities in the City, and said they have begun exploring a merged public safety facility. She spoke about an update on the unsheltered population in the City, and the City will be removing the sanitation services placed at various spaces in the City for the winter. She spoke about an estimated 350 individuals who need a low barrier shelter, and that she anticipates 90 beds coming online for the winter. She spoke about actions at the state level with the opening of a facility in Williston, but said that these resources aren't good enough to address the acute needs of the City. She spoke about meeting with the governor on October 30th, at which they talked about the housing crisis, substance use, youth and violence, and recruitment issues for first responders. She noted that they are working to convey to the state that the City is shouldering a high burden in terms of addressing the unhoused crisis. Mayor Mulvaney-Stanak then spoke about the Modern Gov Initiative, and said that the City is looking at other cities that have similar issues and have merged their departments to make government more efficient (specifically Albuquerque, New Mexico). She spoke about being more aggressive about affordability and

efficiency when building the FY26 budget. She said that her team will be presenting a multi-year strategy to catch up with significant deferred maintenance in the City. She said she is also working to launch a work group on tax fairness for the municipal portion of the tax bill.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Shannon spoke about the Mayor's last forum on community safety, noting that one resident noted that many of the City's youth can't access after-school programs due to lack of transportation, and suggested that residents could volunteer to offer rides to the City's youth to get them where they need to go to participate in various programs. She noted that another resident also stressed the importance of having mentors for youth. She said she would also like more clarity on the level of tolerance the City has for open drug use. She also thanked the Mayor for her recent letter on social media apologizing for a mistake she made, saying that this letter has helped restore trust and loyalty.

Councilor Grant agreed with Councilor Shannon's statements. She said the public forum conversation was very sobering, and agreed that the need for mentors and to help with literacy, as well as increasing cultural competency and understanding family dynamics in Burlington is extremely important. She noted that the City's Police Department continues to not have a street crimes unit, hence why so much of the open drug use is not being penalized. She spoke about the importance of harm reduction, which will help reduce crime in the City. She spoke about continuing to focus on flexibility and support for the City's public safety task force, using the example of the urban park rangers.

Councilor Litwin spoke about the syringe program, saying that he doesn't doubt the efficacy of the program, but said that it needs to be looked at with fresh eyes, due to the sheer number of discarded needles in the City's public spaces. He said that this is a public safety issue, not a beautification issue. He encouraged residents to attend Board of Health meetings to help them with the resolution related to syringe exchange programs. He also requested more information on EMS calls at encampments.

6. CONSENT AGENDA

6.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

6.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.

6.3 B.E.D.'s Property/Boiler and Machinery (B&M) 2024-2025 Insurance Renewal – BED - authorize the General Manager of the Burlington Electric Department or their designee, to execute the Property, Boiler & Machinery insurance coverage renewal contract with AIG/ZURICH/STARR TECH/AEGIS for the policy period 11/20/2024 through 11/20/2025 with a not to exceed premium of \$715,989, as outlined in this memo, subject to review and approval of the City Attorney's Office and the CAO.

6.4 Lease of Space at Old North End Community Center, 20 Allen Street – BPRW - Approve and authorize the leasing of certain space, as identified in the attached lease agreement, in the Old North End Community Center, as further detailed in Exhibit B for an initial one-year term, with the option to renew for five additional and subsequent one-year terms, from Champlain Housing Trust on the terms provided in and substantially in conformance with the attached lease including an annual rent amount of \$138,168 subject to a year over year increase not to exceed 3% per year, for a total authorized expenditure not to exceed \$893,727, subject to City Council annual budgetary appropriation, and to authorize the Director of Parks, Recreation and Waterfront to execute the lease and any related documents needed to carry out the lease agreement, subject to the review of the City Attorney's Office.

6.5 Replies to Councilor feedback on 9/23/24 SECOND Work Session – CEDO – waive the reading and place the communication on file.

6.6 Communication: Emma Wall Kouri, PhD, Ward 6, re: On Tyeastia Green, REIB, and Safety in Burlington: an open letter – waive the reading and place the communication on file.

6.7 BCA Reorganization – BCA/HR - approve and authorize the: Elimination of the Administrative Assistant Position; Reclassification and retitling of the Member and Donor Relations Coordinator, a Regular, Full-time, Non-exempt ASFCME Grade 13 to Development and Administrative Coordinator, a Regular, Fulltime, Non-exempt, AFSCME Grade 15; Reclassification and retitling of the Marketing and Sponsorship Support Specialist, a Regular, Fulltime, Non-exempt, ASFCME Grade 15 position reporting to the Development Director and Communications Director to an Assistant Development Director, a Regular, Full-time, ASFCME Grade 17 position reporting to the Development Director; Reclassification of the Youth & Family Program Coordinator, a Regular, Full-time, Non-exempt ASFCME Grade 15 to a Regular, Full-time, Non-exempt ASFCME Grade 16; Reclassification and retitling of the Program Coordinator, a Regular, Full-time, Non-exempt, ASFCME Grade 15 to Adult Programs Coordinator a Regular, Full-time, Non-exempt, ASFCME Grade 16; Reclassification and retitling of the Clay and Print Studio Manager, a Regular, Full-time, Nonexempt, ASFCME Grade 15 to Clay Studio Coordinator, a Regular, Full-time, Non-exempt, ASFCME Grade 16; Reclassification and retitling of the Artist Coordinator, a Regular, Full-time, Non- exempt, ASFCME Grade 14 to Art Services Coordinator a Regular, Full-time, Non- exempt, AFSCME Grade 15; Reclassification and retitling of the Art Director, a Regular, Full-time, Exempt Non-union Grade 16 to Design Director, a Regular, Full-time, Non-exempt, Non-union Grade 17; Reclassification of the Education Director, a Regular, Full-time, Exempt Non-union Grade 18 to a Regular, Full-time, Non-exempt, Non-union Grade 20.

6.8 FIO Documents – for information only.

6.9 Communication: Amy Leigh Malinowski, re: In Continued Support of Tyeastia Green – waive the reading and place the communication on file.

6.10 Communication: Stephen Chisa, re: In Continued Support of Tyeastia Green – waive the reading and place the communication on file.

MOTION by Councilor Doherty, SECOND by Councilor Shannon to approve the consent agenda as amended and take the actions indicated for items 6.1-6.10.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Assistant City Attorney Appointment

Mayor Mulvaney-Stanak introduced the candidate she is proposing to appoint to an Assistant City Attorney position within the City Attorney's Office. She spoke about Emmett Wood's background, education, and qualifications, also noting that the candidate would begin in January, if appointed.

MOTION by Councilor Doherty, SECOND by Councilor Grant, to approve the appointment of Emmett Wood, Esq. as Assistant City Attorney.

VOTING: unanimous; motion carries.

7.2 Resolution: Declaration Of November As Family Caregiver Month For Burlington (Councilor Carpenter)

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Carpenter said this resolution was brought forth by the City's Council on Aging. She acknowledged the work of families who are caregivers for their members and thanked them for their support and work.**

VOTING: unanimous; motion carries.

7.3 Ordinance: Technical Amendments to Article VI of Chapter 21 of the Burlington Code of Ordinances, Commencing at Section 21-80, Livable Wages, to Streamline Enforcement and Other Processes (Councilor Traverse)

Assistant City Attorney Ramakrishnan began by noting that the goal of these technical amendments is to streamline the enforcement of the Livable Wage Ordinance, given that the City's compliance monitors retired earlier this year and that recruitment for those vacancies has been difficult. He said that this would streamline the ordinance and bring enforcement in-house. He said that compliance monitoring would be done through the submission of a short-form certified payroll record from vendors when they submit invoices, and by aligning the ordinance to the Davis-Bacon Act, which is a federal law that requires payment of a prevailing wage that is generally higher than what the City's livable wage requires. He noted that the Davis-Bacon Act alignment would only be for contracts for heavy construction and highway projects (which are most of the City's projects). He noted that the proposal also loosens the requirements for City Council approval of any rulemaking conducting under the Chief Administrative Officer's authority.

MOTION by Councilor Barlow, SECOND by Councilor Grant, to waive the second reading of the proposed Ordinance Amending Livable Wage Ordinance, B.C.O., Ch. 21, Art. VI, and approve the reading.

VOTING: unanimous; motion carries (Councilor Kane absent for vote).

7.4 Ordinance: Ordinance Amending B.C.O. Sections 1-9 & 21-29 Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications (Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to waive the reading of the proposed ordinance amending B.C.O. § 1-9 & 21-29 (Re: defacement of property and ordinance violations targeting individuals on the bases of protected classifications), and to adopt the second reading of the ordinance.

DISCUSSION:

- Councilor Shannon said that when this was sent to the Ordinance Committee, Councilors made clear that they wanted further protections against hate speech as well as better enforcement of the City's ordinances on property defacement and graffiti. She said that these amendments include an enhancement to enforcement when any ordinance violation is against a protected group of individuals, as well as allowing for a private right of action. She noted that this went through a lengthy review by the ACLU, to ensure that the City is not running afoul of First Amendment rights.
- Assistant City Attorney Ramakrishnan spoke to the ACLU's letter. He noted that one of their concerns was that these proposed amendments were motivated by a particular set of circumstances (the stickering campaign in the New North End last year). He said that the committee then broadened this to any type of ordinance violation that might be motivated by hateful motives. He noted that the City looked into how it can enhance violations related to protected classes of people, and that they added a private right of action clause into the amendments. He noted a concern from the ACLU about nuisance law, and that in response to this, the City changed the ordinance in the process to address that comment.
- Councilor Doherty said he has serious concerns about the private right of action provision and the potential that it could drag the City into protracted and expensive litigation and that he is not comfortable voting in favor of this without further review.
- Councilor McKnight said the City isn't enforcing the laws that it has related to graffiti and defacement anyway, and requested that this item be postponed until there is more discussion around enforcement of the ordinance that is already on the books.

MOTION by Councilor McKnight, SECOND by Councilor Doherty, to postpone this item until the City Council's December 9, 2024 meeting.

DISCUSSION:

- Councilor Bergman said the ordinance as presented allows for enforcement in the online reporting system, and said it does not make sense to postpone this item for this reason.
- Councilor Barlow expressed support for this postponement, given that concerns around the private right of action need to be addressed, in addition to enhancing enforcement.
- Councilor Grant said that given what's happening downtown, graffiti is not at the top of her list of concerns for the City in the realm of public safety. She said there is also substantial blight downtown, such as the current state of the Memorial Auditorium building, the old YMCA building, and the old Bove's building. She said that it does not make sense to postpone this.
- Councilor Neubieser said he does not support postponement, given the other priorities in front of the Council at this juncture, though he is open to further discussion. He also noted that the City proactively reached out to the ACLU in a proactive way.
- Councilor Litwin said the decision should come down to prudence and that he does not see the harm in continuing to reflect on the threat of litigation. He said he would be interested in hearing both sides of the argument and make decisions after hearing a balanced perspective. He said he opposes the defacement of all property.
- Mayor Mulvaney-Stanak said that the Council should think hard if it delays action on this. She said that the private right of action component allows people to find a solution to a problem the City has been unable to address until now. She said that the City will never be 100% sure that there will never be litigation, but that this is not the time to take any potential tools off the table. She urged the Council not to delay this action any longer.
- Councilor Shannon said they asked the Mayor's office for an enforcement plan, which they received 2 hours before this meeting and would like time to review. She said that this ordinance is much broader than a graffiti and defacement ordinance, and said that the Council should take the time it needs to get this right. She said she would like the ACLU to have the opportunity to weigh in on this version of the ordinance amendments, which they could do prior to the December 9th meeting.
- Councilor McKnight said that if the City doesn't have the right enforcement policy, it will not make progress on addressing hate and bias. She said she would like to force a discussion on the topic of graffiti, which has not been a priority in the City, but is so important for the community.

VOTING ON POSTPONEMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 4 nays); motion carries.

7.5 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Regulate Rental Notifications And Notification Periods (CDNR, Charter Change Committee)

MOTION by Councilor Bergman, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Litwin said that this would give the voters the opportunity to weigh in on the question of whether or not the determination of rental notice periods should be a conversation that could be had locally (through the Ordinance

Committee), rather than through arduous charter changes. He said that this resolution is not on the details of any such action, but just whether the City can be able to explore a more locally tailored approach.

- Councilor Neubieser said that this resolution would increase good governance and support local control, especially given the seriousness of the housing crisis in the City.
- Councilor Barlow said he would like to see these notice requirements align with neighboring communities, saying it could potentially dissuade people from investing in property in Burlington.
- Councilor Broderick said this resolution could help renters navigate the difficult housing market.
- Councilor Grant said she doesn't trust the legislature with this issue, given that most state legislators are property owners.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (12 ayes); motion carries.

7.6 March 4, 2025 Annual City Meeting – Proposed Charter Change Regarding Redistricting By City Council (Charter Change Committee)
Councilor Bergman noted some technical errors in the proposed charter change, necessitating referral back to the Charter Change Committee prior to coming to the Council for consideration. He said that the strikeouts did not successfully ensure that existing districts and wards remain in place until new ones are put there. He said that this could be a quick and easy change.

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to postpone this item until the November 18, 2024 City Council meeting.

VOTING: unanimous; motion carries.

7.7 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Public Safety Tax Rate (Councilor Bergman) **AGENDA ITEM REMOVED**
No discussion.

7.8 March 4, 2025 Annual City Meeting – Charter Change Re: City Council Authority To Pledge Credit Of The City (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Kane, to waive the reading and refer the proposed Charter amendment re City Council Authority to Pledge Credit of the City to the Charter Change Committee for report back no later than in time for the City Council's December 9, 2024 meeting.

DISCUSSION:

- Councilor Kane said that this would raise the City's bonding capacity from \$2 million to \$5 million starting in 2028 and then to \$10 million in 2031, would raise Burlington Electric Department's bonding capacity from \$3 million to \$6 million, and create \$6 million in bonding capacity for the Department of Public Works. He said this would save the City money in the long run as it would allow the City to work through its deferred maintenance and then be more proactive in its capital investments.
- Councilor Barlow said he is supportive of this, but expressed concern about the fivefold increase in bonding capacity for the City that is being requested. He asked if this has been discussed with the School District, given that they also have a \$2 million bonding authority. He also asked how this would affect the City's debt policy. He asked what the City's

current debt load is, and how much overlap there is with the School District. He also asked if this change would be instead of the General Obligation bond request, or if it is in addition to that. Mayor Mulvaney-Stanak replied that if this is successful, it would not go out at the same time as the GO bond, but would be sequenced. She noted that this hasn't been updated since 2014. She said that they would also do this in such a way that debt is retired before more debt is incurred.

- Councilor Carpenter asked what criteria would be used to determine what is appropriate under this type of bond for the City. Assistant City Attorney Ramakrishnan replied that it needs to be for capital improvements. Mayor Mulvaney-Stanak added that the Capital Committee has been refining the criteria that could be used for this bonding capacity.

VOTING: unanimous; motion carries.

7.9 Ordinance: VACANT BUILDINGS BCO Chapter 8, Art. III (Councilor Traverse)

MOTION by Councilor McKnight, SECOND by Councilor Shannon, to first reading, waive the reading and refer to Ordinance Committee.

DISCUSSION:

- Councilor McKnight said that this would increase the fees for the vacant buildings in the community that are currently a blight and an eyesore. She said that negligent landlords must be steeply penalized for the harm they are causing the community. She said this change would have no impact on most people who rent out their properties.
- Councilor Broderick expressed support for this item. He asked how the City defines properties that are used on a seasonal basis. Assistant City Attorney Sturtevant replied that they are designated in the Assessor's Office as seasonal.
- Councilor Litwin noted that one constituent said that this does not go far enough, and he encouraged members of the public to be engaged in the process in the Ordinance Committee.
- Councilor Grant said the penalties are not high enough, given the number of vacant buildings and the crime that occurs there. Councilor McKnight agreed, and said it will be explored in the Ordinance Committee.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Shannon said the Ordinance Committee has several ordinances that will be coming back to the City Council soon, including the condo ordinance and the emergency shelter ordinance. She also noted that the Committee is working on the Dog Task Force report and next steps.

Councilor Grant said the Public Safety Committee is meeting next Wednesday at 5:30. She spoke about the lack of recruitment strategy within the Police Department, as well as a plan to address the Police Department's online reputation. She also said the Union needs to address relationship improvements within the community.

Councilor Bergman said that there is a Charter Change Committee meeting on November 21st, and that it will be a quite active meeting, given the number of charter changes requiring work.

Councilor Barlow said there will be a second reading of the benchmarking ordinance at the November 18 meeting.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse honored the City's veterans and thanked them for their work and sacrifices.

10. ADJOURNMENT

10.1 Motion to Adjourn

Without objection, the meeting adjourned at 9:57 PM.

RScty: AACoonradt

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 12, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman (via Zoom)
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser (via Zoom)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Jessica Brown
Erik Ramakrishnan
Katherine Schad
Lori Olberg
Keaton Knowles

1. AGENDA

City Council President Traverse called the meeting to order at 8:15 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2. 2024 CANNABIS APPLICATIONS

2.1 Green Haven Herbals LLC, d/b/a Artisan Vapor, 16-18 Pearl Street

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Green Haven Herbals LLC, d/b/a Artisan Vapors, 16-18 Pearl Street.

VOTING: unanimous; motion carries.

2.2 Cannaciello, LLC, d/b/a Cannaciello, 276 North Avenue

Commissioner MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Cannaciello, LLC, d/b/a Cannaciello, 276 North Avenue.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 nay); motion carries.

2.3 Herbmont Inc., d/b/a Herbmont, 191 Bank Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Herbmont Inc. d/b/a Herbmont, 191 Bank Street.

DISCUSSION:

- **Commissioner Shannon noted the proliferation of these types of businesses in the City and further noted that the State has not given much authority to municipalities to regulate these. She said that the City should look at its general authority, in the absence of broader State-level oversight. She said that this is an important topic to bring to the City's legislative delegation.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 nay); motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:37 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom, then in person)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Lori Olberg
Keaton Knowles
Jessica Brown
Kim Sturtevant
Chapin Spencer
Bob Klinefelter
Michael LaCroix
Carolyn Cota
Josh Olund
Steve Spear
Kara Alnasrawi
Laura Wheelock
Maddie Suender
Charles Dillard
Nic Longo
Larry Lackey
Jeff Bartley
Marie Friedman
Alex Cohen

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:27 PM.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 7.14 Communication: Michael Monte, Chief Executive Officer, Champlain Housing Trust, re: Conversion of Rentals to Homeownership (per Councilor Bergman);**
- **Add to the consent agenda item 7.15 Communication: Andy Simon and Liz Blum, Members, Jewish Voice for Peace VT/NH, re: communication on the consent agenda;**
- **Add to the consent agenda item 7.16 Communication: Kelly Devine, Executive Director, BBA, re: proposed closure of the Main Street and South Winooski Avenue intersection;**
- **Add to the consent agenda item 7.17 Communication: Erhard Mahnke, re: proposed changes to the City's Condominium Conversation Ordinance;**
- **Add to the consent agenda item 7.18 Communication: Solveig Overby, Ward 2 resident, re: Agenda Item 1: Roundabout for Colchester/Barrett/Riverside intersection – safest, most functional, least expensive;**
- **Note proposed amendments to Deliberative Agenda Item 8.7: Ordinance: Chapter 18 Housing Article V. Regulation of Conversion Of Rental Housing To Condominiums Or Cooperatives (Ordinance Committee)(per Councilor Bergman);**
- **Note proposed amendments to 8.7 (per Councilor Grant);**
- **Add to the Deliberative Agenda item 8.11 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman).**
- **Remove from the Deliberative Agenda Item 8.7: Ordinance: Chapter 18 Housing Article V. Regulation of Conversion Of Rental Housing To Condominiums Or Cooperatives.**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

2.1. Verbal Comments

Forum opened at 6:29 PM.

COMMENTS:

Burlington residents (in person):

- Ryan Nick spoke about the impact of closing the intersection of Main Street and South Winooski Avenue during the holiday season. He said that many businesses are putting stock in having a successful holiday season and that it is the most important part of the year for many restaurants and retailers. He said that it has been a challenging year for the downtown area, given the reputation it has for not being conducive to business or welcoming for visitors. He said the mitigation strategies will do little to alleviate the real and perceived problems that will be the result of closing this intersection, and he urged the City to work with its contractors to keep the intersection open until December 26.
- Evan Gould expressed support for the appointment of Charles Dillard as the City's Planning Director. He also spoke about the death of a local resident last week who was killed while cycling on Shelburne Road. He noted that this was the third death at that intersection in the last five years and the fourth on Shelburne Road. He said that there is a similar design in the Colchester intersection, where

speeds have been found to often exceed the posted speed limit. He said the raised intersection and other traffic calming measures are not appropriate for this intersection and he urged the City to find other alternatives to ensure that these intersections are safer.

- Tenzin Chophel also spoke about the death of the cyclist on Shelburne Road and urged Councilors to walk or bike to work instead of driving, so that they experience some empathy. He spoke about the Winooski Bridge project, saying it should focus more on pedestrian and bicycle safety rather than being so car-centric. He said he and others want to feel safe cycling around the City.
- Jonathan Weber urged the Council to make Shelburne Road safer for everyone. He noted that many of the deaths that occur on Shelburne Road are deaths of Burlingtonians. He spoke about the lack of bicycle infrastructure on Shelburne Road. He said that Burlington's City Council has a powerful voice in the area, and urged the Council to take immediate steps to make Shelburne Road safer, as well as engage with the Chittenden County Regional Planning Commission (CCRPC) and VTrans on future steps to make these corridors safer for all transportation modalities. He said that an added car lane on Colchester Avenue is unnecessary.
- Isabelle Fearn spoke about the death of the cyclist on Shelburne Road last week, saying that this is a public safety issue and that the City needs to improve safety for cyclists. She also spoke about the condo conversion ordinance, noting that a City with a 1% vacancy rate should not be making it easier to turn apartments into condominiums and reducing the number of rentals in the City. She also noted that this ordinance would remove the condo fee that is used to help create affordable housing in Burlington.
- Jason Stuffe spoke about the design of the City for people who are not in a vehicle. He said that the wider a road is, the faster vehicles will go, and the people who are not in those vehicles suffer more. He urged the City to lower the speed by making its roads narrower. He spoke about the Winooski Bridge project's proposal to widen Colchester Avenue and add another lane, which is counterintuitive to the safety of the people that live near and use that bridge when not in a vehicle. He urged them to not add an additional lane.
- Brett Yates spoke about the dangerous road conditions on Shelburne Road for cyclists. He spoke about a stretch of the road between the roundabout and the crosswalk at Prospect Parkway that is completely unusable for anyone outside of a car, and that this stretch includes a number of businesses, housing, and several bus stops.
- Gabriel Nelson spoke about living in Burlington without a car, and said that the City is designing in a way to prioritize cars above all other modes of transportation, which is dangerous and unsustainable. He said he and others want to live in a City where it is safe for people to conveniently live and get around without a car. He said he also is not supportive of the ordinance that seeks to further criminalize homelessness in the community.
- Erhard Mahnke spoke about the proposed changes to the City's condominium conversion ordinance, even though it has been pulled from tonight's agenda. He urged the Council not to support the proposed ordinance as passed by the Ordinance Committee to send it back for further work, noting that he helped draft the original condo ordinance to help preserve 336 units of subsidized housing in the City to prevent the displacement of hundreds of low-income seniors, working families, and people with disabilities. He said that displacement today continues to occur unchecked, given rapidly rising rents and the redevelopment of existing multi-family properties.
- Amy Wright spoke against the proposed changes to the condo conversion ordinance, saying that this was created to prevent displacement. She said that the proposal to cut the notice period in half would be a big step backward for the City in terms of its commitment to being a livable City for all. She said that this ordinance doesn't do anything to create permanent affordability, which is what the City needs.
- Adam Moran spoke about the lack of solid bicycle infrastructure in the City, saying that he has lived and commuted on Shelburne Road for the last six months and that he has never felt so unsafe in transit. He emphasized that paint is not infrastructure and that more solid infrastructure or barriers should be considered to prevent cars from striking bicycles. He said it is also a better long-term strategy to invest in non-automotive transport, given the impacts of climate change. He also spoke about serious speeding issues on Riverside Avenue and expressed concern about widening Colchester Avenue.
- Amy Malinowski spoke about becoming a year-round cyclist and non-car-owner in the City. She spoke about the vehicular violence epidemic and that the World Health Organization has reported that U.S. traffic fatalities are 50% higher than in other Western

countries, and further noted that low-income or marginalized individuals are more likely to experience episodes of traffic violence. She noted that when not in a protected bike lane, drivers encroach on female-perceived cyclists 3.8 times more. She urged community leaders to make Shelburne Road safe for all.

- Griffin DeMateo spoke as a cyclist, saying that Burlington's commitment to pedestrian and cyclist safety is lackluster and deadly, and that the collective inaction to create public infrastructure for pedestrians and cyclist-centered cities is posing a threat to those who have chosen to live lives independent of automobiles. He spoke about his experience being verbally harassed, threatened, and treated with lack of respect for safety by cars during his commute over the Winooski Bridge to Essex Junction on a daily basis. He expressed concern with the new design for the Winooski Bridge that would include wider car lanes and no bike lanes.
- Dan Castrigano expressed frustration with the lack of action regarding safe infrastructure for pedestrians and cyclists, noting that victims of traffic violence tend to be more low-income, unhoused, or people of color. He said that he bikes everywhere with his three-year-old and wants it to be safe for him to do so. He asked why the car lanes are being widened at the Winooski Bridge, when the evidence shows that that will increase car speeds.
- Andre Clark expressed concern that the Mayor is proposing to remove the public health resources at the three encampment locations by December 1, 2024, with the justification that the potential for snow will limit access to service these locations. He asked how a public health response can be seasonal in nature when the issue of homelessness is not a seasonal phenomenon. He said that there are over 350 people who are living unsheltered in the City and that it is unconscionable to remove access to basic resources for them.
- Clayton Dykstra spoke about the transportation infrastructure in the City, saying that the country has a long history of putting profits over people which has resulted in a car-centric society. He spoke about the amount of public input and feedback the City has received and that despite, this action by public officials has been extremely slow. He urged the City to educate themselves on better alternatives to make the City safer for everyone.
- Nolan Rogers spoke about the vacant property ordinance and associated fees, saying that the City needs to make sure that people can't weasel their way out of not paying these fees, especially if they own lots that are vacant, abandoned, or in disrepair, given the lack of housing in the City. He also said the City should look at how it assesses property taxes and perhaps focus more on land than on the infrastructure on the land, to encourage people to build on undeveloped land and encourage housing.
- John George Wheeler urged the Council to reconsider the timing of the closure of the South Winooski/Main Street intersection, saying as a downtown business-owner that businesses in the downtown have been greatly impacted by the intersection closures that have occurred in the last year during construction. He said that this is the worst time of the year to close that gateway intersection.
- Max Schindler said that cycling lanes enhance the downtown shopping experience and that pedestrianized places like Church Street allow people to shop, gather, and eat. He said that a fiscally conservative argument can be made for bicycling safety and that this should be a bi-partisan issue. He urged the City to support more non-car infrastructure, safer crosswalks, and reconsidering the 11-foot-wide lane proposal for the Winooski Bridge. He said that so much of this is tied to ensuring that Burlington remains a livable City where people want to live, shop, and interact with each other as a community.
- Jak Tiano expressed support and congratulations to Charles Dillard for his appointment as the City Planner. He also spoke about how the City is not making progress on its stated goals within the Walk Bike Plan and that this is a failure of its transportation policy. He noted that all of the non-single occupancy vehicle mode shares are declining and that cycling has remained static in terms of its proportion of transit, and that car usage has increased.
- Stephen Chisah spoke about living in Burlington and not owning a car, and advocated for better infrastructure to protect pedestrians and cyclists in the City. He called on the City to take immediate steps to change the configuration of its section of Shelburne Road, which is dangerous. He urged the City to also ask VTrans and the CCRPC to form a task force to conduct long-term corridor planning and to identify interim safety measures. He said that road equity should also be applied to other areas, such as the Winooski Bridge project. He also urged the Council not to change the condo conversion ordinance, and also asked for reparations for Tyeastia Green.

Burlington residents (via Zoom):

- Catarina Campbell spoke about Tyeastia Green, saying that because she was a threat to the entrenched systems of white supremacy in the community, she has been subject to character defamation, public trauma, and intentional mobbing. She said that she should not be criminalized for events that occurred outside of her tenure with the City. She said that Ms. Green should be provided tangible reparations and that the community cannot heal until this is resolved.
- Emma Kouri expressed support for Tyeastia Green and the City's responsibility to end the suffering it has caused her. She said the community cannot believe anything any City officials say about safety or concern for Black lives until the City repairs the harm it has done and pays reparations to Ms. Green.
- Kyle Clauss spoke about the condo conversion ordinance proposal, saying that the changes would reduce the number of rental units in the City and would make the acute rental housing shortage even worse. He said that this represents more displacement and dispossession of the City's working class to make room for six-figure earners who can readily afford the median condominium prices and down payments in Chittenden County. He said that if Councilors are concerned with the houseless population in the City, they should reject this proposal, which would ultimately add to that population. He asked who this proposal is for, given that two-thirds of this City's residents are renters.
- Sharon Bushor noted an inconsistency in the emergency shelters ordinance, saying that the language says that they won't be placed in R-L and R-M areas, and yet in Ward 1, some of the neighborhoods are zoned institutional and that what is going to be allowed is inconsistent. She additionally spoke about downtown businesses and the need for more security, saying that it is necessary. She said that the City should consider looking at the unassigned fund balance for more funds to pay for security services.
- Larry Lewack asked why there is a proposed change to the condo conversion ordinance, given the lack of available rental units in the City, saying that this proposal represents an attack on the interests of renters. He said that most Burlington renters would not be able to afford to buy their rental as a condominium if it were offered to them. He also noted that if the condo conversion fee is eliminated, it would reduce revenue to the City's Affordable Housing Trust Fund.
- Pike Porter spoke about the City's resolution to seek an alternative mission for the VTANG several months ago. He noted that VTANG refused to provide radar data for the noise maps, and that those maps are not based on data. He encouraged Councilors to look at those maps with that perspective. He disputed the claim that some of the Airport's improvements come at no cost to the surrounding communities, given that communities are paying for these costs every day through public health impacts.

Non-Burlington residents/business-owners (in person):

- Marc Sherman spoke as the owner of Outdoor Gear Exchange, noting the City's work to mitigate and resolve issues that are impacting cities and towns all across the State, and voiced his support for item 8.10 to authorize expanded downtown security services, and said that anything that can be done to make Burlington safer and appear safer to customers and staff is greatly appreciated. He also urged the City to delay the closure of the Main Street/South Winooski Avenue intersection until after the end of the holiday shopping season, saying that this season is critical for businesses in the downtown area. He said that postponing the sewer construction work would only result in a minor, several-week delay.
- Jason Levinthal spoke as the owner of JSkis and noted that they do about 30% of their annual sales in November and December. He said that being informed of this closure three weeks prior to its occurrence is less than ideal, and compared it to informing someone that their salary would be cut by 30% in three weeks. He said that postponing the closure of the intersection for several weeks would not make a difference in a three-year project but will make a huge difference for businesses in the downtown area.
- Breanna Swetman said the City needs better bicycle infrastructure in the City and said that she feels unsafe whenever she cycles around the City. She said the City needs better infrastructure than paint and that the Winooski Bridge project's features to widen lanes should be reconsidered.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about the housing crisis in the City, saying that the City is chaotic and it is every individual's right to live in peace. She said the City needs to start listening to Black women.
- Kelly Devine said the closure of the Main Street/South Winooski Avenue intersection will be devastating for many businesses. She noted that when national chains close a downtown location, it is a relatively low-risk change for them, but that many local businesses don't have that option and have their hearts and assets and livelihoods on the line when they are faced with this decision. She noted that sales are down and that businesses were hoping for a holiday turnaround. She noted that this massive construction project is also financed by tax increment financing and that the increment is dependent on a vital downtown and risks not being able to pay for itself if it damages downtown's vitality. She also expressed support for item 8.10 and an increased police presence downtown.
- Melissa Desautel spoke as the owner of several Church Street businesses, urging the City to pause the planned closure of Main Street/South Winooski for the holiday season. She noted that her businesses are down 37% year-to-date.

Forum closed at 7:41 PM.

3. WORK SESSION REGARDING BURLINGTON – WINOOSKI BRIDGE PROJECT AND COLCHESTER/BARRETT/RIVERSIDE BASE TECHNICAL CONCEPT – DPW

3.1 Work Session Regarding Burlington – Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Change – DPW

Director Spencer began by noting that the City co-owns the 100-year-old bridge with the City of Winooski and said that the cities have the opportunity to pay for 5% of the bridge and 0% of the intersection improvement costs and that they are seeking the Council's input on the base technical concept proposal and the approach toward developing contract documents, which will need to be finalized soon. He said that this item will provide an update on the two scoping studies and design for this project and will continue the dialogue and engagement between staff and the Council.

Josh Olund, a consultant and project manager with HNTB, presented an update that covered a project recap and updates, an overview of the base technical concept, RFP considerations, and outlined next steps for the project. He provided an overview of the schedule for the project, which outlined the next steps around soliciting construction contractors in 2025, the beginning of construction contracting in 2026 and actual construction in 2028 after final design, and construction completion in late 2029 and site restoration in 2030. He spoke about the main components of the project itself, which include a component related to the intersection on the Burlington side of the Winooski Bridge and then a component related to the bridge itself. He spoke about the two alternatives being considered for the project currently, which include an on-alignment option and a shifted-alignment option for the intersection and bridge. He outlined the alignment, number of lanes detoured, detour duration, construction duration, and potential for an under bridge path in Burlington for each option. He spoke briefly about traffic during construction, specifically around travel times between UVM Medical Center and downtown Winooski during the summer months, and compared these between current conditions, with a full bridge closure, and with southbound bridge lane closures only. He provided a number of renderings of what the shifted-alignment option could look like for the intersection and bridge. He spoke about construction progression, noting that it will eventually require shutting down the south-bound side of the bridge for four to six months to complete the upstream portion of its construction. He noted that the project would cost a total of \$70-\$80 million for the bridge, \$8-\$9 million for the intersection, and has also received a federal RAISE grant worth approximately \$24.8 million. He also noted that the bridge has a range of splits for cost-sharing, which are 80/20/5 federal/state/city, respectively. Carolyn Cota of VTrans noted that the RAISE grant funds must be obligated by September 30, 2026 and that Winooski voters have approved a \$4.6 million bond for their share of the project and that the Winooski City Council approved the base technical concept for this project at their October 21, 2024 meeting. She stressed that if the State loses RAISE grant funding for this project, it likely will not be able to complete this project for a long time. Mr. Olund then spoke about planning for RFPs related to construction for the project and various features of an RFP that could be prescription versus flexible. He then spoke about next

steps, which include a public open house on December 22, 2024, developing RFQs and RFPs, and continued coordination for rights-of-way, environmental commitments, and utility relocations.

Councilor Litwin spoke specifically about Mill Street and the proposal that anyone exiting Mill Street must only turn right, which would require them, if they want to go back to Burlington, to cross the bridge, go through the Winooski Roundabout, and go back over the bridge to go anywhere in the Burlington community. He asked what considerations were given to this, and expressed concern that travelers will use the Mill Street alleyway as a cut-through to connect to the already-disorganized section of Barrett and Grove Streets, which is dangerous for both pedestrians and cars. Michael LaCroix of VTrans replied that restricting any movement is not a first choice, but that a left turn out of Mill Street would pose a safety challenge and capacity issues during peak traffic hours. Councilor Litwin asked why that intersection could not be signalized like it is today. Mr. LaCroix noted that this project is not a vehicular capacity improvement project, but is meant to improve and add time for pedestrian crossings.

Councilor Bergman said he supports the design build, the curved bridge, the shared bike/pedestrian path across the bridge that is separate from car traffic, the shoulders, and the shorter crosswalks. He also spoke about answers to questions he'd posed a number of months ago, and requested that those be made public. He asked for more information about the speeds that cars will drive across the bridge, saying that he still thinks that signage and potentially smaller speed bumps could mitigate excess speeds. He asked for the rationale of adding an additional lane down Colchester Avenue, and also asked why the middle two travel lanes across the bridge can't be narrowed to 10.5 feet each.

Councilor Doherty expressed concern about the businesses and residents in the Mill Street community and asked for further justification for the right-hand-only turn proposal.

Councilor McKnight expressed concern that the curved feature of the bridge would be in the flexible feature of the RFP. She said she is unwilling to support this as currently proposed due to the Mill Street issue that Councilor Litwin raised as well as issues raised by members of the public about pedestrian and bicycle safety and speed concerns, noting that she rides her bicycle with her two children on a regular basis. She noted that the proposal has a number of plans for mitigating traffic but not for disincentivizing cars or managing vehicular congestion by cutting down on car use. She said the City needs a plan for reducing car volume and traffic in the City. She said that large, multi-million dollar projects can't be thought of in a silo from the big picture of overall transportation in the City. She also said she is not clear about the rationale for including an additional lane on Colchester Avenue and said she would support narrower lanes leading up to the bridge.

Councilor Neubieser said he generally supports narrow lanes where possible and said he would like to better understand the entry and exit points for bike infrastructure and said he is also generally supportive of separated bike infrastructure overall. He said he would like to understand current state for shared bike/pedestrian infrastructure versus future state. He said it is important for the Council to support this project, given the RAISE grant.

Councilor Kane began by noting that the speed limit downtown was reduced to 20 miles per hour and that engineering dictates how fast cars drive. He asked why alternative #3 was ultimately rejected despite scoring the highest on pedestrian safety, crashes, and managing peak congestion. He noted the overwhelming opposition to widening lanes in this project. He said he would also like more information on the funding required to get the project going.

Councilor Carpenter asked why signalization for Mill Street is not feasible.

Councilor Grant noted that she commutes over the Winooski Bridge every weekday, and spoke about issues with trucks straddling lanes, as well as lack of turn signal use for people coming down the roundabout from the Winooski side. She said that widening the lanes will increase car speeds, and said that this proposal seems to try to accommodate the increased traffic volume being seen throughout the City and county. She said that traffic is going to back up regardless at certain peak times. She expressed concern about the Mill Street issue.

Mr. LaCroix said that the 2023 roundabout numbers requested by Councilor Bergman are available on the VTrans website. He spoke about why alternative #3 (the roundabout) proposal was eliminated, noting that a roundabout didn't seem appropriate for the site and project purpose. He said that in order to accommodate some of the enhanced pedestrian phasing in the project, the Colchester Avenue lanes needed to be widened to maintain capacity. He noted that with the shifted alignment proposal, essentially every movement needs to make a turn at the intersection, which would help alleviate speeding concerns. He said that introducing a second signal at Mill Street would degrade capacity and is in direct conflict with the need to simplify that intersection. He said that they are open to more discussion on whether the Mill Street left-turn limits should be for peak hour or all hours.

City Council President Traverse asked what issues it would present if the Burlington City Council approved a different base technical concept than the one approved by the Winooski City Council. He also asked if there are timelines the City needs to be cognizant of around federal funding, given the impending administration change at the federal level.

4. WORK SESSION RE: GREAT STREETS MAIN STREET: PROJECT UPDATES AND MITIGATION

4.1 Work Session Re: Great Streets Main Street: Project Update and Mitigation

Director Spencer began by speaking about how the 150-year-old Ravine Sewer is a liability for the City and that by bypassing it through this project, it will increase the amount of development that can occur downtown and will increase the resiliency of the downtown. He said that unfortunately, what was anticipated to be a 5-month sewer project has turned into a 12-month sewer project and that they had anticipated a certain amount of winter work. He said the project is slated for completion in November 2026 and said that the City team has worked extensively with Main Street stakeholders as part of its public outreach around the project. He said that the contractor needs to continue working through the holiday season to complete the bypass work within the 12-month window. He spoke about more extensive impact mitigation efforts for businesses, including making sure that more of Main and Winooski parking lots are available during the holiday season, using more uniformed traffic officers during holiday busy periods, ensuring that Main Street and St. Paul Street is open during the holiday period to offset the closure at Main and Winooski. He spoke about subsidized parking in the Courthouse Plaza, promotional efforts with Business and Workforce Development, and other measures.

City Engineer Wheelock spoke briefly about the overall construction schedule. She noted that the Ravine Sewer work is currently at Main and Church and is continuing up Main Street. She said that in addition to this, they are conducting other infrastructure improvements, such as upgrading the 1860s water main that feeds the City as well as the connections to individual properties at the cost of the project, and replacing all sewer laterals at the cost of the project. She noted that both of these would normally be costs borne by property-owners. She spoke about the Main Street work around stormwater infrastructure, which includes construction of stormwater tanks near Pine Street and St. Paul Street to help control and manage flows to the wastewater plants. She said that as this work proceeds east along Main Street, more parking opportunities become more available. She pointed out that if they paused the Main/Winooski work, the construction contractor would return to work on the Pine Street or St. Paul Street intersection, which would also impact businesses downtown.

Business and Workforce Development Director Alnasrawi spoke about some of the marketing work that her team has done to encourage shoppers to come downtown during construction. She said that they have conducted print, digital, and social media campaigns to advertise

for businesses, and have placed sandwich boards at intersections with individual business names on them. She said they have also worked with businesses to accommodate DoorDash delivery pickup for the businesses that are dependent on them.

Councilor Doherty implored DPW to keep the Main/Winooski intersection open for the holiday season. Councilor McKnight concurred with this, and expressed concern that this is coming to the Council three weeks before it is slated to go into effect. She said that S.D. Ireland also presents itself as a community member when it bids for Burlington contracts and now it needs to step up and show that it is a community member and help their fellow businesses by coming up with creative solutions.

Councilor Neubieser said he understands the concerns of business owners around any negative impacts for the holiday season, and he said that it also sounds like there are significant mitigation impacts underway. He also noted that commercial property-owners recently got a massive tax break from the City. He also asked if construction is going to be blocking specific businesses or whether construction is negatively impacting businesses in general.

Councilor Grant asked what other areas of the City the contractor could be working on that are already ripped up, if they were directed to pause work at Main/Winooski for the holiday season. She asked if there are other creative solutions, such as using UVM lots on the weekend and hiring a trolley to take people downtown.

Councilor Shannon said that the proposed closure of Winooski and Main during the holiday season is not going to work for the community. She also noted that commercial properties pay 120% of their market value and property taxes and do so on an income basis, so that when they make less income, they pay fewer taxes. She also noted that the City made a commitment to relying on gross receipts taxes for revenue, and said that any failure of this will fall back on property taxpayers. She spoke about the difficulty of navigating downtown and said there needs to be a plan for consistent flow and closures.

Councilor Litwin echoed Councilor Shannon's points about bridging part of the City's funding gap for FY25 with increased gross receipts tax.

Director Spencer began by noting that in order to make this project work within the City's budget, they did not restrict the means and methods of bidding as they related to how the ravine sewer work would be completed. He said that this will be a very difficult conversation with the contractor and may involve further evaluation about risk tolerance, and said he would bring any further updates back to the Council. City Engineer Wheelock added that businesses and property-owners typically receive outreach three weeks ahead of public receiving the information, and acknowledged that three weeks may not be enough time. She noted that the sidewalks have remained open in the interest of promoting the walking and biking community, though it is not the best seasonal option, and noted that there are relevant parking options nearby.

5. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Mayor Mulvaney-Stanak began by noting that the Administration will be meeting with the elected state legislative delegation next week and will also meet with Winooski colleagues for a joint legislative meeting in December. She noted that the City has hired a lobbyist for legislative affairs after receiving bids from an RFP posted earlier in the autumn. She noted that the Administration will also continue regional conversations with CCRPC, CHT, and South Burlington to talk about continued work on regional approaches to the unsheltered. She spoke about a public forum in December to discuss 2025 Town Meeting items.

6. CITY COUNCIL - GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

6.1 Verbal Reports

Councilor Grant congratulated the Fire Department for their continued innovation around improving the overall community safety system with the launch of the Prevent Initiative, which offers medically assisted treatment to people who choose not to be transported to the hospital after an overdose. She noted that the next Public Safety Committee meeting is this Thursday, and will discuss bail and conditions of release and enforcement of those.

Councilor Broderick noted that all rental unit rooms must be capable of being heated to 65 degrees Fahrenheit during winter. He said that if renters are experiencing issues with this and their landlords are not addressing them, they can reach out to the Permitting & Inspections Department and submit an anonymous tip and potential violations of the City's minimum housing standards.

7. CONSENT AGENDA

7.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

7.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.

7.3 Underground Utility Review Committee, re: Findings – waive the reading, accept the communication, and place it on file.

7.4 Position Updates – BED/HR – approve the following: • Update the minimum of the pay range for the Director of Generation Operations, a Regular, Full-time, Exempt, Non-Union, Grade M30 position, from (\$122,335.62-\$189,728.45) to (\$138,501.77-\$189,728.45); • Update the minimum of the pay range for the Director of Generation Engineering & Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade M30 position, from (\$122,335.62-\$189,728.45) to (\$138,501.77- \$189,728.45); • Convert the existing Supervisor of Plant Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade NS7 (\$73,082.26 -\$119,805.30) position, to a Working Crew Leader Generation Maintenance position, a Regular, Full-time, Non-Exempt, Union, Grade F22 (\$68,681.97-\$112,593.55) position. The Working Crew Leader Generation Maintenance position will report to the Director of Generation Engineering & Maintenance; •Update the tiering levels, titles, classifications, and job descriptions for the Electrician Production , a Regular, Full-time, Non-Exempt, Union position, to: Electrician Lead Worker Generation, Grade F20 (\$64,916.80-\$106,421.12); Electrician I – Generation, Grade 13 (\$61,280.34-\$100,459.4240); Electrician II – Generation, Grade 11 (\$55,282.66-\$90,627.26); and Electrician III – Generation, Grade 9 (\$52,440.54-\$85,499.23); • Update the tiering levels, titles, classifications, and job descriptions for the Engineering Production Technician, a Regular, Full-time, Non-Exempt, Union position, to: Generation Technician I, Grade F20 (\$64,916.80-\$106,421.12); Generation Technician II, Grade 13 (\$61,280.34-\$100,459.42); and Generation Technician III, Grade 10 (\$53,423.34-\$87,579.23); • Update the tiering levels, titles, classifications, and job descriptions for the Power Production Technician, a Regular, Full-time, Non-Exempt, Union position, to: Hydro Generation Technician I, Grade F20 (\$64,916.80-\$106,421.12); Hydro Generation Technician II, Grade 13 (\$61,280.34-\$100,459.42); and Hydro Generation Technician III, Grade 10 (\$53,423.34-\$87,579.23); • Update the tiering levels, titles, classifications, and job descriptions for the Mechanic 1st Class, a Regular, Full-time, Non-Exempt, Union position, to: Mechanic I, Grade 12 (\$58,719.65-\$96,261.78); Mechanic II, Grade 11 (\$55,282.66-\$90,627.26); and Mechanic III, Grade 9 (\$52,440.54-\$85,499.23); • Create tiered job descriptions for the Generation Generalist, a Regular, Full- time, Non-Exempt, Union position, to allow employees to progress from Generation Generalist II, Grade 5 (\$46,196.59-\$75,732.18) to Generation Generalist I, Grade 7 (\$48,546.58-\$79,584.54); • Convert the existing Sr. Innovation Project Specialist/Customer Care Representative, a Regular, Full-Time, Non-Exempt, Union, Grade 9 or 11 (depending on tiered level) position, to a Resource Planner position, a Regular, Full-time, Non-Exempt or Exempt (depending on tiered level), Union, Grade 8, A4, or A6 (depending on tiered level) position reporting to the Director of Policy & Planning.

7.5 FY2024 Byrne JAG Grant Application Notification – CJC – waive the reading, accept the communication, and place it on file.

7.6 City Hall Boiler Replacement – BPRW - approve and authorize the execution of a contract with Vermont Mechanical Inc., for a price not to exceed \$105,998, to provide services related to the replacement of boilers in City Hall, plus a project contingency of \$5,300 (for a total authorized project expenditure including contingency not to exceed \$111,298), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract, any related documents needed to carry out the project, and any contract amendments necessary to utilize the project contingency, subject to review by the City Attorney's Office.

7.7 Authorization to Accept Grant Funds for Oakledge Universally Accessible Playground Project – BPRW - authorize the acceptance of grant funds in the amount of \$724,979 from the State of Vermont Land and Water Conservation Fund for the Oakledge Universally Accessible Playground Project and authorize the Director of Parks, Recreation and Waterfront to execute the grant agreement and to take such further actions and execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby, subject to the final review and approval of the City Attorney's Office.

7.8 Declaration of Elected Candidates Special City Election November 5th, 2024 – C/T - waive the reading, accept the communication, and place it on file.

7.9 Declaration of Election Results Question on the Ballot Special City Election – November 5th, 2024 – C/T – waive the reading, accept the communication, and place it on file.

7.10 Communication: Kevin Garrison, Police Commission Member, re: Stepping down – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Kevin Garrison for his time served as a member of the Police Commission.

7.11 Burlington's Construction and Weatherization Workforce Training Program under Rebuilding American Infrastructure with Sustainability and Equity (RAISE) – Business and Workforce Development – authorize the Director of Business & Workforce Development to execute a three-year contract and any other related documents necessary to carry out the agreement with ReSOURCE in an amount up to \$995,704.00 for the workforce development training of Burlington's Construction and Weatherization Training Program, subject to the review and approval of the City Attorney.

7.12 FIO Documents – for information only.

7.13 : Authorization to Accept U.S. Department of Housing And Urban Development Lead Hazard Control And Healthy Homes Grant – CEDO – waive the reading and adopt the resolution.

7.14 Communication: Michael Monte, Chief Executive Officer, Champlain Housing Trust, re: Conversion of Rentals to Homeownership - waive the reading and place the communication on file.

7.15 15 Communication: Andy Simon and Liz Blum, Members, Jewish Voice for Peace VT/NH, re: communication on the consent agenda - waive the reading and place the communication on file.

7.16 Communication: Kelly Devine, Executive Director, BBA, re: proposed closure of the Main Street and South Winooski Avenue intersection - waive the reading and place the communication on file.

7.17 Communication: Erhard Mahnke, re: proposed changes to the City's Condominium Conversation Ordinance - waive the reading and place the communication on file.

7.18 Communication: Solveig Overby, Ward 2 resident, re: Agenda Item 1: Roundabout for Colchester/Barrett/Riverside intersection – safest, most functional, least expensive – waive the reading and place the communication on file.

MOTION by Councilor Litwin, SECOND by Councilor Carpenter, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.18.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Tobacco License Application and Tobacco Substitutement Endorsement License Application (2024-2025): CSC Quick Stop, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application and Tobacco Substitutement Endorsement License Application for CSC Quick Stop, 1563 North Avenue.

VOTING: unanimous; motion carries.

8.2 Planning Director Appointment – Mayor

Mayor Mulvaney-Stanak spoke about Interim Director Dillard’s work as the chief planner as well as serving as the interim planning director and his exemplary qualifications for an appointment as the planning director.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to confirm the appointment of Charles Dillard to the position of the Director of the Office of City Planning.

VOTING: unanimous; motion carries.

8.3 BTV Presentation on Noise Compatibility Program Updates

Aviation Director Longo provided the Council with an update on the Airport’s Noise Compatibility Program. He began by noting that any funding from the Federal Aviation Administration (FAA) for noise mitigation requires airports to have a Noise Compatibility Program. He said that BTV’s program consists of acquiring properties, offering residential sound insulation, sales assistance, and purchase assurance. He noted that acquisition/demolition are only now being offered for properties in the 75 DNL or greater area. Director of Planning Lackey provided an update on the Residential Sound Insulation Program, of which there are five phases, and they are currently including about fifty homes for sound insulation per phase. Director Longo also noted that they have worked on HVAC systems at the Champlain Elementary School, installed three noise monitors in the community, and that no property has wanted purchase assurance or sales assistance to date. He then spoke about the Airport’s Noise Exposure Map, which was recently updated. He noted that the number of dwelling units that are potentially eligible within the 65 or greater DNL contour maps has decreased about 10% from the Airport’s prior Noise Exposure Map.

Councilor Neubieser asked how residents can access sound mitigation funding, and Director Longo replied that the only eligible funding is within the noise contour areas outlined in the exposure map.

Councilor Barlow asked how a change in VTANG’s mission would impact this noise mitigation funding. Director Longo replied that any change would require NEPA action and would require a significant timeframe (of about a year) related to changing the type of operation.

Councilor Litwin asked how DNL is calculated and asked for a more detailed calculation of DNL by hour. Director Longo replied that DNL is the only allowable method by the FAA for noise contour maps, and noted that the methodology and algorithm are publicly available.

Councilor Bergman said that having an understanding of the context of previous noise maps would be helpful, as would a more simplified version of the map at a future Council meeting.

8.4 Mayor and BTV Update on Resolution Re: F35 Congressional Delegation Request

Mayor Mulvaney-Stanak and Aviation Director Longo provided an update on a City Council resolution from August of this year, which contained resolved clauses assigned to the Administration for a report-back, specifically an update on a meeting that was held between the Administration and VTANG on September 24, 2024.

Director Longo reminded the Council that the resolution required the Administration to meet with VTANG to discuss collaborative noise mitigation efforts, VTANG's contributions to the Airport's capital infrastructure, and how this resolution could impact VTANG's future operations at the Airport. He spoke about collaborative noise mitigation efforts through the previously-mentioned Noise Exposure Map exercise, as well as noise mitigation efforts from VTANG around flight path changes to the F-35s, operational changes to reduce noise in the community, including changes to how planes take off, but acknowledged that these changes take time to get approval for implementation. He noted another noise mitigation effort around supplemental Department of Defense funding that could increase the Airport's funding for its Sound Insulation Program. He then spoke about VTANG's contribution to the Airport's capital infrastructure, which includes aircraft rescue and firefighting equipment and building infrastructure at no cost to the Airport or community. He said that having this funding reduces the Airport's operating costs by about \$4 million annually and gives the Airport a competitive advantage with airline partners by reducing airline rates and charges. He also spoke about other projects through which VTANG has contributed to the Airport's capital infrastructure, which include apron and runway rehabilitation projects, and an MOU around reducing greenhouse gas emissions and mitigating aircraft noise.

Mayor Mulvaney-Stanak then spoke about how this resolution may impact VTANG's future operation at BTV. She noted that since the passage of this resolution in August, both Winooski and South Burlington have passed similar resolutions, which has helped to create a more regional statement on this issue that a mission change should be considered. She said that when she met with VTANG leadership on September 24, they said that the resolution would not have an immediate impact on the operations of VTANG because a mission change is determined at the federal level by the Secretary of the Air Force or a higher authority within the Department of Defense. She noted that they explored additional questions about a possible mission change, given that other bases across the country have gone through mission changes or replacements, such as what a mission change could be, how it could impact jobs, how it could impact VTANG's ability to contribute to disaster relief efforts, and how it could impact fire services contributions. She said that they also explored questions around the positive impacts of a mission change.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Barlow asked about other investments the Airport receives that it may not if it didn't have a military base. He also said that there needs to be a more concrete definition of "harmful" as it relates to the resolution. Councilor Bergman pointed out that there are thousands of houses on the noise exposure map that are being insulated at a rate of 50 per year, which will take the next 47 years to complete, and this isn't occurring because nobody's being harmed by the noise from the F-35s. He pointed out that these maps do a good job of concretely quantifying the harm. Mayor Mulvaney-Stanak noted that the Administration has tried to be careful about the presentation and reference to the harmful noise definition, which is also in the underlying resolution.

Councilor Grant said that many constituents have emailed, called, and come to public forum and have given very detailed accounts of the effects of this noise on community members.

Councilor Litwin noted that he had been in communication with someone in a leadership level at a base in Georgia about a suggestion to receive text-based alerts when F-35 flights were going to go off, and asked if someone in the Administration could follow up on this.

8.5 City's Top 5 Legislative Priorities

Mayor Mulvaney-Stanak noted that these top five priorities are the result of outreach to department heads, the City's legislative delegation, the City Council, and constituents, as well as a compilation of legislative items that will be monitored during the legislative session. These priorities include addressing Vermont's housing emergency, providing more resources for acute mental health and substance use needs, properly funding the judicial and pre-trial monitoring systems, appropriating state funding for critical water infrastructure, and gun reform.

MOTION by Councilor Shannon, SECOND by Councilor Grant, to endorse the top five legislative priorities as outlined the memo as the City's top five legislative priorities.

DISCUSSION:

- **Councilor Shannon proposed a friendly amendment to the language in priority #4, to include "explore flexible options for Burlington's TIF districts and/or other financing options to help the City improve needed water infrastructure to allow more housing development to occur within the City."**
- **Councilor McKnight said that this is a great foundation to push for these priorities in the next legislative session.**
- **Councilor Carpenter said it will be important to find creative ways to fund infrastructure, as that will be critical to building more housing.**
- **Councilor Grant said that she agrees with these priorities, but would add a sixth on climate, especially given the change at the federal level.**
- **Councilor Broderick agreed with Councilor Grant regarding climate as a priority. He also said that in terms of infrastructure, the City should also specifically emphasize public transportation infrastructure, public utilities, and capital projects.**
- **Councilor Bergman said that it will be important to monitor the City's mass transit system as a priority, given the public comment heard today. He said that robust state funding for permanently affordable rental housing and shared equity homeownership are also laudable priorities to support.**
- **Councilor Litwin said that if the City wants to build more housing, he would suggest keeping laser-focused on the water infrastructure priority (to a comment made by Councilor Broderick).**
- **Councilor Neubieser said the only realistic path forward is for the legislature and Governor to ensure that the wealthiest Vermonters are paying their fair share in order to increase revenue for the State. He said that the City knows how to do what it has set out to do, but it needs the funding from the State level to do so.**

VOTING: unanimous; motion carries.

8.6 Resolution: March 4, 2025 Annual City Meeting – Proposed Charter Change Regarding Redistricting By City Council (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Bergman said this was before the Council last week but that there were some technical errors that needed to be resolved prior to approval, which were caught and rectified. He said that this takes the City's electoral districts out of the charter and allow the Council to propose them to the voters and then adopt them after that. He said that they are presenting this to the NPAs as well and then moving toward getting it put on the ballot.**

VOTING: unanimous; motion carries.

8.7 Ordinance: Ch. 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Ordinance Committee) ****AGENDA ITEM REMOVED****

No discussion – agenda item removed.

8.8 Ordinance: ZA-24-03 Emergency Shelters

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to waive the reading and set for public hearing.

DISCUSSION:

- Councilor Shannon said that this came forward as a result of changes in the legislature regarding the definition of “emergency shelter” and that these changes align with that definition, as well as add a definition of “occupancy agreement” that is consistent with legislative intent. She also noted changes to the use table to allow emergency shelters in places they were not allowed before (institutional), disallowing them in some places where they had previously been allowed (residential low and residential medium), and allowing them where they had previously been conditional use (residential mixed and residential high).
- Councilor Bergman said that he would still like to look at having emergency shelters in some of the lower density residential zones, as there are shelters that would be appropriate and helpful to be in those zones.
- Councilor Carpenter said there can be a path forward for shelters in lower density areas, as long as there is an acknowledgement that they will also need services. She said that the City should not be permitting a shelter without support services and should not be permitting a shelter without 24-hour services.

VOTING: unanimous; motion carries.

8.9 Ordinance: CH. 21 Offenses and Misc. Provisions Article I, In General, Sec. 21-45 – 21-49 Trespass (Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor McKnight, second reading, waive the reading and adopt the ordinance as amended by the Ordinance Committee and adopt the associated resolution regarding privacy trespass policy.

DISCUSSION:

- Councilor Shannon noted that now, in addition to law enforcement and property owner or tenant, the following can now communicate a trespass order: community service officers, community support liaisons, urban park rangers, park patrol, the City’s contracted security services, or any other City official authorized to enforce the City’s ordinances. She said that it also adds graffiti and defacement of property as well as public urination or defecation in City Hall Park as a ticketable offense, as well as add them (and retail theft) to the list of prohibited activities on Church Street Marketplace, which may result in a no-trespass order. She said this also requires the development of a policy around how trespass notices will be given and who can deliver them and how.
- Councilor Neubieser said it is important to be realistic with expectations of how this would decrease these types of activities.
- Councilor Grant agreed with some of these updates, though she is deeply troubled about the inclusion of urination and defecation in the ordinance, given that the City simply does not have enough public bathrooms. She said that there is a cruelty here that does not sit well with her. She said that this would fine people who don’t have the money to pay the fines and that beyond that, there is no mechanism to enforce this. She said she does not believe in giving the public unrealistic expectations around enforcement.

MOTION by Councilor Grant, SECOND by Councilor Broderick, to postpone this item until a date certain of December 9, 2024 to further examine questions around realistic enforcement of this ordinance.

DISCUSSION (on motion to postpone):

- Mayor Mulvaney-Stanak expressed support for postponement, as the community advisors around public safety have been working to map the public restrooms, propose ways to fill the gaps that exist, and come up with a plan for how to maintain those facilities, which ties into the changes in this ordinance.

VOTING: 5-7; motion fails (Councilors Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon, Traverse dissenting).

MOTION TO AMEND by Councilor Broderick, SECOND by Councilor Grant, to remove lines 230 and 337.

DISCUSSION OF AMENDMENT:

- Councilor Broderick said that public urination and defecation are acts that generally arise from systemic issues such as homelessness, poverty, and lack of access to public restrooms. He said that until clean, safe, accessible restrooms are available, he does not support punitive measures.
- Councilor Grant said that inferring to the public that these are enforceable offenses when they are not is misleading, saying that it is ineffective.
- Councilor Barlow said that there are a number of ordinances that are on the books that aren't consistently enforced, but that this is a tool that could be in the City's toolbox to deter people from urinating and defecating in City Hall Park and on the Church Street Marketplace.
- Councilor Shannon said that there is a public facility in City Hall Park and that City Hall's bathrooms are available to the Church Street Marketplace during business hours. She said that though these are not enough, they are at least existing facilities. She said that urinating and defecating in City Hall Park and the Church Street Marketplace should never be tolerated, as it is a health hazard.
- Councilor Litwin said these are two very specific, heavily-used spaces, and that a line needs to be drawn somewhere.
- Councilor Bergman said he is sympathetic to the problem of people having nowhere to go, but he does not support this amendment. He said that there is an appeals process for these fines where they can be waived in circumstances where there is no other place to go, though it requires an individual to know about and be able to navigate the appeals processes.
- Councilor McKnight said that ordinances are enforced by City staff and she trusts those staff not to be cruel when enforcing them. She also expressed dismay that this amendment is being supported by several Councilors and the Mayor and asked where the boundary is in terms of clear behavior.
- Councilor Neubieser said there is an indignity to this conversation that is deeply frustrating to him.
- Councilor Grant said she is disturbed by the number of people in the City who have been put in the position where they feel that they have to publicly relieve themselves. She said this is happening everywhere, not just on the Church Street Marketplace and City Hall Park, and that it is extremely important to be truthful to the public regarding their current expectations.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Kane – nay, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – nay (2 ayes, 10 nays); motion fails.

DISCUSSION (CONT'D):

- Councilor Carpenter noted that this is a trespass order, which are progressive in nature and are meant to deal with repeat offensive behavior over a period of time.
- Councilor Litwin noted that the City just passed a speed limit ordinance that only one officer is ticketing for, during overtime shifts, and from a Governor's program, so he pushed back on the reluctance of having ordinances on the books that are unenforceable.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (10 ayes, 2 nays); motion carries.

8.10 Memorandum Authorizing Expanded Downtown Security Services

MOTION by Councilor Barlow, SECOND by Councilor McKnight, to approve and authorize the Chief Administrative Officer to make a FY25 budget adjustment that transfers up to \$60,0000 to the CSM from the BPD FY25 budget and to authorize the Director of Business & Workforce Development to enter into a contract between the CSM and BPOA for security services to be provided under the terms and conditions set forth in this memorandum.

DISCUSSION:

- Councilor Barlow spoke about how retail theft and public safety concerns are impacting sales for businesses downtown. He said that additional patrols can help curb crime and antisocial behavior, and will give shoppers an added sense of security. He noted that BPOA are supportive of this additional opportunity. He noted that if the Administration would like to explore other sources of funding, there are no restrictions from this proposal on doing so. He said that if there are difficulties filling shifts with Burlington police officers, he would be open to exploring other ways to augment the security situation, such as with sheriffs and officers from other agencies.
- Councilor Bergman asked that the City Attorney's Office take a look at the agreement from last year if it had been used as a template, and Mayor Mulvaney-Stanak replied that City Attorney Brown's office will conduct a full legal review of last year's agreement. She also noted that there is not much headroom in the Police Department's budget, and asked for Councilor support to help secure other private funding mechanisms.
- Councilor Grant noted that she had had concerns with last year's legal agreement, as Council was not given the opportunity to review the contract itself between the City and BPOA. She said that she is relieved that the agreement from last year will go under full legal review, as it put the City's officers and residents at risk. She said she will support this year's agreement if the Council is able to review the contract prior to its execution.
- Councilor Grant made a friendly amendment to add to the end of the motion ", subject to review and approval of the City Attorney's Office and delivery of any executed contract to the City Council for review."
- Councilor Doherty questioned the necessity of this amendment, given that all contracts are subject to review by the City Attorney's Office prior to being executed.
- Councilor Grant said that this agreement was never posted publicly last year, and said that this is why this amendment is being made.
- Councilor Kane noted concerns with BPOA's bandwidth already, saying that this resolution would stretch them even more thinly.
- Councilor Neubieser asked about what this resolution would do in terms of adding public dollars to BPOA, which would essentially be a private entity in this relationship. City Council President Traverse *passed the gavel to Councilor*

Shannon and responded that there is a historic precedent of the BPOA contracting with the City to provide additional security services, and that there is language in the collective bargaining agreement that the City is among the parties that may itself contract with the BPOA. Councilor Neubieser asked why police officers can't just do this through overtime, and City Council President Traverse responded that the City is already running hot on its overtime budget, and that this would put increased funding into overtime rates to incentivize officers to participate in this additional holiday-related security activity.

- Councilor Grant said that the City runs into trouble where it tries to define what is already in the job duties of police officers (patrolling the downtown area during regular times) as a special event, which it isn't.
- Councilor McKnight noted that the sheriff's department is booked solid and not able to participate in this, and that the previous contracts with state police and private contractors weren't satisfactory, hence why this would lean on the BPOA.

VOTING: 11-1; motion carries (Councilor Kane dissenting).

8.11 Resolution: March 4, 2025 Annual City Meeting – Charter Change Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to waive the reading of the version referenced on CivicClerk, suspend the rules to not refer to Charter Change Committee, and adopt the resolution.

DISCUSSION:

- Councilor Bergman noted that in September, the Council passed a gun resolution that asked for the General Assembly to adopt the City's charter change. He said that they have received communication back from representatives who have suggested that this be put on the ballot for a vote, which is what this does. He said that guns and alcohol do not mix and that this should be put in front of the voters.

VOTING: unanimous; motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 12:30 AM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:15 PM.

MOTION by Councilor Grant, SECOND by Councilor Carpenter, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated

2.2 Resolution: Ratification Of Appointment Of Assistant Election Officials Re: November 5th, 2024 General Election And Special City Election (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Barlow, SECOND by Councilor Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:16 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:17 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated

2.2 2024-2025 First Class Liquor License Renewal: Café Dim Sum, 95 St. Paul Street – approve the 2024-2025 First Class Liquor License Renewal for Café Dim Sum, 95 St. Paul Street with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. DELIBERATIVE AGENDA

3.1 Second Class Liquor License Application (2024-2025): CSC Quick Stop, 1563 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Second Class Liquor License Application for CSC Quick Stop, 1563 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 9:19 PM.

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 18, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Jessica Brown
Katherine Schad
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 9:16 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated

2.2 2024 Cannabis Renewal: Stash Farm, LLC, 217 Starr Farm Road - approve and authorize the transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Stash Farm, LLC, 217 Starr Farm Road.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 9:17 PM.

Lori Olberg

From: Sarah Montgomery
Sent: Tuesday, December 10, 2024 11:58 AM
To: Lori Olberg
Subject: Inspector resignation

Do you want this?

From: Alan Matson <amatson@gmail.com>
Sent: Tuesday, December 10, 2024 10:48 AM
To: Sarah Montgomery <smontgomery@burlingtonvt.gov>
Cc: Greg EplerWood <gregew2@burlingtontelecom.net>
Subject: Re: Potential Vacancy?

[WARNING]: This email was sent from someone outside of the City of Burlington.

Sarah--Thank you for pinging me on this.

Please consider this to be formal notification that I am stepping down as Inspector of Elections effective immediately. I am stepping down at this point because I plan on running for Ward Clerk in March and that by resigning now, we can put a 2nd Inspector position on the ballot in March. I think my term runs through the City Election in 2026.

Thank you and I hope that I'll be able to continue to serve Burlington and Ward Six.

Alan

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

**CITY OF BURLINGTON AND
UNIVERSITY OF VERMONT MEDICAL CENTER
SECOND AGREEMENT TO EXTEND 1999 MEMORANDUM OF
UNDERSTANDING AND AGREEMENT**

This Agreement (“Agreement”) is executed by and between the University of Vermont Medical Center (“UVMC”) (f.k.a. Fletcher Allen Health Care, Inc.) and the City of Burlington, Vermont (“the City”) (collectively, “the parties”).

WITNESSETH:

WHEREAS, the parties entered into that certain Memorandum of Understanding and Agreement, dated as of December 22, 1999 (the “MOU”) in order to address issues related to the development of UVMC’s MCHV campus and potential impacts on the adjacent residential neighborhood;

WHEREAS, the parties entered into a First Amendment to Memorandum of Understanding and Agreement, dated June 16, 2006 (the “First Amendment”), to provide for the construction and operation of the Hope Lodge at 237-245 East Avenue, Burlington, Vermont;

WHEREAS, the parties entered into a Second Amendment to Memorandum of Understanding and Agreement, dated July 27, 2016 (the “Second Amendment”), to address the acquisition of the 115 Colchester Avenue property; and

WHEREAS, pursuant to paragraph 17 of the MOU, the MOU was to expire on September 20, 2024;

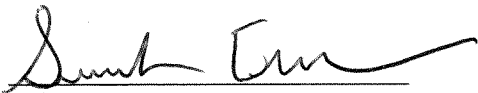
WHEREAS, on September 19, 2024, the parties agreed to extend the MOU until December 24, 2024 to allow full negotiations to occur with the new administration; and

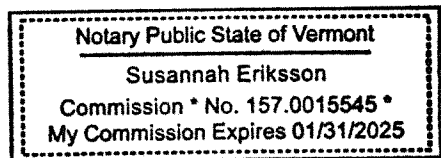
WHEREAS, the parties have made significant progress in negotiations, however, both parties agree that another extension of the current MOU is appropriate to allow all issues to be properly addressed.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, IT IS AGREED, by and between the City and UVMC that the 1999 MOU between the City and UVMC, as amended, shall remain in full force and effect until February 10, 2025.

IN WITNESS THEREOF, this Agreement is executed by the duly authorized officers or representatives of the City and UVMMC as signified below.

**UNIVERSITY OF VERMONT
MEDICAL CENTER**


Witness



By: 
Stephen Leffler, MD, President and COO
Duly Authorized Agent
Date: 12/6/24

CITY OF BURLINGTON, VERMONT

Witness

By: _____
Mayor Emma Mulvaney-Stanak
Duly Authorized Agent
Date: _____



MEMORANDUM

TO: City of Burlington, Finance Board
City of Burlington, City Council

FROM: Jon Murad, Chief of Police

CC: Shannon Trammell, Executive Manager

DATE: December 16, 2024

SUBJECT: Reclassification request for Records Clerk position

REQUEST

The Burlington Police Department (BPD) seeks to reclassify the role of Records Clerk. We propose the following:

- Reclassification of the Records Clerk, a Regular, Full-time, Non-Exempt, Grade 13, AFSCME position to a Regular, Full-time, Non-Exempt, Grade 15, AFSCME position.

EXECUTIVE SUMMARY

Role Description:

The Records Clerks are an integral part of BPD's operations. As BPD has had to adapt to staffing challenges, the Record Clerks have also had to take on more responsibilities to compensate. Some of those include:

- Process and assign incoming online reports. Process follow-up emails and supplemental information provided to the reports including but not limited to: photos, video, witness statements, etc.
- Process case status emails from the State's Attorney's Office and log according to Department policy.
- Compile and process all cases for court before court appointed deadlines including but not limited to; affidavits, criminal histories, incident details and supplemental case documents.
- Process and mail Youth Substance Awareness and Safety Program (YSASP) tickets to the Community Justice Center (CJC) office
- Act as back-up for TRO's and Subpoena notification.

- Complete tasks associated with protection orders as required, to include; reviewing, entering, putting out for service, and tracking and auditing.

Financial Impact

Position	Current Grade / Step	FY25 Salary	Proposed Grade / Step	FY25 Reclassed Salary	FY25 Impact
Records Clerk (4 positions)	(2 @) 13/10	\$58,892.60	15/5	\$62,263.76	\$12,334.14
	13/2	\$52,548.60	15/1	\$57,857.28	
	13/1	\$51,573.50	15/1	\$57,857.28	

The FY25 Impact will be absorbed through current Division vacancies and position savings from the retirement of a Records Clerk after 49-years of service.

This position will not result in any additional staff and it will remain a full-time, AFSCME position.

ATTACHMENTS

A. Records Clerk Job Description

MOTIONS

The Burlington Police Department respectfully requests the Board of Finance and City Council approve the following motions:

Board of Finance:

To approve and recommend that the City Council approve and authorize the reclassification of the 4 (four) Records Clerk positions, Regular, Full-time, Non-Exempt, AFSME, Grade 13 positions to Regular, Full-time, Non-Exempt. AFSCME, Grade 15 positions within the Burlington Police Department.

City Council:

To approve and authorize the reclassification of the 4 (four) Records Clerk positions, Regular, Full-time, Non-Exempt, AFSME, Grade 13 positions to Regular, Full-time, Non-Exempt, AFSCME, Grade 15 positions within the Burlington Police Department.

Respectfully and sincerely,


Jon Murad
Chief of Police

City of Burlington Job Description

Position Title: Records Clerk

Department: Police Department

Reports to: Administrative Service Bureau Lieutenant

Pay Grade: 1315

Job Code: 213

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

Remote Work Rating: Tier 1

General Purpose: This position is responsible for receiving and maintaining the records of all division of the Burlington Police Department. Provide accurate responses to all inquiries related to the Burlington Police Department and other records.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The “Qualifications/Basic Job Requirements” and the “Physical and Mental/Reasoning Requirements and Work Environment” state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Receive, record and maintain all confidential report documents for the operational Bureaus of the Police Department.
- Check for accuracy and completeness and record information from police reports, including but not limited to; subpoenas, family court work, [evidence tags](#), supplement reports. Link documentation into the Records Management Databases.
- Accurately enter, verify, cancel, and audit criminal warrants in the Records Management: [Vermont Orders and Warrants System \(VOWS\)](#), Vermont Criminal Information Center, and National Crime Information Center Databases and file hardcopies.
- Produce detailed case reports documenting highly confidential information as requested for all maintained information in the Records Management Databases.
- Receive, record, and scan all traffic tickets, municipal tickets, warnings, accident reports, Incident data, [trespasses](#), and Case data into the records management system.
- Audit all Case reports for compliance with Federal Incident Based Reporting System and bring any non-compliant cases up to standard. Submit monthly National Incident-Based Reporting System ([NIBRS](#)) data to the State and/or FBI in compliance with Federal law, [in addition to quarterly LEOKA audit.](#)
- Provide information to the general public and law enforcement agencies via phone or in person.
- Research [and fulfill](#) all requests for information (including but not limited to [FOIA requests](#)) [such as](#) :-copies of incidents, affidavits, ~~and~~ accidents, [tickets](#), criminal background checks, ~~and animal disturbances~~ [other calls for service](#).
- Accurately research records management databases, State and Federal Criminal history databases and correspond with reports of records to State and Federal Law Enforcement Agencies, Prosecutors, insurance companies, other City departments, and members of the

public. These inquiries may include but not limited to; Criminal Investigations; prosecutions; Pre-employment background investigations; and general inquiries.

- Maintain records of missing persons, stolen vehicles, [firearms](#) and stolen articles entered into the NCIC computer database for regular Federal audits of same. [Entry of Violent Person Files and the corresponding audit.](#)
- Receive, sort, and distribute mail.
- Conduct paper filing – research and re-filing – for Incidents and Cases that occurred prior to 2003.
- Prepare reports of call for service activity from computer databases for Police Administration, other City departments, and members of the public.
- Receive and maintain logs of disposed cases to be forwarded to the Identification unit for evidence disposal.
- Maintain and publicize available Criminal and Municipal Court dates for department use.
- Ensure that Court ordered Expungements are properly handled and records removed from general circulation and/or returned to Court to be sealed.
- Produce monthly Pending case and Incident audit, providing supervisor with information in accordance with department protocol.
- Maintain and research records in support of the issuance of licenses for vendors, bars, taxis, solicitors, etc.
- ~~Produce monthly Pending case and Incident audit, providing supervisor with information in accordance with department protocol.~~
- Enter stolen goods data into theft reports.
- ~~Produce Juvenile offender letters to advise parents of child's activities in accordance with department directives.~~
- [Process and mail Youth Substance Awareness and safety Program \(YSASP\) tickets to the CJC office and complete necessary follow-up paperwork](#)
- [Maintain liaison with local, federal, State and Municipal courts, and police and other agencies within the Criminal Justice System.](#)
- [Assign and process incoming online reports. Process follow-up emails and supplemental information provided from the public including but not limited to: photos, video, witness statements, etc.](#)
- [Process case status emails from the State's Attorney's Office, and log according to Department policy. Follow-up with the Vermont Crime Information Center as appropriate.](#)
- [Compile and process all cases for court before court appointed deadlines including but not limited to; affidavits, criminal histories, incident details and supplemental case documents. Completed all discovery requests from the court.](#)
- [Audit protection orders monthly](#)
- [Act as back-up for TRO's and Subpoena notification and initiate service requests for the Domestic Violence Victim Advocate and the Uniform Bureau Support & Administrative Coordinator when needed.](#)
- [Complete tasks associated with protection orders as required](#) to include; reviewing, entering, putting out for service, tracking and auditing protection orders.
- ~~Fill in as the Police Department front desk receptionist as needed. Greeting, announcing, and directing all visitors to Police Department areas or personnel, accepting paperwork,~~

~~answering questions, etc.~~

- Assist with lobby traffic as needed i.e. receiving mail and packages, sign in for vendors and visitors, and accepting paperwork.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- High School Diploma or equivalent required. Two years' experience in clerical office work, with emphasis on public, customer and staff interaction required.
- Ability to work in fast paced office environment with regular interruptions required.
- Ability to multi-task required.
- Ability to work large amounts of diverse data; input and maintain with minimal mistakes required.
- Ability to meet tight deadlines and provide accurate, up-to-date information as needed required.
- Ability to interact with coworkers, members of the public, law enforcement officials in a courteous and professional required.
- Ability to maintain and keep secure confidential information required.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- Ability to obtain and maintain NCIC terminal operators' certification.
- Knowledge of a variety of reference sources, including, but not limited to, VDC, NCIC, VCIC, Sex Offender Registry, Spillman, micro-fiche, power pack, VSC, DOC, etc.
- Knowledge of local, state and federal laws and regulations for maintenance and distribution of records required.
- Knowledge of related terminology, including but not limited to, police, prosecutors, Courts, Department of Motor Vehicles, Department of Corrections, etc.
- Ability to work weekends and nights as directed.
- Ability to operate in Windows programs and a variety of database programs is required.
- Applicant must pass written exam, oral board review, and background check.
- Must be able to interact in a courteous and professional manner with Police Department, Courts, City and State Attorney's staff, and the general public.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

☒ seeing ☐ ability to move distances ☐ lifting (specify)
☒ color perception within and between ☐ pounds

(red, green, amber)	warehouses/offices	___ carrying (specify)
☒ hearing/listening	___ climbing	___ pounds
☒ clear speech	___ ability to mount and	___ driving (local/over
☒ touching	dismount forklift/truck	the road)
☒ dexterity	___ pushing/pulling	
☒ hand		
☒ finger		
☒ reading - basic	☒ math skills - basic	___
		analysis/comprehension
___ reading – complex	___ math skills - complex	___ judgment/decision
☒ writing - basic	☒ clerical	making
___ writing - complex		
___ shift work	___ outside	___ pressurized equipment
___ works alone	___ extreme heat	___ moving objects
☒ works with others	___ extreme cold	___ high places
☒ verbal contact w/others	___ noise	___ fumes/odors
☒ face-to-face contact	___ mechanical equipment	___ hazardous materials
☒ inside	___ electrical equipment	___ dirt/dust

Supervision:

Directly Supervises: _____ Indirectly Supervises: _____

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

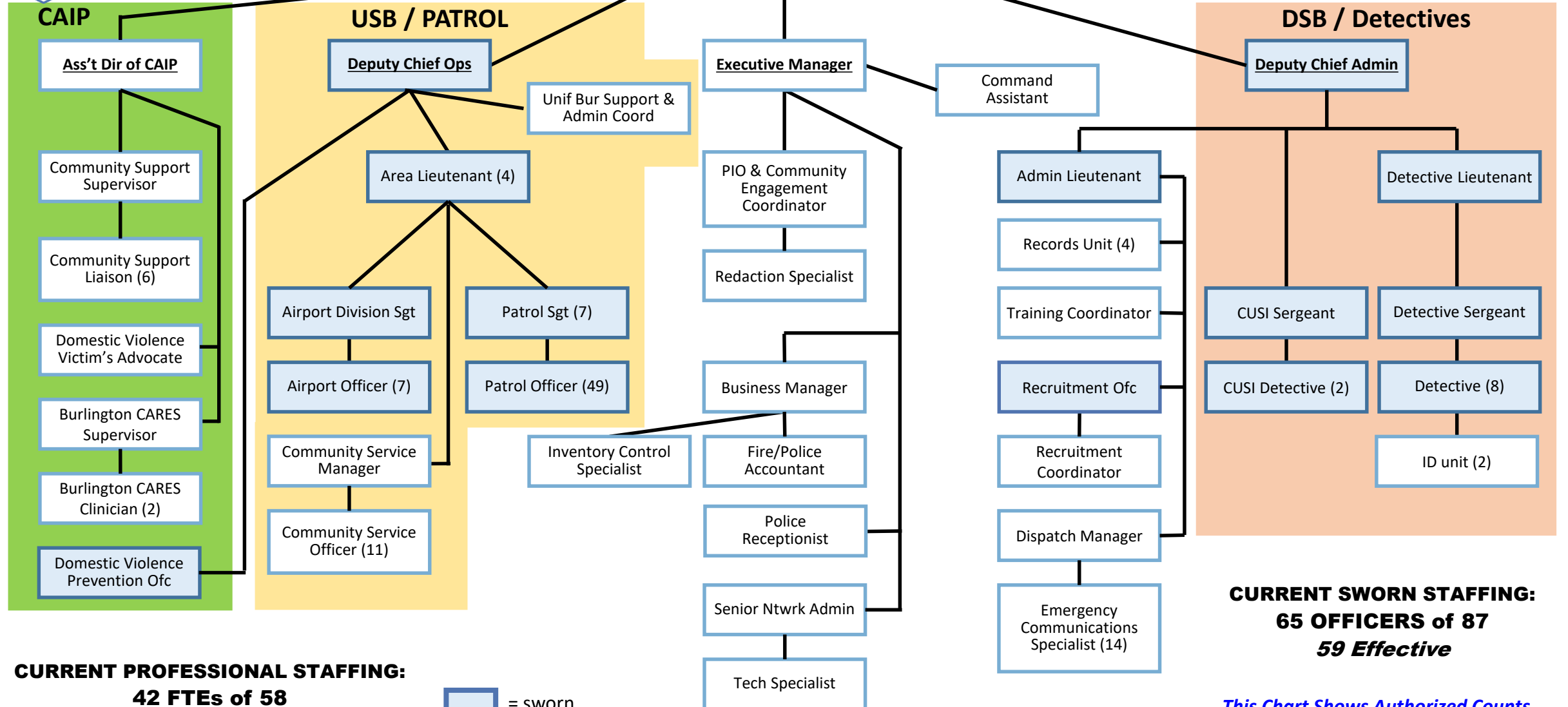
Human Resources: _____ Date: _____

(Wpd revised May 2005)(revised Sept 2009)(revised Jan. 2010)([revised Nov. 2024](#))



FY25 ORG CHART

**FY25 AUTH STAFFING: 87 SWORN OFFICERS
58 PROFESSIONAL STAFF**



**CURRENT PROFESSIONAL STAFFING:
42 FTEs of 58**

= sworn

= professional (non-sworn)

**CURRENT SWORN STAFFING:
65 OFFICERS of 87
59 Effective**

*This Chart Shows Authorized Counts
for Each Role*

Board of Finance and City Council Submission Checklist

Department: Police Submitter: Jon Murad

Title/Subject: Records Clerk Reclassification

	Approval:	Meeting Date:
☐	Board of Finance	
☐	City Council	
☒	Concurrent	12/16/2024

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	12/9/2024	J. Murad
Mayor's Office informed and approved memo	Yes	12/11/2024	E. Jacobsen
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/10/2024	H. McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/11/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	12/11/2024	T. Clancy
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	N/A	
Additional Materials, if necessary	Yes	Job description + Org Chart
Draft Resolution or Motion?	Yes	In attached memo
If for submission to Council, are sponsors identified?	N/A	



To: Board of Finance and City Council

From: Cindi Wight, Director of Parks, Recreation & Waterfront

CC: Orieta Glozheni, Human Resources Manager, Gary Roger, Recreation Superintendent

Date: December 16, 2024

Re: Re-classification of one position, the Recreation Assistant, in the Department of Parks, Recreation and Waterfront

Executive Summary:

Burlington Parks, Recreation & Waterfront ("BPRW") is requesting the re-classification of the Recreation Assistant position.

Background:

Reclassifying the part-time position at the CORE Adult Center by adding more tasks to support the Recreation Specialist offers several benefits, including increased efficiency with task delegation and time saving; enhanced program quality with additional support and new ideas, and better service to the community with more availability, and increased accessibility. Overall, this will improve operations at the CORE Adult Center, allowing our full-time Recreation Specialist to shift away from Direct Service with participants and focus more on new program development for our seniors and other adults.

For the Recreation Specialist to be freed of being on-site daily at the CORE Adult Center, we need to update the Recreation Assistant job description to include the necessary duties that allow for the part-time employee to operate the facility without the Recreation Specialist being onsite with them. The salary increase attached to this re-classification amounts to less than \$2,000/year. The Recreation Team is confident that annual revenue from our senior and adult programs will increase by more than that amount due to the Recreation Specialist concentrating on new program development. More importantly, this re-classification will allow our department to provide more programs and services to seniors and adults in Burlington.



Financial Impact:

Position	Current Grade/Step	Current Rate	Proposed Grade/Step	FY25 New Rate
Recreation Assistant	9/10	\$23.40/hr.	12/4	\$24.88/hr

Motions:

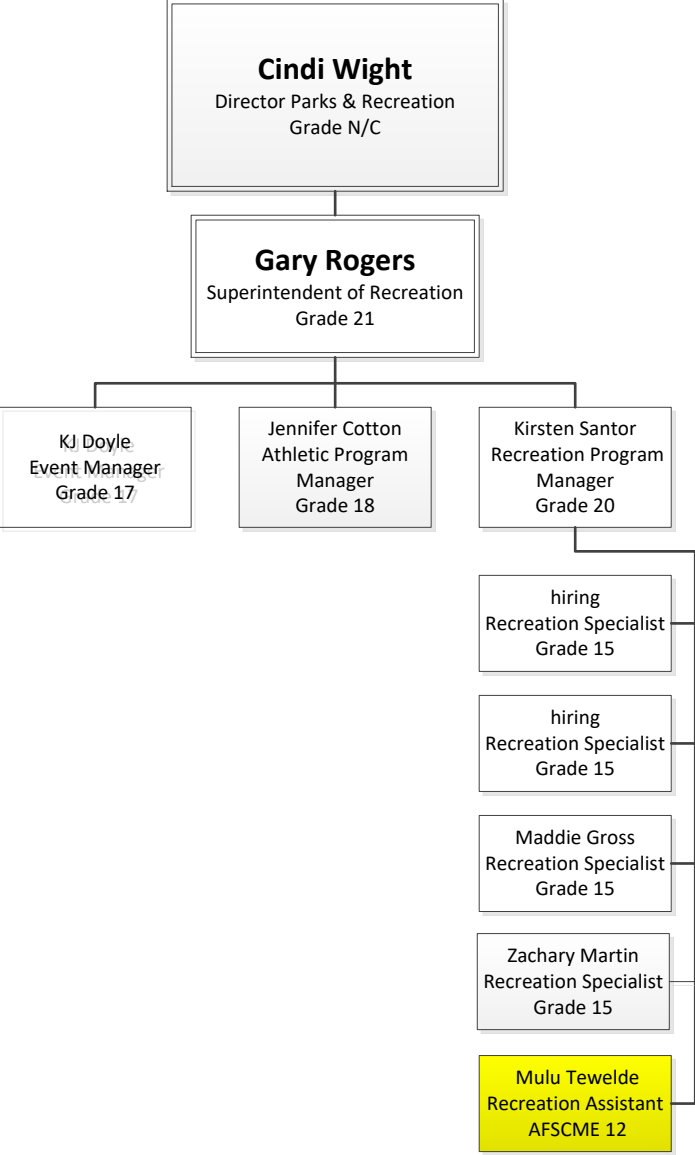
Board of Finance Motion

To approve and recommend that the City Council approve and authorize the reclassification of the Recreation Assistant, a regular, part-time, non-exempt, AFSCME, Grade 9 position to a regular, part-time, non-exempt, AFSCME, Grade 12 position in the Department of Parks, Recreation & Waterfront.

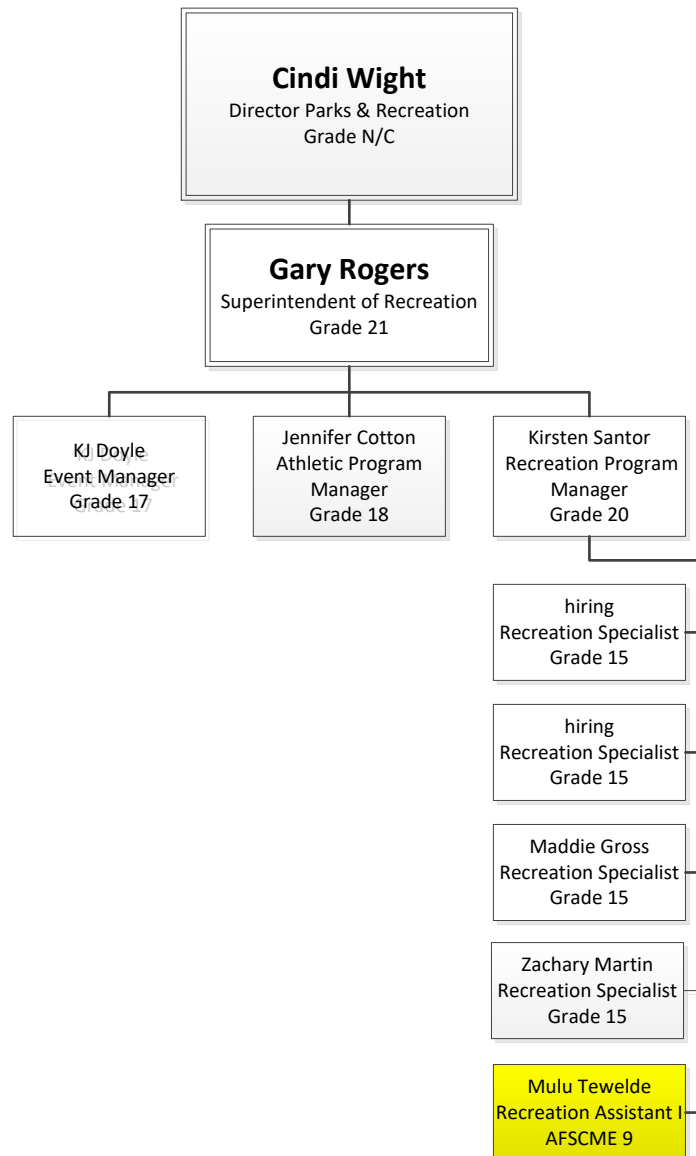
City Council Motion

To approve and authorize the reclassification of the Recreation Assistant, a regular, part-time, non-exempt, AFSCME, Grade 9 position to a regular, part-time, non-exempt, AFSCME, Grade 12 position in the Department of Parks, Recreation & Waterfront.

BPRW-
Recreation Division
City of Burlington
December 2024



**BPRW-
Recreation Division
City of Burlington
December 2024**



City of Burlington Job Description

Position Title: Recreation Assistant~~+~~

Department: Parks, Recreation & Waterfront

Reports to: Recreation Program Manager

Pay Grade: 129

Job Code: Regular Part-Time

Remote Work Tier: 1

Exempt/Non-Exempt: Non-Exempt

Union: AFCSME

General Purpose: This position is responsible for supporting and facilitating the programming of the Burlington Parks, Recreation & Waterfront CORE Adult Center. This position provides direct service to the CORE Adult Center through programming and meal delivery.

~~**General Purpose:** Responsibilities include assisting Recreation Specialists in developing operations for the senior adult program as well as assisting with general Recreation Division needs. Priority is to ensure nutrition program is operating in a safe & professional manner and in accordance with Health Department regulations. Assist in the preparation and delivery of other senior adult programs and services.~~

~~**Essential Job Functions:** Works directly with the Recreation Specialist to ensure optimum delivery of service. Assists in meal preps, clean up and related duties with the Senior Congregate Meals Program and related events. Trains volunteers in food safety and maintains open communication with volunteers and staff. Assists in the delivery of classes, clinics and events for senior center participants along with supporting other recreation programs.~~

Essential Job Functions:

- Prepare and serve meals to program participants including, but not limited to:
 - Understanding and following all Health Dept. codes and regulations regarding preparing and serving food
 - Assist in special event food preparation when necessary
 - Assist in delivery of meals when necessary.
 - Maintain cleanliness of kitchen and maintain inventory of kitchen supplies
 - Adhere to AgeWell meal guidelines including maintaining appropriate records, sending reports, and placing meal orders.
- Facilitate program delivery including, but not limited to:
 - Provide good customer service to participants
 - Register new participants
 - Handle all membership payments
 - Occasionally facilitating programs
 - Communicating and supporting volunteers
 - Working with programmer to develop monthly program calendar
 - Making recommendations for new programs

- Maintain participation records
- Support the physical aspects of running the program including, but not limited to:
 - Cleaning and organizing spaces during times participants are absent
 - Performing a weekly inventory of supplies
 - Ordering or purchasing supplies
 - Assist with providing information to public and participants about ongoing programs, as well as, potential new programs
 - Coordinate program access through SSTA transportation
 - Supporting participants during programs, including conflict management
 - Assist with morning set-up and afternoon break-down of spaces
 - Answering phone or making phone calls to participants regarding upcoming programs in a professional manner when necessary
 - Ensure that all programs and activities comply with department safety rules and regulations
- Attend individual and department meetings as required.

Essential Job Functions:

- Prepare and serve meals to program participants including, but not limited to:
 - Understanding and following all Health Dept. codes and regulations regarding preparing and serving food
 - Assist in special event food preparation when necessary
 - Assist in delivery of meals when necessary.
 - Maintain cleanliness of kitchen and maintain inventory of kitchen supplies
 - Maintain appropriate records for meals including number of meals served, temperatures and quality of food received including monitoring the sign in process when participants arrive at the center or receive their meal at home or other site.
 - Prepare monthly meal records and contribute information for recording volunteer hours
- Actively participate in program delivery including, but not limited to:
 - Assisting programmer with program delivery
 - Working with programmer to develop new programs
 - Supporting participants during programs
- Support the physical aspects of running the program including, but not limited to:
 - Provide good customer service to participants
 - Cleaning and organizing spaces during times participants are absent
 - Performing a weekly inventory of supplies
 - Assist with providing information to public and participants about ongoing programs, as well as, potential new programs
 - Assist with mobility issues, including those who are transported to and from center
 - Assist with morning set-up and afternoon break-down of spaces
 - Answering phone or making phone calls to participants regarding upcoming programs in a professional manner when necessary
 - Ensure that all programs and activities comply with department safety rules and regulations

Secondary Job Functions

- Assist programming and events team as needed
- Attend individual and department meetings as required.

Non-Essential Job Functions:

- Performs other duties as required

Qualifications/Basic Job Requirements:

- High School Diploma or equivalent education with a minimum one year of experience with food preparation preferred.
- Knowledge of the principles and practices of senior programming and senior community engagement is preferred.
- Ability to communicate effectively both orally and in writing.
- Ability to work weekdays
- Ability to learn and use computerized word processing and data base management software for correspondence and promotional material preparation and distribution.
- Ability to lift over 30 pounds for extended periods of time when required for meal program set up, delivery and take down.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to obtain First Aid/CPR/AED certification.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

x seeing	_x_ ability to move distances	_x_ lifting (specify)
x color perception (red, green, amber)	within and between warehouses/offices	_30_ pounds
x hearing/listening	___ climbing	_x_ carrying (specify)
x clear speech	___ ability to mount and	_30_ pounds
x touching	dismount forklift/truck	___ driving (local/over the road)
x dexterity	___ pushing/pulling	
x hand		
x finger		

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☒ reading - basic	☒ math skills - basic	☒ analysis/comprehension
☐ reading - complex	☐ math skills - complex	☒ judgment/decision making
☒ writing - basic	☒ clerical	
☐ writing - complex		
☒ shift work	☒ outside	☐ pressurized equipment
☐ works alone	☒ extreme heat	☒ moving objects
☒ works with others	☒ extreme cold	☒ high places
☒ verbal contact w/others	☒ noise	☒ fumes/odors
☒ face-to-face contact	☒ mechanical equipment	☐ hazardous materials
☒ inside	☐ electrical equipment	☒ dirt/dust

Supervision:

Directly Supervises: 0 Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised March 2023

Revised December 2024

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Cindi Wight

Title/Subject: Reclassification Recreation

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/16/2024

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	12/9/2024	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	12/11/2024	Joe Magee
Board/Commission, if required	N/A	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	N/A	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	12/11/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/11/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	Click or tap to enter a date.	Orieta Glozheni
CIO, if an IT-related investment/purchase	N/A	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?	No	Click or tap here to enter text.
Additional Materials, if necessary	No	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

To: Board of Finance and City Council

From: Nicolas Longo C.M., Director of Aviation

CC: Orieta Glozheni, Human Resources Manager; Mike Waite, Property Manager

Date: December 9, 2024

Subject: Addition of a new position; Airport Maintenance Worker II at the Patrick Leahy Burlington International Airport

Executive Summary:

Patrick Leahy Burlington International Airport is requesting to add a permanent AFSCME (American Federation of State, County and Municipal Employee Union) position by increasing the number of employees by one position in the existing "Airport Maintenance Worker II" job category within the Landside Division.

Background:

Currently, we have been utilizing a temporary employee whose one-year term expires in March 2025. It has become evident that maintaining this additional role as a permanent position is essential due to the division's scope and continued workload.

Budget:

We have allocated funding for multiple temporary positions in FY2025. The current temporary position is filled and would no longer be needed once this requested position is filled. Additionally, several positions, including a Manager, some ambassadors, and an Operations Specialist (for a short period), remain unfilled. This provides available budget within this FY and ensures that adding the new position will not impact our approved budget. For FY2026 and beyond, this position will be incorporated into our standard budget planning.

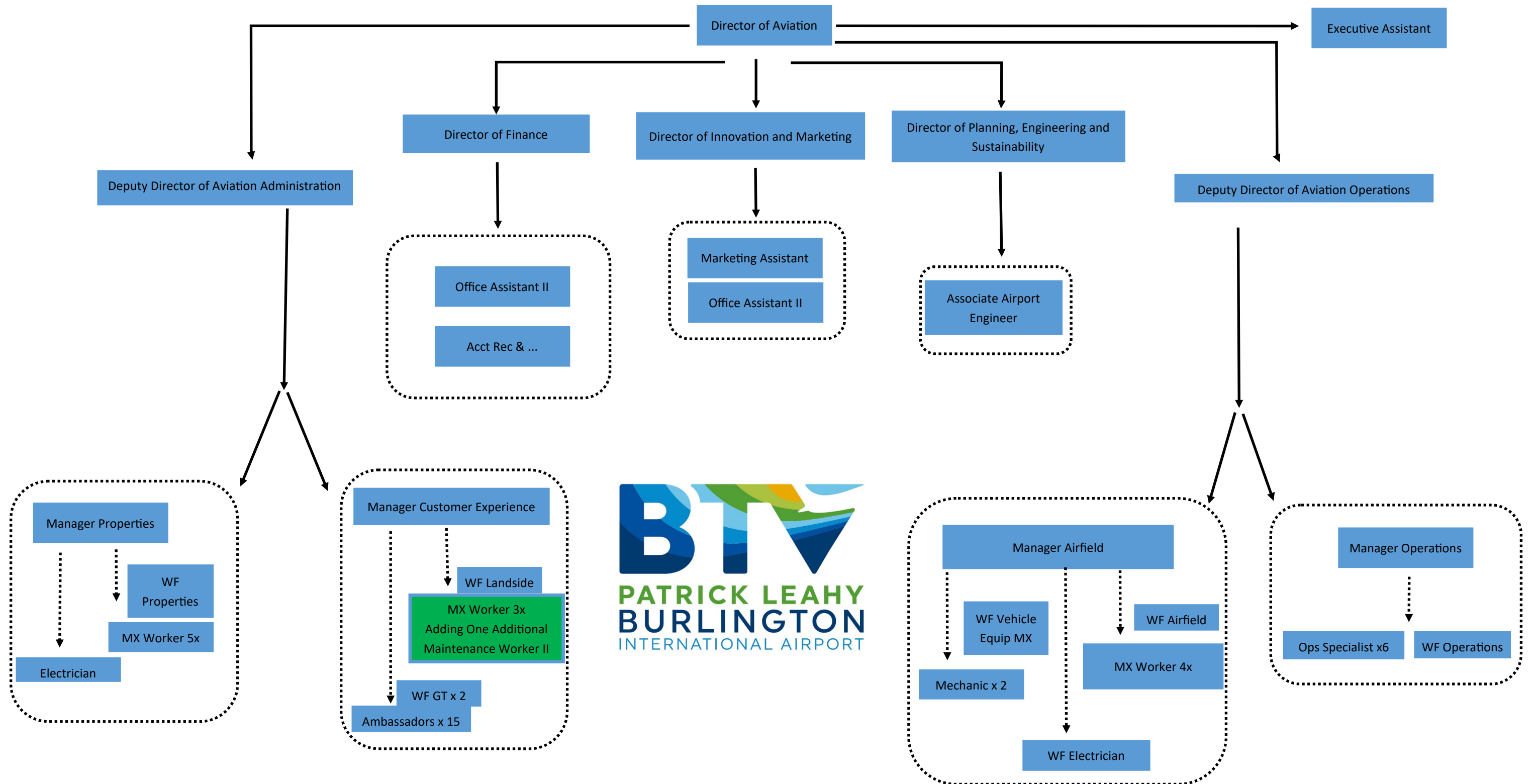
Position	Current Grade	Current Hourly pay	Current annual pay	FY26 Salary
New addition	Grade 14	\$26.21 - \$31.19	\$54,531 - \$64,881	\$56,166 - \$66,828

Board of Finance:

To approve and recommend that the City Council approve the addition of an additional full time Grade 14 AFSCME position in the existing "Airport Maintenance Worker II" job category within the Landslide Division at the Leahy Burlington International Airport.

City Council:

To approve the addition of an additional full time Grade 14 AFSCME position in the existing "Airport Maintenance Worker II" job category within the Landslide Division at the Leahy Burlington International Airport.



Green Background = Proposed Changes

WF = Working Foreman

MX Worker = Maintenance Worker II

Proposed Changes December 2024

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: Nicolas Longo

Title/Subject: Request to Add New Airport Position

	Approval:	Meeting Date:
☒	Board of Finance	12/9/2024
☒	City Council	12/16/2024
☐	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	11/27/2024	Approved by Nicolas Longo
Mayor's Office informed and approved memo	Yes	12/3/2024	Approved by Katherine Schad and Erin Jacobsen
Board/Commission, if required	Yes	12/4/2024	Approved by the Burlington Airport Commission
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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	Yes	Airport Organization Chart incl.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

TO: Board of Finance and City Council

FROM: Patrick Leahy Burlington International Airport
Nic Longo, Director of Aviation
Larry Lackey, Director of Planning, Engineering and Sustainability

DATE: December 9, 2024

SUBJECT: Request for approval to execute a Military Air National Guard Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the Vermont Air National Guard Aircraft System Drainage Improvements.

REQUEST

The Patrick Leahy Burlington International Airport ("Leahy BTV") seeks approval and authorization to: Execute a Military Air National Guard Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements

EXECUTIVE SUMMARY

This project involves repairing and modifying the existing Aircraft Arresting Systems (AAS), which are safety mechanisms designed to rapidly decelerate aircraft during landings or takeoffs by catching the aircraft with cables or barriers. The improvements will include upgrading the drainage system by adding infiltration galleries and connecting it to the existing stormwater system, ensuring continued compliance with state and federal stormwater regulations. Enhancements include upgrading the sump pump capabilities to establish redundant drainage functions in each barrier pit, updating the control system for flood-level monitoring, and relocating the Arresting Gear Markers. The AAS at Leahy BTV are the only functioning systems for this installation and are critical to operations. In the event of an emergency, this equipment can prevent aircraft from veering off the runway if going too

fast.

BENEFITS ANTICIPATED:

Ensures proper treatment of stormwater, maintaining compliance with state and federal regulations

PROJECT APPROACH

Stantec was selected through the airport's standard selection process for design and construction management services, meeting Federal standards for this type of project. Stantec's appointment also supports project efficiency, as they are the engineer of record for the upcoming Runway 15–33 rehabilitation project, which will overlap with this work, enabling effective coordination.

FUNDING SOURCES

The project finance plan establishes the maximum amount the NGB will reimburse Leahy BTV for project costs under the FSRMCA. Exceeding any line-item cost limitation requires an amendment to the agreement. Either party may propose changes to the finance plan in writing. As the design was not finalized at the time of the FSRMCA signing, modifications to the Maximum Contractual Cost (MCC) and associated construction fees may be needed. Additionally, since construction bids have not yet been secured, further amendments to the agreement may be necessary. This project and agreement will reimburse 100% costs back to Leahy BTV. At this time, the only costs incurred through the end of this Fiscal Year will be associated with design and bidding described below and will not require a budget amendment this fiscal year:

Activity	Estimated ANG Share	Estimated Recipient Share	Estimated Other Share	Estimated Total
Code and Criteria Review	\$20,200	0	0	\$20,200
Design Fees	\$58,560	0	0	\$58,560
Design Agent Fee – Recipient	\$0	0	0	\$0
Totals	\$78,760	0	0	\$78,760

Starting July 1, 2025, the construction and construction oversight will be completed and will not require a budget amendment as this will be part of our FY2026 budget, this cost is estimated to be approximately \$912,000. Further, after we bid the project, we will reapproach the Commission with a request to sign a contract with the winning bidder.

PROPOSED MOTIONS:

Board of Finance:

“To approve and recommend the City Council approve and authorize the Director of Aviation to execute a Military ANG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements, upon approval by the Office of the City Attorney.”

City Council

“To approve and authorize the Director of Aviation to execute a Military ANG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements, upon approval by the Office of the City Attorney.”

**DOD COMPONENT (NGB) COOPERATIVE AGREEMENT GENERAL TERMS
AND CONDITIONS
October 2023**

SUBDIVISION A- Preamble

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Part 2: Scope

Section A. Introduction.

NGB CA awards are subject to the following Department of Defense (DoD) General Terms and Conditions These general terms and conditions implement Office of Management and Budget (OMB) guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” published in the Code of Federal Regulations (CFR) at 2 CFR part 200 and implemented by the DoD at 2 CFR part 1104, “Interim Grants and Cooperative Agreements Implementation of Guidance in 2 CFR part 200” (79 FR 76047, December 19, 2014, as amended at 85 FR 49506, August 13, 2020).

Section B. Applicability.

1. These general terms and conditions apply to the National Guard Bureau (NGB), a DoD Component, cooperative agreements with institutions of higher education, nonprofit organizations, states, local governments, Indian tribes, and for-profit entities. They also apply when incorporated into NGB cooperative agreements subcontracts and sub awards with foreign organizations or foreign public entities (as defined in 2 CFR 1108). These general terms and conditions do not apply to NGB grants and cooperative agreements made directly to individuals. Certain provisions within these general terms and conditions may indicate that they apply to certain types of recipients only. An example of this is FMS Article V for non-federal audits.
2. Certain provisions within these general terms and conditions may indicate that they apply to certain types of recipients only. An example of this is FMS Article V for non-federal audits.

Organization Type	Applicable Administrative Requirements
Domestic Non-federal entity (including state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization)	• 2 CFR 200: Subparts A through F • 2 CFR 600 & 601
Foreign Non-Profit Organization	• 2 CFR 200: Subparts A through E • 2 CFR 600 & 601
Domestic & Foreign For-Profit Organization	• 2 CFR 200: Subparts A through D • 2 CFR 600 & 601 • 48 CFR Part 30 & 31
Individuals	• None
Foreign Public Entities (Includes Public International Orgs)	• None

Section C. Order of Precedence.

Any inconsistencies in the requirements of a NGB CA awards will be resolved in the following order:

- a. Federal statutes.
- b. Federal regulations* not otherwise referenced herein.
- c. Cooperative Agreement Award-specific terms and conditions.
- d. General Terms and Conditions, which includes the DoD Component (NGB)'s Addendum to this document (Subdivision D).

Section D. Award Acceptance.

If you receive an unsigned award from NGB, that means that you are required to sign the award to indicate acceptance of the award, including the terms and conditions, prior to initiating performance. The grants officer will sign the award upon receipt of your signature.

Part 3: English Language

You must translate any of the award content (including attachments to it and any material incorporated into the award by reference) into another language only to the extent that your compliance with the award's terms and conditions depends upon a significant number of your employees who are not fluent in English being able to read and comprehend that content. If you translate any award content into another language, the original award content in the English language will take precedence in the event of an inconsistency between the award requirements in the English and translated versions.

Part 4: Plain Language

These general terms and conditions use plain language, with use of personal pronouns such as "you" to denote the recipient and "we" to mean the Federal Government (Government). Use of personal pronouns is a recognized means to help a reader understand to whom the language is addressed and assist in determining responsibilities.

Part 5: Reserved Provisions

If the words “RESERVED – Not Applicable” are used at the section or section level of an article without additional explanation, it means that this particular section or section does not apply in any manner to NGB CA awards. If the word “RESERVED” is used with additional explanation (in bold red colored font), it will describe whether the particular provisions either will or may be included in a DoD Component (NGB) addendum (Subdivision D) to these terms and conditions.

Part 6: Feedback on the Terms and Conditions

As you gain operating experience with these general terms and conditions, you may find areas requiring clarification or correction. Alerting us to potential issues will help us improve both these general terms and conditions and NGB’s regulatory implementation of the OMB guidance at 2 CFR part 200.

Part 7: Definitions

Section A. Purpose of this Part.

This part provides definitions of terms used in the DoD Component (NGB) General Terms and Conditions.

Section B. Precedence of Definitions of Terms in National Policy Requirements.

Part 7 of these general terms and conditions may use a term in relation to compliance with a national policy requirement in a statute, Executive order, or other source that defines the term differently than it is defined in Section D of this part. For purposes of that particular national policy requirement, the definition of a term provided by the source of the requirement and any regulation specifically implementing it takes precedence over the definition in this part.

Section C. Definitions of Terms Used in The Federal Governmentwide Cost Principles or Single Audit Requirements.

1. Some award provisions state that you must comply with single audit or cost principles requirements in a governmentwide issuance and include the requirements by reference to the issuance without restating them. For any term defined in one of those issuances, this part includes the definition only if the term is used in these general terms and conditions.
2. Otherwise, this part does not include a definition and a user of these terms and conditions should consult definitions in the pertinent Governmentwide source, as follows:

- a. The requirements for audits of recipients and subrecipients that are in Subpart F of OMB guidance in 2 CFR part 200, which implements the Single Audit Act.
- b. The governmentwide cost principles for institutions of higher education, nonprofit organizations, states, local governments, and Indian tribes that are contained in Subpart E of OMB guidance in 2 CFR part 200.
- c. The cost principles for for-profit entities at Subpart 31.2 of the Federal Acquisition Regulation (48 CFR part 31), as supplemented by provisions of the Defense Federal Acquisition Regulation Supplement at Subpart 231.2 of 48 CFR part 231.

Section D. Definitions.

- 1. Acquire. See 2 CFR 1108.10.
- 2. Acquisition. See 2 CFR 1108.15.
- 3. Acquisition Cost. See 2 CFR 1108.20.
- 4. Administrative Offset. See 2 CFR 1108.25.
- 5. Advance Payment. See 2 CFR 1108.30.
- 6. Advanced Research. RESERVED – Not Applicable.
- 7. Applied Research. RESERVED – Not Applicable.
- 8. Approved Budget. See 2 CFR 1108.50.
- 9. Assistance. See 2 CFR 1108.55.
- 10. Award. See 2 CFR 1108.60.
- 11. Award Administration Office. See 2 CFR 1108.65.
- 12. Basic Research. RESERVED – Not Applicable.
- 13. Budget Period. See 2 CFR 200.1.
- 14. Capital Asset.
 - a. Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles (GAAP). Capital assets include. See also 2 CFR 1108.75:
 - (1) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government

Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and

(2) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

b. For purpose of this Part, capital assets do not include intangible right-to-use assets (per GASB) and right-to-use operating lease assets (per FASB). For example, assets capitalized that recognize a lessee's right to control the use of property and/or equipment for a time under a lease contract. See also §200.465.

- 15. Claim. See 2 CFR 1108.80.
- 16. Cognizant Agency for Indirect Costs. - **RESERVED**
- 17. Contract. See 2 CFR 1108.90.
- 18. Contractor. See 2 CFR 1108.105.
- 19. Cooperative Agreement. See 2 CFR 1108.110.
- 20. Co-Principal Investigator. RESERVED – Not Applicable.
- 21. Cost Allocation Plan. See 2 CFR 1108.120.
- 22. Cost Sharing or Matching. See 2 CFR 1108.125.
- 23. Cost-Type Contract. See 2 CFR 1108.130.
- 24. Cost-Type Subaward. See 2 CFR 1108.35.
- 25. Debarment. See 2 CFR 1108.140.
- 26. Debt. See 2 CFR 1108.145.
- 27. Delinquent Debt. See 2 CFR 1108.150.
- 28. Development. RESERVED – Not Applicable.
- 29. Direct Costs. See 2 CFR 1108.160.
- 30. DoD Components. See 2 CFR 1108.165.

The Office of the Secretary of Defense; the Military Departments; the National Guard Bureau; and all Defense Agencies, DoD Field Activities, and other organizational entities within the DoD that are authorized to award or administer grants, cooperative agreements, and other non-procurement instruments.

- 31. Equipment. See 2 CFR 1108.170, See also 2 CFR 200.313.
- 32. Exempt Property. See 2 CFR 1108.175.
- 33. Expenditures. See 2 CFR 1108.180.
- 34. Federal Interest.

Federal Interest means, in relation to real property, equipment, or supplies acquired or improved under an award or subaward, the dollar amount that is the product of the:

- (1) Federal share of total project costs.
- (2) The percentage of federal participation in the total costs of the real property, equipment, or supplies.
- (3) Current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

- 35. Federal Share. See 2 CFR 1108.190.
- 36. Fixed Amount Subaward. See 2 CFR 1108.200.
- 37. Foreign Organization. See 2 CFR 1108.205.
- 38. Foreign Public Entity. See 2 CFR 1108.210.
- 39. Grant. See 2 CFR 1108.215.
- 40. Grants Officer. See 2 CFR 1108.220.
- 41. Indian Tribe. See 2 CFR 1108.225.
- 42. Indirect Costs (also known as “Facilities and Administrative,” or F&A, costs).
RESERVED – Not currently applicable to NGB - See CPP Guidance in Subdivision D of this document.
- 43. Institution Of Higher Education. See 2 CFR 1108.235.
- 44. Intangible Property. See 2 CFR 1108.240.
- 45. Local Government. See 2 CFR 1108.245.
- 46. Management Decision. See 2 CFR 1108.250.
- 47. Nonprocurement Instrument. See 2 CFR 1108.255.

- 48. Nonprofit Organization. See 2 CFR 1108.260.
- 49. Obligation. See 2 CFR 1108.265.
- 50. Office Of Management and Budget. See 2 CFR 1108.270.
- 51. Outlays. See 2 CFR 1108.275.
- 52. Participant Support Costs. See 2 CFR 1108.280.
- 53. Period Of Performance. See 2 CFR 1108.285, See also Subdivision D.
- 54. Personal Property. See 2 CFR 1108.290.

Property other than real property. It may be tangible, having physical existence, or intangible, such as copyrights, patents, and securities.

- 55. Principal Investigator. See 2 CFR 1108.295, Also See Subdivision D.
- 56. Prior Approval. See 2 CFR 1108.298
- 57. Procurement Contract. See 2 CFR 1108.300.

Legal instrument which, consistent with 31 U.S.C. 6303, reflects a relationship between the Federal Government and a state, a local government, or other recipient when the principal purpose of the instrument is to acquire property or services for the direct benefit or use of the Federal Government. A procurement contract is a prime-tier transaction and therefore distinct from a recipient's or subrecipient's "procurement transaction" or "contract" as defined in this part.

- 58. Procurement Transaction. See 2 CFR 1108.2305.

Legal instrument by which a recipient or subrecipient purchases property or services it needs to carry out the project or program under its award or subaward, respectively. A procurement transaction is distinct both from "subaward" and "procurement contract," as those terms are defined in this part.

- 59. Program Income. See 2 CFR 1108.310.
- 60. Project Costs. See 2 CFR 1108.315.
- 61. Property. See 2 CFR 1108.320.
- 62. Real Property. See 2 CFR 1108.325.
- 63. Recipient. See 2 CFR 1108.330.

An entity that receives an award directly from NGB. The term does not include

subrecipients.

64. Research. RESERVED – Not Applicable.

65. Simplified Acquisition Threshold. See 2 CFR 1108.340.

66. State. 2 CFR 1108.350, See also Subdivision D.

State for purposes of applying the administrative requirements in these regulations, means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments.

67. Subaward. 2 CFR 1108.355.

Legal instrument by which a recipient or subrecipient at any tier, transfers--for performance by an entity at the next lower tier--a portion of the substantive program for which the DoD Component (NGB) made an award.

68. Subrecipient. 2 CFR 1108.360.

An entity that receives a subaward.

69. Supplies. 2 CFR 1108.365.

70. Suspension. 2 CFR 1108.370.

Suspension means either:

- (1) When used in the context of a specific award or subaward, the temporary withdrawal of authority for the recipient or subrecipient to obligate funds under the award or subaward, pending it is taking corrective action or a decision to terminate the award or subaward.
- (2) When used in the context of an entity, an action by a DoD Component (NGB)'s suspending official under 2 CFR part 1125, DoD (NGB)'s regulation implementing OMB guidance on nonprocurement debarment and suspension in 2 CFR part 180, to immediately exclude the entity from participating in covered Federal Government transactions, pending completion of an investigation and any legal or debarment proceedings that ensue.

71. Termination. 2 CFR 1108.380.

The ending of an award or subaward, in whole or in part, at any time prior to the planned end of the period of performance. A lack of available funds is not a termination.

72. Third-Party In-Kind Contribution. 2 CFR 1108.385.

The value of a non-cash contribution (i.e., property or services) that:

- (1) A non-federal third party contributes, without charge, either to a recipient or subrecipient at any tier under NGB's award.
- (2) Is identified and included in the approved budget of NGB's award, as a contribution being used toward meeting the award's cost sharing or matching requirement (which includes voluntary committed, but not voluntary uncommitted, contributions).

73. Total Value. 2 CFR 1108.390.

74. Unique Entity Identifier. 2 CFR 1108.395.

The identifier required for System for Award Management registration to uniquely identify entities with which the Federal Government does business (formerly the Dun and Bradstreet Data Universal Numbering System, or DUNS number).

75. Unobligated Balance. 2 CFR 1108.400.

76. Voluntary (Committed or Uncommitted) Cost Sharing. 2 CFR 1108.405.

77. Working Capital Advance. 2 CFR 1108.410.

A payment method under which funds are advanced to a recipient or subrecipient to cover its estimated disbursement needs for a given initial period, after which payment is made by way of reimbursement.

SUBDIVISION B - General Terms and Conditions for Administrative Requirements

Part 1: Financial and Program Management (Articles from this part are designated with “FMS” in the article title)

FMS Article I. Financial Management System Standards.

Section A. System standard for States.

As a State, you must expend and account for funds under NGB CA awards in accordance with:

- a. Applicable State laws.
- b. To the extent they comply with the requirements of Section B of this article, your procedures for expending and accounting for your own state funds.

Section B. System Standards for all Recipients.

1. Your financial management system must provide for:
 - a. Inclusion, in your accounts, of the following information about each NGB grant or cooperative agreement that you receive:
 - (1) That you received the award from NGB.
 - (2) The number and title listed in the Assistance for NGB program under which the award was made.
 - (3) NGB CA award number.
 - (4) The year (your fiscal year) in which you received the award.
 - b. Accurate, current, and complete disclosure of the financial results of the award needed to comply with financial and programmatic reporting requirements that are specified in REP Articles I and II of these general terms and conditions, as supplemented by any award-specific terms and conditions of an NGB CA award concerning reporting requirements. If you are asked at any time under an award to report financial information on an accrual basis, you:
 - (1) Need not establish an accrual accounting system if you maintain your records on a different basis.

- (2) May develop the accrual data based on an analysis of the data you have on hand.
2. Records that identify adequately the sources of funds for all activities funded by an NGB CA award, including any required cost sharing or matching, and the application of those funds. This includes funding authorizations; your financial obligations and expenditures of the funds; unobligated balances; property and other assets under the award; program income; and interest.
3. Effective control over, and accountability for, all funds, property, and other assets under NGB CA awards. You must adequately safeguard all assets and assure they are used solely for authorized purposes (see Section C of this article for additional requirements concerning internal controls).
4. Comparison of expenditures under NGB CA awards for project or program purposes with amounts in the approved budget for those purposes.
5. RESERVED – Not Applicable.
6. Written procedures:
 - a. To implement requirements specified in FMS Article II, “Payments;”
 - b. For determining the allowability of costs, which for an NGB CA award are determined in accordance with FMS Article III, “Allowable costs, period of availability of funds, and fee or profit,” of these general terms and conditions, as supplemented by any award-specific terms and conditions of an NGB CA award that relate to allowability of costs.

Section C. Internal Controls.

Your system of internal controls must conform to OMB guidance in 2 CFR 200.303. With respect to paragraph (e) of 2 CFR 200.303, your internal control system must include measures to safeguard any information that federal statute, Executive order, or regulation requires to be protected (e.g., personally identifiable or export-controlled information), whether generated under the award or provided to you and identified as being subject to protection.

FMS Article II. Payments.

Section A. Awards to States.

1. If the award-specific terms and conditions of an NGB CA award do not identify it as an award subject to Subpart A of 31 CFR part 205 (Department of the Treasury regulations implementing the Cash Management Improvement Act), then a NGB CA award is subject to Subpart B of that part. Consistent with Subpart B of 31 CFR part 205.
2. **Payment Method, Timing, and Amounts** (see also Subdivision D). You must:

- a. Minimize the time between your receipt of a payment under an NGB CA award and your disbursement of those funds for project or program purposes.
 - b. Limit the amount of each payment request to the minimum amount you need to meet your actual, immediate cash requirements for carrying out the project or program.
 - c. Submit each advance payment request approximately 10 days before you anticipate disbursing the requested amount for project or program purposes, so that your receipt of the funds will be as close in time as is administratively feasible to your actual cash outlay for direct project or program costs and the proportionate share of any allowable indirect costs.
3. **Interest.** Unlike awards subject to Subpart A of 31 CFR part 205, neither you nor we will incur any interest liability due to a difference in timing between your receipt of payments under an NGB CA award and your disbursement of those funds for project or program purposes.

Section B. Awards to Institutions of Higher Education, Nonprofit Organizations, Local Governments, Indian Tribes, and For-profit entities.

- 1. **Payment method.** **RESERVED – Standard payment for NGB grants and cooperative agreements is by reimbursement. Advance allowable as per policy as described in Subdivision D of this document.**
- 2. **Amounts Requested.** You must:
 - a. Limit the amount of any advance payment request to the minimum amount needed to meet your actual, immediate cash requirements for carrying out the purpose of the approved project or program, including direct project costs and a proportionate share of any allowable indirect costs.
 - b. Exclude from any payment request amounts you are withholding from payments to contractors to assure satisfactory completion of the work. You may request those amounts when you make the payments to the contractors or to escrow accounts established to assure satisfactory completion of the work.
 - c. Exclude from any payment request amounts from any of the following sources that are available to you for project or program purposes under an NGB CA award: program income, including repayments to a revolving fund; rebates; refunds; contract settlements; audit recoveries; and interest earned on any of those funds. You must disburse those funds for project or program purposes before requesting additional funds from us.
- 3. **Timing of Requests.** For any advance payment you request, you should submit the request approximately 10 days before you anticipate disbursing the requested amount for project or program purposes. With time for agency processing of the request, that should result in payment as close as is administratively feasible to your actual

disbursements for project or program purposes.

4. **Frequency of Requests.** You may request payments as often as you wish unless you have been granted a waiver from requirements to receive payments by electronic funds transfer (EFT). If you have been granted a waiver from EFT requirements, the award-specific terms and conditions of an NGB CA award specify the frequency with which you may submit payment requests.
5. **Withholding of Payments.** We will withhold payments for allowable costs under the award at any time during the period of performance only if one or more of the following applies:
 - a. We suspend either payments or the award, or disallow otherwise allowable costs, as a remedy under OAR Article III due to your failure to comply with federal statutes, regulations, or the terms and conditions of an NGB CA award. If we suspend payments and not the award, we will release withheld payments upon your subsequent compliance. If we suspend the award, then amounts of payments are subject to adjustment in accordance with the terms and conditions of OAR Article B.
 - b. You are delinquent in a debt to the United States, in which case we may, after reasonable notice, inform you that we will not make any further payments for costs you incurred after a specified date until you correct the conditions or liquidate the indebtedness to the Federal Government.
 - c. The award-specific terms and conditions include additional requirements that provide for withholding of payments based on conditions identified during our pre-award risk evaluation, in which case you should have been notified about the nature of those conditions and the actions needed to remove the additional requirements.
6. **Depository Requirements.**
 - a. There are no eligibility requirements for depositories you use for funds you receive under NGB CA awards.
 - b. You are not required to deposit funds you receive under NGB CA awards in a depository account separate from accounts in which you deposit other funds. However, FMS Article I requires that you be able to account for the receipt, obligation, and expenditure of all funds under NGB CA awards.
 - c. You must deposit any advance payments of funds you receive under NGB CA awards in insured accounts whenever possible and, unless any of the following apply, you must deposit them in interest-bearing accounts:
 - (1) You receive a total of less than \$250,000 per year under federal grants and cooperative agreements.
 - (2) You would not expect the best reasonably available interest-bearing account to earn interest in excess of \$500 per year on your cash balances of advance payments under federal grants and cooperative agreements.

- (3) The best reasonably available interest-bearing account would require you to maintain an average or minimum balance higher than it would be feasible for you to do within your expected federal and non-Federal cash balances.
- (4) A foreign government or banking system precludes your use of interest-bearing accounts.
- d. You may retain for administrative expenses up to \$500 per year of interest that you earn in the aggregate on advance payments you receive under NGB CA awards and other federal grants and cooperative agreements. You must remit annually the rest of the interest to the Department of Health and Human Services, using the procedures set forth in OMB guidance in 2 CFR 200.305(b)(9).

Section C. Electronic Funds Transfer and other Payment Procedural Instructions or Information.

- 1. **Electronic Funds Transfer.** Unless the award-specific terms and conditions of NGB CA awards provide otherwise, you will receive payments under NGB CA awards by electronic funds transfer.
- 2. **RESERVED** – Not Applicable.

FMS Article III. Allowable Costs, Period of Availability of Funds, and Fee or Profit.

Section A. Allowable Costs.

- 1. This section, with the clarification provided in Section B, specifies which federal cost principles must be used in determining the allowability of costs charged to NGB CA awards, a subrecipient's costs charged to any cost-type subaward that you make under NGB CA awards, and a contractor's costs charged to any cost-type procurement transaction into which you enter under NGB CA awards. These cost principles also govern the allowable costs that you or a subrecipient of a subaward at any tier below NGB CA awards may consider when establishing the amount of any fixed-amount subaward or fixed-price procurement transaction at the next lower tier. The set of cost principles to be used in each case depends on the type of entity incurring the cost under the award, subaward, or contract.
- 2. **General Case.** If you, your subrecipient, or your contractor is:
 - a. **An Institution of Higher Education**, the allowability of costs must be determined in accordance with provisions of Subpart E of OMB guidance in 2 CFR part 200 other than 2 CFR 200.400(g), supplemented by appendix III to that part.
 - b. **A Hospital**, the allowability of costs must be determined in accordance with provisions of appendix IX to 2 CFR part 200, which currently specifies the cost principles in appendix IX to 45 CFR part 75 as the applicable cost principles.

- c. **A Nonprofit Organization other than a Hospital or Institution of Higher Education**, the allowability of costs must be determined in accordance with provisions of Subpart E of OMB guidance in 2 CFR part 200 other than 2 CFR 200.400(g), supplemented by appendices IV and VIII to that part. In accordance with guidance in 2 CFR 200.401(c), a nonprofit organization listed in appendix VIII to 2 CFR part 200 is subject to the cost principles for for-profit entities specified in paragraph 1.e of this section.
- d. **A State, Local Government, or Indian Tribe**, the allowability of costs must be determined in accordance with applicable provisions of Subpart E of OMB guidance in 2 CFR part 200 other than 2 CFR 200.400(g), supplemented by appendices V through VII to that part.
- e. **A for-Profit Entity (Other Than a Hospital) or a Nonprofit Organization Listed in Appendix VIII To 2 CFR Part 200:**
 - (1) The allowability of costs must be determined in accordance with:
 - (a) The cost principles for commercial organizations in the Federal Acquisition Regulation (FAR) at Subpart 31.2 of 48 CFR part 31, as supplemented by provisions of the Defense Federal Acquisition Regulation Supplement (DFARS) at Subpart 231.2 of 48 CFR part 231.
 - (b) For a for-profit entity, the additional provisions on allowability of audit costs, in 32 CFR 34.16(f).
 - (2) The indirect cost rate to use in that determination is:
 - (a) The for-profit entity's federally negotiated indirect cost rate if it has one.
 - (b) Subject to negotiation between you and the for-profit entity if it does not have a federally negotiated indirect cost rate. The rate that you negotiate may provide for reimbursement only of costs that are allowable in accordance with the cost principles specified in paragraph A.1.e.(1) of this article.
- 3. **Exception.** You may use your own cost principles in determining the allowability of a contractor's costs charged to a cost-type procurement transaction under NGB CA awards—or in pricing for a fixed-price contract based on estimated costs if your cost principles comply with the federal cost principles that paragraph A.1 of this section identifies as applicable to the contractor.

Section B. Clarifications Concerning Charges for Professional Journal Publications.
RESERVED – Not Applicable.

Section C. Period of Availability of Funds.

- 1. You may charge to NGB CA awards only:

- a. Allowable costs incurred during the period of performance specified in NGB CA awards, including any subsequent modifications to it.
 - b. Any pre-award costs that you are authorized (by either the terms and conditions of FMS Article IV or NGB awarding official) to incur prior to the start of the period of performance, at your own risk, for purposes of the project or program under NGB CA awards.
- 2. Costs of publishing in professional journals incurred after the period of performance, as permitted under 2 CFR 200.461(b)(3), if:
 - a. We receive the request for payment for such costs no later than the date on which REP Article II requires you to submit the final financial report to us (or, if we grant your request for an extension of the due date, that later date on which the report is due).
 - b. Your reported expenditures on the final financial report include the amount you disbursed for those costs.

Section D. Fee or Profit.

- 1. You may not receive any fee or profit under NGB CA awards.
- 2. You may not use funds available to you under NGB CA awards to pay fee or profit for an entity of any type to which you make a subaward.
- 3. You may pay fee or profit to an entity with which you enter into a procurement transaction to purchase goods or general support services for your use in carrying out the project or program under the award.

FMS Article IV. Revision of Budget and Program Plans.

Section A. Approved Budget.

The approved budget of NGB CA awards:

- a. Is the most recent version of the budget that you submitted, and we approved (either at the time of the initial award or a more recent modification), to summarize planned expenditures for the project or program.
- b. Includes all federal funding that we make available to you under NGB CA awards to use for project or program purposes and any cost sharing or matching that you are required to provide under NGB CA awards for those same purposes.

Section B. Revisions Requiring Prior Approval.

1. **Non-Construction Activities.** You must request prior approval from us for any of the following program or budget revisions in non-construction activities:
 - a. A change in the scope or objective of the project or program under NGB CA awards, even if there is no associated budget revision that requires our prior approval.
 - b. A change in a key person identified in the award cover pages.
 - c. The approved principal investigator's or project director's disengagement from the project for more than three months, or a 25 percent reduction in his or her time devoted to the project.
 - d. The inclusion of direct costs that require prior approval in accordance with the applicable cost principles, as identified in FMS Article III.
 - e. RESERVED – Only applicable if provided in DoD Component addendum to these terms and conditions.
 - f. A subaward to another entity under which it will perform a portion of the substantive project or program under the award if it was not included in the approved budget. This does not apply to your contracts for acquisition of supplies, equipment, or general support services you need to carry out the program.
 - g. Any change in the cost sharing or matching you provide under the award, as included in the approved budget, for which FMS Article VI requires prior approval.
 - h. RESERVED – Not Applicable.
 - i. The need arises for additional federal funds to complete the project or program.
2. **Construction Activities.** You must request prior approval from us for any of the following program or budget revisions in construction activities:
 - a. A change in the scope or objective of the project or program under NGB CA awards, even if there is no associated budget revision that requires our prior approval.
 - b. The need arises for additional federal funds to complete the project.
 - c. The inclusion of direct costs that require prior approval in accordance with the applicable cost principles, as identified in FMS Article III.
3. Funding transfers between construction and non-construction activities. Only applicable if provided in DoD Component addendum to these terms and conditions.

Section C. Pre-Award Costs.

1. You are authorized, without requesting prior approval from us, to:

Charge to NGB CA awards after you receive it, pre-award costs that you incurred, at your own risk, up to 90 calendar days before the start date of the period of performance, if they are costs that would be allowable charges to the project or program under the terms and conditions of FMS Article III if they were incurred during the period of performance. Expenses more than 90 calendar days pre-award require prior approval of the Federal awarding agency.

2. **RESERVED – RESERVED - Only applicable if provided in award-specific terms and conditions.**
3. **RESERVED – RESERVED - Only applicable if provided in award-specific terms and conditions.**

Section D. Procedures.

1. We will review each request you submit for prior approval for a budget or program change and, within 30 calendar days of our receipt of your request, we will respond to you in writing to either:
 - a. Notify you whether your request is approved; or
 - b. Inform you that we still are considering the request, in which case we will let you know when you may expect our decision.
2. RESERVED – Not Applicable.

FMS Article V. Non-Federal Audits.

Section A. Requirements for Entities Subject to the Single Audit Act.

You and each subrecipient under NGB CA awards that is an institution of higher education, nonprofit organization, state, local government, or Indian tribe must comply with the audit requirements specified in Subpart F of 2 CFR part 200, which is the OMB implementation of the Single Audit Act, as amended (31 U.S.C. chapter 75).

Section B. Requirements for For-Profit Entities.

Any for-profit entity that receives an award or subaward from you under NGB CA awards is subject to the audit requirements specified in 32 CFR 34.16. In accordance with the Class Deviation for the Single Audit Act for For-Profit Assistance Awards, dated 29 June 2018, the audit requirement threshold has been increased to \$750,000. Your subaward terms and conditions will require the subrecipient to provide the reports to you if it is willing to do so, so that you can resolve audit findings that pertain specifically to your subaward (e. g., disallowance of costs). If the for-profit entity is

unwilling to agree to provide the auditor's report to you, contact the grants officer for NGB CA award to discuss an alternative approach for carrying out audit oversight of the subaward. If the grants officer does not provide an alternative approach within 30 days of receiving your request, you may determine an approach to ensure the for-profit subrecipient's compliance with the subaward terms and conditions, as described in OMB guidance at 2 CFR 200.501(h).

FMS Article VI. Cost Sharing or Matching.

Section A. Required Cost Sharing or Matching.

1. If any cost sharing or matching is required under NGB CA awards, the total amount or percentage required is shown in the award cover pages and included in the approved budget. That cost sharing or matching includes all:
 - a. Cash and third-party in-kind contributions.
 - b. Contributions to the project or program made either by or through (if made by a third party) you and any subrecipients.
2. You must obtain our prior approval if you wish to:
 - a. Change the amount or percentage of cost sharing or matching required under NGB CA awards.
 - b. **RESERVED –Only applicable if provided in award-specific terms and conditions.**

Section B. Allowability as Cost Sharing or Matching.

1. Each cash or third-party in-kind contribution toward any cost sharing or matching required under NGB CA awards, whether put forward by you or a subrecipient under a subaward that you make, is allowable as cost sharing or matching if:
 - a. You (or the subrecipient, if it is a subrecipient contribution) maintain records from which one may verify that the contribution was made to the project or program and, if it is a third-party in-kind contribution, its value.
 - b. The contribution is not counted as cost sharing or matching for any other federal award.
2. The contribution is:
 - a. Allowable under the cost principles applicable to you (or the subrecipient, if it is a subrecipient contribution) under FMS Article III of these terms and conditions.

- b. Allocable to the project or program and reasonable.
- c. The Federal Government does not pay for the contribution through another federal award, unless that award is under a program that has a federal statute authorizing application of that program's federal funds to other federal programs' cost sharing or matching requirements.
- d. The value of the contribution is not reimbursed by the federal share of NGB CA awards as either a direct or indirect cost.
- e. The contribution conforms to the other terms and conditions of NGB CA awards, including the award specific terms and conditions.

Section C. Allowability of Unrecovered Indirect Costs as Cost Sharing or Matching. Not currently applicable to NGB - See CPP Guidance in Subdivision D of this document.

Section D. Allowability of Program Income as Cost Sharing or Matching.

If FMS Article VII of these general terms and conditions or the award-specific terms and conditions of NGB CA awards specify that you are to use some or all of the program income you earn to meet cost-sharing or matching requirements under the award, then program income is allowable as cost sharing or matching to the extent specified in those award terms and conditions.

Section E. Valuation of Services or Property That You or Subrecipients Contribute or Donate.

1. You must establish values for services or property contributed or donated toward cost sharing or matching by you or subrecipients in accordance with the provisions of this section. These contributions or donations are distinct from third-party contributions or donations to you or subrecipients, which are addressed in Section F of this article.
2. Usual valuation of services or property that you or subrecipients contribute or donate. Values established for contributions of services or property by you or a subrecipient must be the amounts allowable in accordance with the cost principles applicable to the entity making the contribution (i.e., you or the subrecipient), as identified in FMS Article III. For property, that generally is depreciation.
3. Needed approvals for, and valuation of, property that you or subrecipients donate.

a. Types of Property That May Be Donated.

- (1) **Buildings or Land.** If the purposes of NGB CA award includes construction, facilities acquisition, or long-term use of real property, you may donate buildings or land to the project if you obtain our prior approval. Donation of property to the project, as described in PROP Article I, means counting the value of the property toward cost sharing or matching, rather than charging depreciation.

- (2) **Other Capital Assets.** If you obtain our prior approval, you may donate to the project other capital assets identified in 2 CFR 200.439(b)(1) through (3).
- b. **Usual Valuation of Donated Property.** Unless you obtain our approval as described in section E.2.c of this article, the value for the donated property must be the lesser of:
 - (1) The value of the remaining life of the property recorded in your accounting records at the time of donation, or
 - (2) The current fair market value.
- c. **Approval Needed for Alternative Valuation of Property.** If you obtain our approval as reflected in the approved budget, you may count as cost sharing or matching the current fair market value of the donated property even if it exceeds the value of the remaining life of the property recorded in your accounting records at the time of donation.
- d. **Federal Interest in Donated Property.** Donating buildings, land, or other property to the project, rather than charging depreciation, results in a federal interest in the property in accordance with PROP Article I of these terms and conditions.

Section F. Valuation of Third-Party In-Kind Contributions.

- 1. **General.** If a third party furnishes goods or services to you or subrecipients that are to be counted toward cost sharing or matching under NGB CA awards, the entity to which the third party furnishes the goods or services (i.e., you or a subrecipient) must document the fair market value of those in-kind contributions and, to the extent feasible, support those values using the same methods the entity uses internally.
- 2. **Valuation of Third-Party Services.** You must establish values for third-party volunteer services and services of third parties' employees furnished to you or subrecipients as follows:
 - a. **Volunteer Services.** Volunteer services furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor must be valued in accordance with 2 CFR 200.306(e).
 - b. **Services of Third Parties' Employees.** When a third-party organization furnishes the services of its employees to you or a subrecipient, values for the contributions must be established in accordance with 2 CFR 200.306(f).
 - c. **Additional Requirement for Donations to Nonprofit Organizations.** For volunteer services or services of third parties' employees furnished to a nonprofit organization:
 - (1) OMB guidance in 2 CFR 200.434(e) also applies and may require the nonprofit

organization to allocate a proportionate share of its applicable indirect costs to the donated services.

- (2) The indirect costs that the nonprofit organization allocates to the donated services in that case must be considered project costs and may be either reimbursed under the award or counted toward required cost sharing or matching, but not both.

3. **Valuation of Third-Party Property.** You must establish values for third-party property furnished to you or subrecipients as follows:

- a. **Supplies Donated by Third Parties.** When a third-party organization donates supplies (e.g., office, laboratory, workshop, or classroom supplies), the value that may be counted toward cost sharing or matching may not exceed the fair market value of the supplies at the time of donation.

b. **Equipment, Buildings, or Land Donated by Third Parties.**

- (1) The value of third-party donations of equipment, buildings, or land that may be counted toward cost sharing or matching when the third party transferred title to you or a subrecipient depends on the purpose of the award in accordance with the following:
 - (a) If one of the purposes of the award is to assist you or the subrecipient in the acquisition of equipment, buildings, or land, you may count the aggregate fair market value of the donated property toward cost sharing or matching.
 - (b) If the award's purposes instead include only the support of activities that require the use of equipment, buildings, or land, you may only charge depreciation unless you obtain our prior approval to count as cost sharing or matching the fair market value of equipment or other capital assets and fair rental charges for land.
- (2) The values of the donated property must be determined in accordance with the usual accounting policies of the entity to which the third party transferred title to the property, with the qualifications specified in 2 CFR 200.306(i)(1) and (2) for donated land and buildings and donated equipment, respectively.

- c. **Use of Space Donated by Third Parties.** If a third party makes space available for use by you or a subrecipient, the value that you may count toward cost sharing or matching may not exceed the fair rental value of comparable space as established by an independent appraisal, as described in 2 CFR 200.306(i)(3).
- d. **Equipment Loaned by Third Parties.** If a third-party loans equipment for use by you or a subrecipient, the value that you may count toward cost sharing or matching may not exceed its fair rental value.

FMS Article VII. Program Income.

Section A. Definition. The term “program income” as used in NGB CA awards:

1. Is gross income that:
 - a. You earn that is directly generated by a supported activity or earned as a result of NGB CA awards; or
 - b. A subrecipient earns as a result of a subaward you make under NGB CA awards.
2. Includes, but is not limited to, income earned under NGB CA awards from:
 - a. Fees for services performed.
 - b. The use or rental of real or personal property acquired under any federal award and currently administered under NGB CA awards.
 - c. The sale of commodities or items fabricated under NGB CA awards.
 - d. License fees and royalties on patents and copyrights.
 - e. Payments of principal and interest on loans made with federal award funds.
3. Does not include for purposes of NGB CA awards any:
 - a. Interest earned on advance payments, disposition of which is addressed in FMS Article II.
 - b. Proceeds from the sale of real property, equipment, or supplies, which is addressed in PROP Articles III and IV.
 - c. Rebates, credits, discounts, and interest earned on any of them.
 - d. Governmental revenues, including any taxes, special assessments, levies, fines, and similar revenues you raise.

Section B. Encouragement to Earn Program Income.

You are encouraged to earn program income under NGB CA awards when doing so does not interfere with the project or program the award supports.

Section C. Costs of Generating Program Income.

You may deduct costs incidental to the generation of program income from the amount that you use in accordance with Section E of this Article, if those costs are not charged to NGB CA awards (which includes their being counted toward any cost sharing or matching you are required to provide).

Section D. License Fees and Royalties.

You have no obligations to the Federal Government with respect to program income earned under NGB CA awards from license fees and royalties for patents or patent applications, copyrights, trademarks, or inventions developed or produced under the award.

Section E. Use of Program Income.

1. You must use any program income that you earn during the period of performance under NGB CA awards to increase the amount of the award (the sum of the federal share and any cost sharing or matching you are required to provide), thereby increasing the amount budgeted for the project or program. The program income must be used for the purposes and under the terms and conditions of the award.
2. Your use of the additional funding is subject to the terms and conditions of NGB CA awards, including:
 - a. FMS Article II concerning your use of balances of program income before you request additional funds from us.
 - b. FMS Article III concerning allowability of costs for which the funds may be used.
3. You must report on each Federal Financial Report (SF-425) that you submit in accordance with REP Article II the program income that you earn and any that you use during the reporting period covered by that SF-425.

Section F. Duration of Accountability for Program Income.

The requirements concerning disposition of program income in Section E of this Article apply only to program income you or your subrecipients earn during the period of performance. There are no requirements under NGB CA awards applicable to program income you or your subrecipients earn after the end of the period of performance.

Part 2: Property Administration (Articles from this part are designated with “PROP” in the article title)

PROP Article I. Title to Property.

Section A. Title to Property Acquired under NGB CA Awards.

1. **General.** Other than any property identified in section A.2 of this section as exempt property:
 - a. Title to real property, equipment, and supplies that you acquire (whether by

purchase, construction or fabrication, development, or otherwise) and charge as direct project costs under NGB CA awards vests in you, the recipient. Title to intangible property that you acquire (other than by developing or producing it) under NGB CA awards also vests in you.

- b. That title is a conditional title, subject to the terms and conditions in PROP Articles II-IV, Section D of PROP Article VI, and REP Article III of NGB CA awards.
- c. There is a federal interest in the property, other than intangible property that you develop or produce under the award. For real property, equipment, and intangible property, we retain this federal interest until final disposition of the property under PROP Article III (for real property), PROP Article IV (for equipment), or Section D of PROP Article VI (for intangible property that is acquired, other than by developing or producing it), a period that in some cases may extend beyond closeout of NGB CA awards.

2. Exempt property. RESERVED – Not Applicable.

Section B. Property Trust Relationship.

- 1. **Basic Requirement.** Other than intangible property that you develop or produce under the award, you hold any real property, equipment, or intangible property that you acquire or improve under NGB CA awards in trust for the beneficiaries of the project or program that you are carrying out under the award.
- 2. **Notices of Record. RESERVED - Only applicable if provided in award-specific terms and conditions.**

Section C. Federally Owned Property.

Title to any federally owned property that we provide to you under NGB CA awards (or such property for which accountability is transferred to NGB CA awards from another federal award) remains with the Federal Government.

Section D. Federal Interest in Donated Real Property or Equipment.

If real property or equipment is acquired under NGB CA awards through your donation of the property to the project or program (i.e., counting the value of the remaining life of the property recorded in your accounting records or the fair market value as permitted under FMS Article VI of these general terms and conditions as part of your share of project costs to meet any cost sharing or matching requirements, rather than charging depreciation):

- a. The Government acquires a federal interest in the real property or equipment that is donated for use in the project or program.
- b. The real property or equipment is subject to Section B of this article and the terms and conditions of PROP Articles II-IV and REP Article III that are applicable to property acquired under the award.

- c. The federal interest in the real property or equipment must be addressed at the time of property disposition.

Section E. Federal Interest in Property Improved under the Award.

1. The Federal Government has an interest in improvements (as distinct from ordinary repairs and maintenance) you make to an item of real property or equipment if you charge the costs of the improvements as direct costs to NGB CA award.
2. We thereby acquire an interest in the property if the Federal Government did not previously have one. If the Federal Government already had an interest in the property, the value of that federal interest in the property increases by the amount of the federal interest in the improvements.
3. The property is subject to Section B of this article and the terms and conditions of PROP Articles II-IV and REP Article III that are applicable to real property or equipment acquired under the award.
4. The federal interest must be addressed at the time of property disposition.

PROP Article II. Property Management System.

Section A. Insurance Coverage for Real Property and Equipment.

You must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved under NGB CA awards as you provide for real property and equipment that you own.

Section B. Other Management System Standards for a State.

1. **Equipment.** Your property management system for equipment acquired or improved in whole or in part under an NGB CA award must be in accordance with your state laws and procedures.
2. **Federally Owned Property.** You may use your own property management system for any federally owned property for which you are accountable, if it meets the following minimum standards:
 - a. **Records.** Your records must include for each item of federally owned property:
 - (1) A description of the item.
 - (2) The location of the item.
 - (3) The serial or other identification number.
 - (4) Which federal agency holds title.

- (5) The date you received the item.
 - (6) Any data on the ultimate disposition of the item, such as the date of disposal.
 - (7) The federal award identification number of the award under which you are accountable for the item.
- b. **Inventory.** You must take a physical inventory of federally owned property at least annually and reconcile the results with your records.
 - c. **Control System.** You must:
 - (1) Maintain an internal property control system with adequate safeguards to prevent loss, damage, or theft of federally owned property.
 - (2) Investigate any loss, damage, or theft of federally owned property and promptly notify the award administration office.
 - d. **Maintenance.** You must maintain the property in good condition.

Section C. Other Management System Standards for an Institution of Higher Education, Nonprofit Organization, Local Government, Indian Tribe, For-profit entity.

- 1. Your procedures for managing equipment (including replacement equipment) acquired or improved in whole or in part under NGB CA awards and any federally owned property for which you are accountable under NGB CA awards must, as a minimum, meet the requirements in this section.
- 2. **Records.** You must maintain records that include for each item of equipment or federally owned property:
 - a. A description of the item.
 - b. The serial or other identification number.
 - c. Who holds title (e.g., you or the Federal Government and, if the latter, which federal agency).
 - d. The source of funding for the equipment, including the award number, or the source of the federally owned property, including the award number of the award under which you are accountable for the property.
 - e. The acquisition date and cost of the equipment (or improvement to the equipment) or the date you received the federally owned property.
 - f. The location, use, and condition of the equipment or federally owned property.

- g. Information from which one can calculate the amount of the federal interest in the acquisition or improvement of the item (this amount is zero after you compensate us for the federal interest in the item or improvement).
 - h. Any data on the ultimate disposition of the item including the date of disposal and sale price.
- 3. **Labelling.** You must ensure that property owned by the Federal Government is labeled to identify it as federally owned property.
- 4. **Inventory.** You must take a physical inventory of equipment in which there is a federal interest and reconcile the results with your records at least once every 2 years.
- 5. **Control system.** You must:
 - a. Maintain an internal property control system with adequate safeguards to prevent loss, damage, or theft of equipment and federally owned property.
 - b. Investigate any loss, damage, or theft and notify the award administration office if it involved equipment in which there is a federal interest under the award or federally owned property.
- 6. **Maintenance.** You must maintain equipment acquired or improved in whole or in part under the award and federally owned property in good condition.

PROP Article III. Use and Disposition of Real Property.

Section A. Use of Real Property.

- 1. You must use real property acquired or improved under NGB CA awards for the originally authorized purpose if needed for that purpose. During that time, you may not:
 - a. Dispose of the property except, with the prior approval of the award administration office, to acquire replacement property under NGB CA awards, in which case you may use the proceeds from the disposition as an offset to the cost of the replacement property; or
 - b. Encumber the title or other interests in the property without the prior approval of the award administration office.
- 2. RESERVED – Not Applicable.
- 3. RESERVED – Not Applicable.

Section B. Disposition of Real Property.

- 1. When you no longer need real property for the originally authorized purpose, you must

obtain disposition instructions from the award administration office except as provided in any section A.3 of this article. Those instructions will provide for one of the following three alternatives, which are that you:

- a. Retain title after compensating us for the federal interest in the property, which is to be computed as specified in the definition of “federal interest.”
 - b. Sell the property and compensate us for the federal interest in the property, as described in 2 CFR 200.311(c)(2).
2. Transfer title to us or a third party we designate, as described in 2 CFR 200.311(c)(3).

PROP Article IV. Use and Disposition of Equipment and Supplies.

Section A. Property Subject to This Article.

This article specifies requirements for use and disposition of equipment and supplies. If a provision of PROP Article I of these general terms and conditions and NGB CA award identifies any type of equipment or supplies as exempt property, requirements of this Article apply to that exempt property only to the extent specified in that provision of PROP Article I or an award-specific term or condition. The types of non-exempt property to which this article applies are:

- a. Supplies that you acquire either by purchase or by donation as cost sharing or matching under an NGB CA award.
- b. Equipment for which title is vested conditionally in you. That includes equipment with a conditional title resulting from your having, either under an NGB CA award or under a previous award from which you transferred accountability for the equipment to an NGB CA award:
 - (1) Directly charged as project costs, in whole or in part, the acquisition (by purchase, construction or fabrication, or development) of equipment,
 - (2) Donated the equipment to the project or program by counting the value of the remaining life of the property recorded in your accounting records or the fair market value toward any cost sharing or matching requirements under the award, rather than charging depreciation (see PROP Article I, Section D); or
 - (3) Directly charged as project costs improvements to the equipment that meet the criteria given in section E.1 of PROP Article I.

Section B. Requirements for a State’s Use and Disposition of Equipment.

- a. You must use the equipment for the authorized purposes of the project or program during the period of performance, or until the property is no longer needed for those purposes.

- b. You may not encumber the property without the prior approval of the award administration office.
- c. You must use and dispose of the equipment in accordance with your state laws and procedures.

Section C. Use of Equipment by an Institution of Higher Education, Nonprofit Organization, Local Government, Indian Tribe, or For-profit Entity.

1. You must use the equipment for the authorized purposes of the project or program under an NGB CA award until the equipment is no longer needed for those purposes, whether the project or program continues to be supported by NGB CA awards.
2. You may not encumber the equipment without the prior approval of the award administration office.
3. During the time that the equipment is used for the project or program under an NGB CA award:
 - a. You must make the equipment available for use on other projects or programs but only if that use will not interfere with the equipment's use as needed for the project or program supported by NGB CA award.
 - (1) First preference must be given to other projects or programs supported or previously supported by NGB and second preference to those supported or previously supported by other federal agencies.
 - (2) Third preference is for other projects or programs not supported by the Federal Government. You should charge user fees for use of the equipment in those cases if it is at all practicable.
 - b. You may use the equipment, if you need to acquire replacement equipment, as a trade-in or sell it (using sales procedures designed to ensure the highest possible return) and use the proceeds from the sale to offset the cost of the replacement equipment.
4. When the equipment is no longer needed for the project or program under an NGB CA award, you may defer final disposition of the equipment and continue to use it on other federally sponsored projects or programs. You must give priority to other projects or programs supported by NGB.
5. Notwithstanding the encouragement in FMS Article VII to earn program income, you may not use equipment in which there currently is a federal interest--whether you acquired it under an NGB CA award or are otherwise accountable for it under an NGB CA award--to provide services for a fee that is less than private companies charge for equivalent services.

Section D. Disposition of Equipment by an Institution of Higher Education, Nonprofit Organization, Local Government, Indian Tribe, or For-profit Entity.

1. You must request disposition instructions from the award administration office when either original or replacement equipment acquired under an NGB CA award with a current fair market value that exceeds \$5,000 is no longer needed for the original project or program or for other federally sponsored activities as described in Section C.4. of this article. For each item of equipment with a current fair market value of \$5,000 or less, you may retain, sell, or otherwise dispose of the item with no further obligation to the Federal Government.
2. We may issue disposition instructions that:
 - a. Allow you to retain or sell any item of equipment after compensating us for the federal interest in the property, which is to be computed as specified in the definition of “federal interest;” or
 - b. Require you to transfer title to the equipment to a federal agency or a third-party, in which case you are entitled to compensation from us for the non-federal interest in the equipment, plus any reasonable shipping or interim storage costs incurred.
3. If we fail to provide disposition instructions for any item of equipment within 120 calendar days of receiving your request, you may retain or sell the equipment, but you must compensate us for the amount of the federal interest in the equipment.
4. If you sell the equipment:
 - a. You must use sales procedures designed to ensure the highest possible return.
 - b. You may deduct and retain for selling and handling expenses either \$500 or ten percent of the proceeds, whichever is less.

Section E. Use and Disposition of Supplies Acquired under NGB CA Awards.

1. **Use.** If we retain a federal interest in supplies acquired under an NGB CA award either by purchase or by donation as cost sharing or matching, you may not use the supplies to provide services to other organizations for a fee that is less than private companies charge for equivalent services, notwithstanding the encouragement in FMS Article VII to earn program income.
2. **Disposition.** If you have a residual inventory of unused supplies with aggregate value exceeding \$5,000 at the end of the period of performance under an NGB CA award, and the supplies are not needed for any other federal award, you may retain the supplies or sell them but must in either case compensate us for the amount of the federal interest in the supplies. You may deduct and retain for selling and handling expenses either \$500 or ten percent of the proceeds, whichever is less.

PROP Article V. Use and Disposition of Federally Owned Property.

Section A. Use.

During the time that federally owned property for which you are accountable under an NGB CA award is used for the project or program supported by the award, you:

- a. Also, may make the property available for use on other federally supported projects or programs, but only if that use will not interfere with the property's use for the project or program supported by NGB CA award. You must give priority to other projects or programs supported by DoD Components (NGB).
- b. May use the property for purposes other than federally supported projects or programs only with the prior approval of the awarding office or, if you request approval after the award is made, the award administration office.

Section B. Disposition.

You must request disposition instructions from the award administration office for any federally owned property under an NGB CA award, including any property for which a subrecipient is accountable under a subaward you make under an NGB CA award, either:

- a. At any time during the period of performance if the property is no longer needed for the project or program supported by NGB CA awards; or
- b. At the end of the period of performance.

PROP Article VI. Intangible Property.

Section A. Assertion of Copyright.

1. You may assert copyright in any work that is eligible for copyright protection if you acquire ownership of it under an NGB CA award, either by developing it or otherwise.
2. With respect to any work in which you assert copyright, as described in paragraph A.1 of this section, NGB reserves a royalty-free, nonexclusive, and irrevocable license to:
 - a. Reproduce, publish, or otherwise use the work for Federal Government purposes.
 - b. Authorize others to reproduce, publish, or otherwise use the work for Federal Government purposes.

Section B. Inventions Developed under the Award.

1. **Applicability of Governmentwide Clause for Research Awards.** You must comply with the governmentwide patent rights award clause at 37 CFR 401.14, with the

modifications described in section B.2 of this section. NGB adopts that Governmentwide clause for the following entities, thereby broadening the applicability beyond types of entities included in the definition of “contractor” in 37 CFR part 401:

Any institution of higher education, non-profit organization, state, local government, Indian tribe, for-profit entity, foreign organization, or foreign public entity receiving a NGB award for the performance of experimental, research, or developmental work.

2. **Modifications to the Wording of the Federal Governmentwide Clause.** NGB adopts the governmentwide clause at 37 CFR 401.14, as described in paragraph B.1 of this section, with the following modifications:

a. **Terminology.** Throughout the governmentwide award clause:

- (1) Insert the terms “recipient” and “subrecipient (or contractor to the recipient or to a subrecipient)” to replace the terms “contractor” and “subcontractor,” respectively.
- (2) Insert the terms “award” and “subaward (or contract under either the award or a subaward)” to replace the terms “contract” and “subcontract,” respectively.

b. **Final report.** Add a new subparagraph (f)(5) to read, “The recipient must submit a final report listing all subject inventions made under the award or stating that there were none. The final report is due 120 calendar days after the end date of the period of performance unless you request, and we grant an extension of the due date.”

c. **Broadening Applicability to all Entities.** Delete sections (g)(2) and (3) of the governmentwide clause, redesignate paragraph (g)(1) as paragraph (g), and delete the phrase “to be performed by a small business firm or domestic nonprofit organization” from paragraph (g) as redesignated.

Section C. Data Produced under the Award.

1. **Data in general.** The Federal Government has the right to:

- a. Obtain, reproduce, publish, or otherwise use the data produced under NGB CA awards.
- b. Authorize others to receive, reproduce, publish, or otherwise use the data produced under NGB CA awards for Federal Government purposes.

2. **Research Data Requested under the Freedom of Information Act (FOIA).**

- a. If we receive a request under the FOIA for “research data” that are related to “published research findings” produced under NGB CA awards and that were “used by the Federal Government in developing an agency action that has the force and effect of law,” you must provide the data to us within a reasonable time after we

request it from you, so that the data can be made available to the public through procedures established under the FOIA.

- b. For purposes of the requirement in paragraph C.2.a of this section, 2 CFR 200.315(e) provides definitions of the phrases “published research findings,” “used by the Federal Government in developing an agency action that has the force and effect of law,” and “research data.”

Section D. Use and Disposition of Intangible Property Acquired, but not Developed or Produced, under the Award.

1. **Applicability.** This section applies to a patent, patent application, copyright, or other intangible property acquired, but not developed or produced, under NGB CA awards.
2. **Use.** You:
 - a. Must use the intangible property for the authorized purpose under NGB CA awards until the intangible property is no longer needed for that purpose, whether that purpose is still being supported by NGB CA awards.
 - b. May not encumber the intangible property without the prior approval of the award administration office.
3. **Disposition.** When the intangible property is no longer needed for the originally authorized purpose, you must contact the award administration office to arrange for disposition in accordance with the procedures specified for disposition of equipment in either Section B or D of PROP Article IV, as applicable.

Part 3: Procurement (Articles from this part are designated with “PROC” in the article title)

PROC Article I. Procurement Standards for States.

Section A. Use of State Procurement System.

Subject only to the conditions in Sections B through D of this article, you must use the same policies and procedures to procure supplies, equipment, real property, and services under NGB CA awards that you use when you procure those items for state purposes using non- federal funds.

Section B. Procurement of Recovered Materials.

You must comply with the Resource Conservation and Recovery Act requirements described in OMB guidance in 2 CFR 200.323.

Section C. Debarment and Suspension.

You must comply with restrictions on awarding procurement transactions to excluded or disqualified parties and other requirements specified by OMB guidelines on nonprocurement debarment and suspension at 2 CFR part 180, as implemented by NGB at 2 CFR part 1125.

Section D. Contract Provisions.

You must include provisions in your procurement transactions under NGB CA awards to require the contractors' compliance with the requirements specified in PROC Article III, as applicable.

PROC Article II. Procurement Standards for Institutions of Higher Education, Nonprofit Organizations, Local Governments, Indian Tribes, and For-profit Entities.

Section A. General Procurement Standards.

1. For procurement under NGB CA awards, you must comply with the OMB guidance in 2 CFR 200.318.
2. You must do business only with responsible contractors who are able to perform, as described in OMB guidance in 2 CFR 200.318(h). Related to that, you must comply with restrictions on awarding procurement transactions to excluded or disqualified parties and other requirements specified by OMB guidelines on nonprocurement debarment and suspension at 2 CFR part 180, as implemented by DoD (NGB as a Component) at 2 CFR part 1125.

Section B. Competition.

You must award procurement transactions NGB CA awards in accordance with the competition requirements described in OMB guidance in 2 CFR 200.319.

Section C. Procurement Methods.

You must award procurement transactions under NGB CA awards using methods described in OMB guidance in 2 CFR 200.320.

Section D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

You must take the affirmative steps described in OMB guidance in 2 CFR 200.321 when awarding procurement transactions under NGB CA awards.

Section E. Contract Cost and Price.

When awarding a procurement transaction under NGB CA awards, you must follow the procedures related to cost and price that are described in OMB guidance in 2 CFR 200.324, using the applicable cost principles specified in FMS Article III.

Section F. Contract Provisions.

You must include provisions in your procurement transactions under NGB CA awards to require the contractors' compliance with the requirements of PROC Article III, as applicable.

Section G. Procurement of Recovered Materials.

If you are a political subdivision of a state, you must comply with the Resource Conservation and Recovery Act requirements described in OMB guidance in 2 CFR 200.323.

Section H. Review of Procurement Documents.

Upon our request, you must make available:

- a. Technical specifications on proposed procurement transactions, as described in 2 CFR 200.325(a).
- b. Pre-procurement documents for our review, as described in 2 CFR 200.325(b) unless you are exempt from that requirement under 2 CFR 200.325(c).

Section I. Domestic Preferences for Procurements.

As appropriate and to the extent consistent with law, you should, to the greatest extent practicable under NGB CA awards, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). This must be included in all subawards including all contracts and purchase orders for work or products under NGB CA awards.

Section J. Bonding Requirements. RESERVED - Only applicable if provided in award-specific terms and conditions.

PROC Article III. Contract Provisions for Recipient Procurements.

Section A. Contract Provisions for Administrative Requirements.

1. **Remedies.** In any contract under NGB CA awards for an amount more than the simplified acquisition threshold, you must provide for administrative, contractual, or legal remedies, including any appropriate sanctions and penalties, when the contractor violates or breaches the contract terms.

2. **Termination.** In any contract for an amount more than \$10,000, you must specify: conditions under which you may terminate the contract for cause or convenience; the procedures for termination; and the basis to be used for settlement.
3. **Allowable Costs under Cost-Type Contracts.** In any cost-type contract with an entity, you must include a clause to permit the entity to charge to the contract only costs that are allowable under the cost principles that FMS Article III identifies as applicable to that type of entity, as supplemented by any award-specific terms and conditions related to allowability of costs that are included in NGB CA awards. Your contract clause may permit the contractor to use its own cost principles in determining the allowability of its costs charged to the contract, if its cost principles comply with those federal cost principles supplemented by any award-specific terms and conditions of NGB CA awards.
4. **Rights in Copyright and Data.** You must include in each contract under NGB CA awards a provision requiring that the contractor:
 - a. Grant the Federal Government a royalty-free, nonexclusive, and irrevocable right to:
 - (1) Reproduce, publish, or otherwise use for federal purposes any work that is subject to copyright and that the contractor develops, or acquires ownership of, under NGB CA awards.
 - (2) Authorize others to reproduce, publish, or otherwise use such work for federal purposes.
 - b. Grant the Federal Government the right to:
 - (1) Obtain, reproduce, publish, or otherwise use data produced under NGB CA awards.
 - (2) Authorize others to receive, reproduce, publish, or otherwise use such data for federal purposes.
 - (3) Include the Federal Government rights described in subparagraphs 4.a. and 4.b. of this section in any subcontracts.
5. **Access to Records.**
 - a. In any negotiated, cost-type or time and materials contract for an amount more than the simplified acquisition threshold, you must provide for access to any of the contractor's books, documents, papers, and records that are directly pertinent to that contract, to enable and support audits, examinations, excerpts, and transcriptions. The contract provision must provide access to those records for all of the following and their duly authorized representatives:
 - (1) You.

(2) Us as the federal awarding agency, including our Inspector General.

(3) The Comptroller General of the United States.

- b. In any audit services contract for performance of an audit required by the Single Audit Act, as implemented by OMB in Subpart F of 2 CFR part 200, you must provide for the access to audit documentation described in 2 CFR 200.517(b).

6. **Records Retention.**

- a. In directly pertinent to that contract for 3 years after you make final payment, and all pending matters are closed.
- b. In any audit services contract for performance of an audit required by the Single Audit Act, as implemented by OMB in Subpart F of 2 CFR part 200, you must provide for the retention any negotiated, cost-type or time and materials contract for an amount more than the simplified acquisition threshold, you must provide for retention of all records that are of audit documentation described in 2 CFR 200.517(a).

7. **Reporting.** In any contract awarded under NGB CA awards, you must include any provision for the contractor's reporting to you that may be needed for you to meet your requirements under NGB CA awards to report to us.

Section B. Contract Provisions for National Policy Requirements.

1. **Equal Employment Opportunity.** You must include the clause provided in 41 CFR 60-1.4(b) in any "federally assisted construction contract" (as defined in 41 CFR 60-1.3) under NGB CA Awards unless provisions of 41 CFR part 60-1 exempt the contract from the requirement.
2. **Wage Rate Requirements (Construction).** **RESERVED - Only applicable if provided in award-specific terms and conditions.**
3. **Copeland Act prohibition on Kickbacks.** **RESERVED - Only applicable if provided in award-specific terms and conditions.**
4. **Contract Work Hours and Safety Standards Act for Work Involving Mechanics or Laborers.** In each contract for an amount greater than \$100,000 that involves the employment of mechanics or laborers and is not a type of contract excepted under 40 U.S.C. 3701, you must include the clauses specified in Department of Labor (DoL) regulations at 29 CFR 5.5(b) to require use of wage standards that comply with the Contract Work Hours and Safety Standards Act (40 CFR, Subtitle II, Part A, Chapter 37), as implemented by the DoL at 29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction."
5. **Patents and Inventions.** If you procure the services of a nonprofit organization, small

business firm, or other entity for the performance of experimental, developmental or research work, you must include in the contract the clause prescribed in Section B of PROP Article VI to establish contractual requirements regarding subject inventions resulting from the contract and provide for Government rights in those inventions.

6. Clean Air and Water Requirements. You must:

- a. In each contract for an amount greater than \$150,000 under NGB CA awards, include a clause requiring the contractor to comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401-7671q), Federal Water Pollution Control Act (33 U.S.C. 1251-1387), and standards, orders, or regulations issued under those acts.
- b. Report any violations of the Acts, standards, orders, or regulations to both the award administration office and the appropriate regional office of the Environmental Protection Agency.

7. Nonprocurement Suspension and Debarment. Unless you have an alternate method for requiring the contractor's compliance, you must include a clause in each contract for an amount equal to or greater than \$25,000 and in each contract for federally required audit services to require the contractor to comply with OMB guidance on nonprocurement suspension and debarment in 2 CFR part 180, as implemented by NGB regulations at 2 CFR part 1125.

8. Byrd Amendment Anti-Lobbying Requirements. In each contract for an amount exceeding \$100,000, you must include a clause requiring the contractor to submit to you the certification and any disclosure forms regarding lobbying that are required under 31 U.S.C. 1352, as implemented by the DoD (NGB) at 32 CFR part 28.

9. Purchase of Recovered Materials by States or Political Subdivisions of States. In each contract under which the contractor may purchase items designated in Environmental Protection Agency (EPA) regulations in 40 CFR part 247, Subpart B, you must include a clause requiring the contractor to comply with applicable requirements in those EPA regulations, which implement section 6002 of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6962).

10. Fly America Requirements. In each contract under which funds provided under NGB CA awards might be used for international air travel for the transportation of people or property, you must include a clause requiring the contractor to:

- a. Comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118, also known as the "Fly America" Act), as implemented at 41 CFR 301-10.131 through 301-10.143. The law and regulations provide that U.S. Government-financed international air travel of passengers and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost-sharing arrangement with a U.S. carrier, if such service is available.

- b. Include the requirements of the Fly America Act in all subcontracts that might involve international air transportation.
11. **Cargo preference for United States flag Vessels.** In each contract under which equipment, material, or commodities may be shipped by oceangoing vessels, you must include the clause specified in Department of Transportation regulations at 46 CFR 381.7(b) to require that at least 50 percent of equipment, materials or commodities purchased or otherwise obtained with federal funds under NGB CA awards, and transported by ocean vessel, be transported on privately owned U.S.-flag commercial vessels, if available.
12. **Prohibition on Using Funds under Grants and Cooperative Agreements with Entities that Require Certain Internal Confidentiality Agreements.** You must include the provision provided in Section B.1 of NP Article IV in Part 8 of these general terms and conditions in each contract under NGB CA awards.
13. **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** You must include the provision provided in Section A.18 of NP Article IV in Part 8 of these general terms and conditions in each contract under NGB CA awards.
14. **The Infrastructure Investment and Jobs Act (“IIJA”). Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52.**

The Act strengthens Made in America Laws and will bolster America’s industrial base, protect national security, and support high-paying jobs. The Act requires that the head of each Federal agency shall ensure that “none of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”

Part 4: Reporting (Articles from this part are designated with “REP” in the article title)

REP Article I. Performance Management, Monitoring, And Reporting.

Section A. Required Reporting Form, Format, or Data Elements for Interim and Final Performance Reports. RESERVED - Language in award-specific terms and conditions.

Section B. Frequency, Reporting Periods, and Due Dates for Interim Performance Reports. RESERVED - Language in award-specific terms and conditions.

Section C. Due Date and Reporting Period for Final Performance Report.

1. **Due Date.** You must submit the final performance report NGB CA awards no later than 120 calendar days after the end date of the period of performance unless we approve an extension of that due date as described in Section D of this article.
2. **Reporting Period.** Final reports must be cumulative (i.e., each final report should cover the entire period of performance under the award and not just the period since the previous interim performance report).

Section D. Extensions of Due Dates.

You may request extensions of the due dates that Sections B and C of this Article specify for interim and final reports, respectively. You must provide the reasons for your request, and we will consider approving extensions that are adequately justified.

Section E. Reporting Significant Developments.

You must report the following information to us as soon as you become aware of it:

- a. Problems, delays, or adverse conditions that will materially impair your ability to meet the objectives of NGB CA awards. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
- b. Favorable developments which will enable you to meet schedules and objectives sooner or at less cost than anticipated or produce more or different beneficial results than originally planned.

Section F. Performance Reporting Procedures. RESERVED - Language in award-specific terms and conditions.

Section G. Site Visits.

We reserve the right to make site visits as warranted to monitor program performance under NGB CA awards.

REP Article II. Financial Reporting.

Section A. Required Reporting Form, Format, or Data Elements for Interim and Final Financial Reports. RESERVED - Language in award-specific terms and conditions.

Section B. Interim Financial Reports: Frequency, Reporting Periods, and Due Dates. RESERVED - Language in award-specific terms and conditions.

Section C. Final Financial Report.

You must submit the final financial report under NGB CA awards no later than 120 calendar days after the end date of the period of performance.

Section D. Extensions of Due Dates.

You may request extensions of the due dates that Sections B and C of this Article specify for interim and final reports, respectively. You must provide the reasons for your request, and we will consider approving extensions that are adequately justified.

Section E. Where and How to Submit Financial Reports. RESERVED - Language in award-specific terms and conditions.

REP Article III. Reporting on Property.

Section A. Real Property.

1. Sections A.1 through A.4 apply to real property for which you are accountable under NGB CA awards, for as long as there is a federal interest in the property (whether that interest is due to you or a subrecipient having acquired or improved the property under NGB CA awards, or a transfer of the accountability for the property to NGB CA awards from another award).
2. **Periodic status reports.** You must submit periodic status reports, as follows:
 - a. Frequency and duration of reporting requirement. **RESERVED - Language in award-specific terms and conditions.**
 - b. Due dates. **RESERVED - Language in award-specific terms and conditions.**
 - c. Other submission instructions. **RESERVED - Language in award-specific terms and conditions.**
3. **Notifications of Critical Changes.** You must notify the award administration office of any critical change in the status of real property as soon as feasible after you become aware of it. A critical change is any event with a significant adverse impact on the condition or value of the property, such as damage due to fire; flood, hurricane, or other severe weather; earthquake; or accident.
4. **Requests for Disposition Instructions.** You must comply with applicable requirements in PROP Article III to request disposition instructions, either during the period of performance or at closeout.
5. **Closeout Accounting.** You must account to the award administration office for real property at the time of closeout of the award, as required by Section D of OAR Article VI.

Section B. Equipment and Supplies.

1. Section B.1 through B.4 apply to equipment or supplies for which you are accountable under NGB CA awards and in which there is a federal interest (whether that interest is due to you or a subrecipient having acquired or improved the property under NGB CA awards, or a transfer of the accountability for the property to NGB CA awards from another award).
2. **Periodic Status Report.** There is no requirement for periodic reporting during the period of performance.
3. **Notifications of Loss, Damage, or Theft.** You must comply with applicable requirements in PROP Article II governing your property management system to promptly notify the award administration office of any loss, damage, or theft of equipment.
4. **Requests for Disposition Instructions.** You must comply with applicable requirements in PROP Article IV to request disposition instructions for equipment, either during the period of performance or at closeout.
5. **Closeout Accounting.**
 - a. **Equipment.** You must account to the award administration office for equipment at the time of closeout of NGB CA awards, as required by Section D of OAR Article VI.
 - b. **Supplies.** If you have a residual inventory of unused supplies that meets the criteria specified in Section E.2 of PROP Article IV, you must as part of your closeout accounting arrange with the award administration office for the compensation that paragraph specifies for the federal interest in the supplies.

Section C. Federally Owned Property.

1. Sections C.1 through C.4 apply to federally owned property for which you are accountable under NGB CA awards.
2. **Annual Inventory.** You must submit annually to the award administration office an inventory of federally owned property.
3. **Notifications of loss, Damage, or Theft.** As provided in PROP Article II governing your property management system, you must promptly notify the award administration office of any loss, damage, or theft of federally owned property.
4. **Requests for Disposition Instructions.** You must comply with requirements in Section B of PROP Article V to request disposition instructions, either during the period of performance or at closeout.
5. **Closeout Accounting.** Your requests for disposition instructions for federally owned property, as described in paragraph C.4 of this section, satisfy the need to account for federally owned property at closeout (see Section D of OAR Article VI).

Section D. Intangible Property.

1. Sections D.1 through D.3 apply to intangible property for which you are accountable under NGB CA awards.
2. **Inventions Developed under the Award.** You must submit all reports on subject inventions developed under NGB CA awards that are required by the modified Governmentwide patent rights award provision specified in Section B of PROP Article VI, which include a disclosure of each subject invention and a final report listing all such subject inventions.
3. **Copyrights and Data.** You are not required to submit periodic reports about data produced under the award or about works for which you acquired ownership under NGB CA awards, either by development or otherwise, and in which copyright was asserted. However, because the Federal Government has the rights in the works and data that Sections A and C of PROP Article VI specify, you must provide information about the works and data if we request it.
4. **Intangible Property Acquired, but not Developed or Produced, under the Award.** You must comply with requirements in Section D of PROP Article VI to request disposition instructions for intangible property acquired, but not developed or produced, under the award.

REP Article IV. Reporting on Subawards and Executive Compensation.

You must report information about subawards and executive compensation as specified in the award provision in appendix A to 2 CFR part 170, "Reporting subaward and executive compensation information," modified as follows:

- a. To accommodate any future designation of a different Governmentwide Web site for reporting subaward information, the Web site "<http://www.fsrs.gov>" cited in paragraphs a.2.i. and a.3 of the award provision is replaced by the phrase "<http://www.fsrs.gov> or successor OMB-designated Web site for reporting subaward information;"
- b. To accommodate any future designation of a different Governmentwide Web site for reporting executive compensation information, the Web site "<http://www.sam.gov>" cited in paragraph b.2.i. of the award provision is replaced by the phrase "<https://www.sam.gov> or successor OMB-designated Web site for reporting information on total compensation."

Part 5: Other Administrative Requirements (Articles from this part are designated with "OAR" in the article title)

OAR Article I. Submitting and Maintaining Recipient Information.

Section A. System for Award Management.

1. Unless you are exempted from this requirement in accordance with OMB guidance in 2 CFR 25.110, you must maintain the currency of information about yourself in the system the Federal Government specifies as the repository for information about its business partners (currently the System for Award Management (SAM)). This includes information on your immediate and highest-level owner and subsidiaries, as well as on all your predecessors that have been awarded a federal contract or federal financial assistance within the last three years, if applicable.
2. You must maintain the information in that system until you submit the final financial report required under NGB CA awards or receive the final payment, whichever is later.
3. You must review and update the information at least annually after your initial registration in the system (unless you are subject to the requirements in Section B) and more frequently if required by changes in your information.

Section B. Reporting of Performance and Integrity Information.

1. **General Reporting Requirement.** If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal agencies exceeds \$10,000,000 for any time during the period of performance of NGB CA awards, then during that time you must maintain in SAM the currency of information required by Section B.2 of this section. Note that:
 - a. This reporting is required under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313).
 - b. As required by section 3010 of Public Law 111-212, all performance and integrity information posted in the designated information system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.
 - c. Recipient information is submitted to the OMB-designated integrity and performance system through the SAM, as described in section B.3 of this section. The currently designated integrity and performance information system is the Federal Awardee Performance and Integrity Information System (FAPIIS).
2. **Proceedings About Which You Must Report.** Submit the information that the designated information system requires about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government.
 - b. Reached its final disposition during the most recent 5-year period.
 - c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in Section B.5. of this section.
- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.
- (3) An administrative proceeding, as defined in Section B.5. of this section, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages more than \$100,000; or
- (4) Any other criminal, civil, or administrative proceeding if:
 - (a) It could have led to an outcome described in section B.2.c.i, ii, or iii of this section.
 - (b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part.
 - (c) The requirement in this section to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. **Reporting Procedures.** Submit the information required in Section B.2 of this section to the Entity Management functional area of SAM.

- a. Current procedures are to submit the information as part of the maintenance of your information in the SAM that Section A of this article requires.
- b. You do not need to submit the information again under NGB CA awards if you already reported current information to the SAM under another federal grant, cooperative agreement, or procurement contract.

4. **Reporting frequency.** During any period when you are subject to the requirement in section B.1 of this section, you must report to SAM at least semiannually following your initial report of any information required in Section B.2 of this section, either to provide new information not reported previously or affirm that there is no new information to report.

5. **Definitions.** For purposes of this section:

- a. *Administrative proceeding* means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the federal and state level but only in connection with performance of a federal contract, grant, or cooperative agreement. It does not

include audits, site visits, corrective plans, or inspection of deliverables.

- b. *Conviction* means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. *Total value of currently active grants, cooperative agreements, and procurement contracts* includes:
 - (1) Only the federal share of the funding under any federal agency award with a recipient cost share or match.
 - (2) The value of all expected funding increments and options, even if not yet exercised, under each federal agency award.

Section C. Disclosure of Evidence of Integrity-Related Issues.

1. **Disclosure requirement.** At any time during the period of performance of NGB CA awards, if you have evidence that a covered person committed a covered action (see Sections C.2 and C.3 of this section) that may NGB CA awards, you must disclose the evidence in writing to the Office of the Inspector General, DoD, with a copy to the grants officer identified in the award cover pages.
2. **Covered Person.** As the term is used in this section, “covered person” means a principal, employee, or agent of either you or a subrecipient under NGB CA awards, where:
 - a. “Principal” means:
 - (1) An officer, director, owner, partner, principal investigator, or other person with management or supervisory responsibilities that relate to NGB CA awards; or
 - (2) A consultant or other person, whether employed by you or a subrecipient or paid with funds under NGB CA awards, who:
 - (a) Is in a position to handle funds under NGB CA awards;
 - (b) Is in a position to influence or control the use of those funds; or
 - (c) Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the project or program under NGB CA awards.
 - b. “Agent” means any individual who acts on behalf of, or who is authorized to commit you or the subrecipient, whether or not employed by you or the subrecipient.
3. **Covered Action.** As the term is used in this section, “covered action” means a violation of federal criminal law in Title 18 of the United States Code involving fraud,

bribery, or a gratuity violation.

4. Safeguarding of the Information.

a. To the extent permitted by law and regulation, we will:

(1) Safeguard and treat information you disclose to us as confidential if you mark the information as “confidential” or “proprietary.”

(2) Not release the information to the public in response to a Freedom of Information Act (5 U.S.C. 552) request without notifying you in advance.

b. We may transfer documents you provide to us to any other department or agency within the Executive Branch of the Federal Government if the information relates to matters within that organization’s jurisdiction.

OAR Article II. Records Retention and Access.

Section A. Records Retention Period.

1. Except as provided in Sections B through D of this article:

2. You must keep records related to any real property and equipment acquired, in whole or in part, using federal funds under the award for 3 years after final disposition of the property. For any item of exempt property with a current fair market value greater than \$5,000, and for which final disposition was not a condition of the title vesting, you must keep whatever records you need for as long as necessary to ensure that you can deduct the federal share if you later use the property in contributions for cost sharing or matching purposes under any federal award.

3. You must keep records related to rate proposals for indirect or facilities and administrative costs, cost allocation plans, and supporting records such as indirect cost rate computations and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback or composite fringe benefit rates) as follows:

a. If you are required to submit a proposal, plan, or other computations to your federal cognizant agency for indirect costs, as the basis for negotiation of a rate, you must keep the submissions and all supporting records for 3 years from the date on which you were required to make the submissions.

b. If you are not required to submit a proposal, plan, or other computation as the basis for negotiation, you must keep the proposal, plan, other computation, and supporting records for 3 years from the end of the fiscal year or other accounting period covered by the proposal, plan, or other computation.

4. You must keep other financial records, supporting documents, statistical records, and

other records pertinent to NGB CA awards for a period of 3 years from the date you submit your final financial report under the award.

Section B. Extensions of Retention Period Due to Litigation, Claim, or Audit.

1. If any litigation, claim, or audit begins before the end of the 3-year retention period specified in Section A of this article and the final action related to the litigation, claim, or audit is not taken before the end of that 3-year period, you must retain all records related to NGB CA awards that may be involved in the litigation, claim, or audit until all findings involving the records have been resolved and final action taken.
2. We may disallow costs and recover funds under NGB CA awards based on an audit or other review of records during the record retention period, including any extension to that retention period that we required in a written notification to you.

Section C. Records for Program Income Earned After the End of the Performance Period.

In accordance with Section F of FMS Article VII, there are no requirements under NGB CA awards applicable to program income you earn after the end of the period of performance and therefore no associated records retention requirements.

Section D. Records for Joint or Long-term Use.

1. **Joint Use.** To avoid duplicate recordkeeping for records that you and we both need to use on a continuous basis, we may ask you to make special arrangements with us, by mutual agreement, to make records available for joint and continuous use.
2. **Long-term use.** If we determine that some records will be needed longer than the 3-year period specified in Section A of this article, we may request that you either:
 - a. Retain the records for a longer time; or
 - b. Transfer the records to our custody for long-term retention.
3. **Retention requirements for transferred records.** For any records transferred to our custody, you are not subject to the records retention requirements in Section A of this article.

Section E. Methods for Collecting, Transmitting, and Storing Information.

1. You should, whenever practicable, collect, transmit, and store information related to NGB CA awards in open and machine-readable formats rather than in closed formats or on paper. However, if you request it, we will:
 - a. Provide award related information to you on paper.
 - b. Accept award related information from you on paper. In that case, we will not require more than an original and two copies.

2. When your original records are in an electronic form that cannot be altered, you do not need to create and retain paper copies of those records.
3. When your original records are on paper, you may substitute electronic versions produced through duplication or using other forms of electronic media, provided that:
 - a. You conduct periodic quality control reviews of the records.
 - b. You provide reasonable safeguards against alteration of the records.
 - c. The records remain readable.

Section F. Access to Records.

1. Scope of Government Access Rights.

- a. We as the awarding agency, the Federal Government Inspectors General, the Comptroller General of the United States, and any of our authorized representatives have the right of access to any documents, papers, or other records you have that are pertinent to NGB CA awards, to make audits, examinations, excerpts, and transcripts.
- b. This right also includes timely and reasonable access to your personnel for the purposes of interview and discussion related to the records.
- c. As described in OMB guidance at 2 CFR 200.337(b), the access to records described in this section will include access to the true name of a victim of a crime only under extraordinary and rare circumstances.
 - (1) You are required to provide that access only in response to a court order or subpoena pursuant to a bona fide confidential investigation, or in response to a request duly authorized by the head of NGB or his or her designee.
 - (2) You must take appropriate steps to protect this sensitive information.

2. **Duration of Government Access Rights.** We have the access rights described in paragraph F.1 of this section as long as you retain the records.

3. Public access.

- a. You must comply with requirements to protect information that Federal statute, Executive order, or regulation requires to be protected (e.g., personally identifiable or export-controlled information), to include both information generated under NGB CA awards and information provided to you and identified as being subject to protection. Other than those limitations on dissemination of information, we place no restrictions on you that limit public access to your records pertinent to NGB CA awards.

- b. We do not place any requirements on you to permit public access to your records separate from any federal, state, local, or tribal statute that may require you to do so.
- c. The Freedom of Information Act (FOIA, 5 U.S.C. 552) does not apply to records in your possession but records you provide to us generally will be subject to FOIA, with the applicable exemptions.

OAR Article III. Remedies and Termination.

Section A. Noncompliance with Award Terms and Conditions.

If you fail to comply with a term or condition of NGB CA awards or an applicable federal statute or regulation, we may amend NGB CA awards to impose award-specific conditions, as described in OMB guidance in 2 CFR 200.208. If imposing award specific conditions, we will notify you before modifying the award and, once you have corrected the noncompliance, promptly remove the award-specific conditions. If we determine that the imposition of award-specific conditions is insufficient to correct the noncompliance or the non-compliance remains uncorrected despite the use of award-specific conditions, we may consider taking one or more of the remedies specified in Section B of this article.

Section B. Remedies for Noncompliance.

1. If you fail to comply with a term or condition of NGB CA awards or an applicable Federal statute or regulation, we may take one or more of the following actions that we deem appropriate to the circumstances:
 - a. Temporarily withhold cash payments pending:
 - (1) Your correction of the deficiency.
 - (2) Our taking more severe remedies.
 - b. Disallow (that is, deny both use of funds and any applicable cost-sharing or matching credit for) all or part of the cost of the activity or action not in compliance.
 - c. Suspend or, in accordance with section C.1.a.i. of this article, terminate NGB CA awards, in whole or in part (suspension of an award is a separate and distinct action from suspension of a person under 2 CFR parts 180 and 1125, as noted in Section B.3 of this article).
 - d. Withhold further awards to you for the project or program that is not in compliance.
 - e. Take any other action legally available to us under the circumstances.

2. You may raise an objection to our taking any remedy we take under Section B.1 of this section and will be given an opportunity to provide information and documentation challenging the action. The procedures are those specified in OAR Article IV for claims and disputes.
3. Our use of any remedy under Section B.1 of this section, including suspension or termination of the award, does not preclude our referring the noncompliance to a suspension and debarment official and asking that official to consider initiating a suspension or debarment action under 2 CFR part 1125, the DoD (NGB) implementation of OMB guidance at 2 CFR part 180.

Section C. Termination.

1. NGB CA awards may be terminated in whole or in part as follows:
 - a. **Unilaterally by the Federal Government.** We will provide a notice of termination if we unilaterally terminate NGB CA awards in whole or in part, which we may do for either of the following reasons:
 - (1) Your material failure to comply with the award terms and conditions. If we terminate the award for that reason, we will report the termination to the OMB-designated integrity and performance system (currently FAPIIS). In accordance with 41 U.S.C. §2313, each federal awarding official must review and consider the information in the OMB-designated integrity and performance system regarding any proposal or offer before awarding a grant or contract.
 - (2) The program office does not have funding for an upcoming increment if NGB CA awards is incrementally funded. In that case, the Federal Government's financial obligation does not exceed the amount currently obligated under the award.
 - b. **By Mutual Agreement.** With your consent, we may terminate NGB CA awards, in whole or in part, for any reason. In that case, you and we must agree to:
 - (1) The termination conditions, including the effective date.
 - (2) In the case of a partial termination, the portion to be terminated.
 - c. **Unilaterally by the Recipient.** You may unilaterally terminate NGB CA awards, in whole or in part, by sending us written notification that states:
 - (1) The reasons for the termination.
 - (2) The effective date.
 - (3) In the case of partial termination, the portion to be terminated. In that case, however, we may terminate the award in its entirety if we determine that the remaining portion of the award will not accomplish the purposes for which we

made the award.

2. If an NGB CA award is terminated in its entirety before the end of the performance period, you must complete the closeout actions for which you are responsible under OAR Article VI. The due date for each action is to be measured relative to the date of termination.
3. If an NGB CA award is only partially terminated before the end of the performance period, with a reduced or modified portion of the award continuing through the end of the performance period, then closeout actions will occur at the end of the performance period as specified in OAR Article VI.
4. You will continue to have all the post-closeout responsibilities that OAR Article VII specifies for you if an NGB CA award is wholly or partially terminated before the end of the performance period.

Section D. Effects of Suspension or Termination of the Award on Allowability of Costs.

1. If we suspend or terminate NGB CA awards prior to the end of the period of performance, costs resulting from obligations that you incurred:
 - a. Before the effective date of the suspension or termination are allowable if:
 - (1) You properly incurred those obligations.
 - (2) You did not incur the obligations in anticipation of the suspension or termination.
 - (3) In the case of termination, the costs resulted from obligations that were noncancellable after the termination.
 - (4) The costs would have been allowable if we had not suspended or terminated the award and it had expired normally at the end of the period of performance.
 - b. During the suspension or after the termination are not allowable unless we expressly authorize them, either in the notice of suspension or termination or subsequently.

OAR Article IV. Claims, Disputes, and Appeals.

Section A. Definitions.

1. **Claim.** The definition of the term “claim,” as it is used in this article, is in 2 CFR 1108.80.
2. **Grant Appeal Authority.** **RESERVED – Only applicable if provided in DoD Component addendum to these terms and conditions.**

Section B. Submission of Claims.

1. **Your claims.** To submit a claim arising out of NGB CA awards, you must submit it in writing to the grants officer for decision, specify the nature and basis for the relief you are requesting, and include all data that supports your claim.
2. **Government claims.** You will receive a written grants officer's decision if an NGB claim arises out of NGB CA awards.

Section C. Alternative Dispute Resolution.

1. We encourage resolution of all issues related to NGB CA awards by mutual agreement between you and the grants officer.
2. If you and the grants officer are unable to resolve an issue through unassisted negotiations, we encourage use of Alternative Dispute Resolution (ADR) procedures to try to do so. ADR procedures are any voluntary means, such as mini-trials or mediation, used to resolve issues in controversy. ADR procedures may be used prior to submission of a claim or at any other time prior to the Grant Appeal Authority's decision on any appeal you submit.

Section D. Grants Officer Decisions for Claims you Submit.

1. Within 60 calendar days of receiving your claim, the grants officer will either:
 - a. Transmit a written decision that:
 - (1) Identifies data on which the decision is based.
 - (2) Identifies and provides the mailing address for the Grant Appeal Authority to whom you will submit an appeal of the decision if you elect to do so; or
 - b. If more time is required to render a written decision, notify you of a specific date when he or she will render the decision and inform you of the reason for delaying it.
2. The grants officer's decision will be final unless you decide to appeal, in which case we encourage use of ADR procedures as noted in Section C of this article.

Section E. Formal Administrative Appeals.

1. **Right to Appeal.** You have the right to appeal a grants officer's decision to the Grant Appeal Authority identified in Section A of this article.
2. **Notice of Appeal.** You may appeal a grants officer's decision within 90 calendar days of receiving the decision by submitting a written notice of appeal to the Grant Appeal Authority and grants officer. If you elect to use ADR procedures, you are allowed an additional 60 calendar days to submit the written notice of appeal.

3. **Appeal File.** Within 30 calendar days of the grants officer's receipt of your notice of appeal, you should receive the appeal file with copies of all documents relevant to the appeal. You may supplement the file with other documents you deem relevant and with a memorandum in support of your position for the Grant Appeal Authority's consideration. The Grant Appeal Authority may request additional information from you.
4. **Decision.** Unless the Grant Appeal Authority decides to conduct fact-finding procedures or an oral hearing on the appeal, the appeal will be decided solely based on the written record. Any fact-finding or hearing will be conducted using procedures that the Grant Appeal Authority deems appropriate.

Section F. Representation.

You may be represented by counsel or any other designated representative in any claim, appeal, or ADR proceeding, if the representative is not otherwise prohibited by law or regulation from appearing before NGB.

Section G. Non-exclusivity of Remedies.

Nothing in this article is intended to limit your right to any remedy under the law.

Section H. Effect of Grant Appeal Authority's Decision.

The Grant Appeal Authority's decision is the final administrative decision of NGB and cannot be further appealed within NGB.

OAR Article V. Collection of Amounts Due.

Section A. Establishing a Debt.

1. Any amount paid to you more than the amount to which you are determined to be entitled under the terms and conditions of NGB CA awards constitutes a debt to the Federal Government.
2. The grants officer will attempt to resolve any claim of your indebtedness arising out of NGB CA awards by mutual agreement.
3. If the grants officer fails to resolve the claim in that manner, you will receive a written notice of the grants officer's decision formally determining the debt, as described in Section B.2 of OAR Article IV. The notice will describe the debt, including the amount, name and address of the official who determined the debt, and a copy of that official's determination.

Section B. Debt Delinquency and Appeals.

1. Within 30 calendar days of the grants officer's decision, you must either pay the amount owed to the address provided in the written notice or inform the grants officer

that you intend to appeal the decision. Appeal procedures are described in OAR Article IV.

2. If you elect not to appeal, any amounts not paid within 30 calendar days of the grants officer's decision will be a delinquent debt.
3. If you elect to appeal the grants officer's decision, you will have 90 calendar days after receipt of the grants officer's decision to file your appeal unless Alternative Dispute Resolution (ADR) procedures are used, as described in Section C of OAR Article IV, in which case you will have 150 calendar days.

Section C. Demand Letter, Interest, and Debt Collection.

1. If within 30 calendar days of the grants officer's decision, you neither pay the amount due nor provide notice of your intent to appeal the grants officer's decision, the grants officer will send you a demand letter identifying a payment office that will be responsible for any further debt collection activity.
2. If you do not pay by the due date specified in the written demand letter, the Federal Government may collect part or all the debt by:
 - a. Making an administrative offset against your requests for reimbursements under federal awards.
 - b. Withholding advance payments otherwise due to you.
 - c. Any other action permitted by federal statute.
3. The debt will bear interest, and may include penalties and other administrative costs, in accordance with applicable provisions of NGB Financial Management Regulation (DoD 7000.14-R), which implements the Federal Claims Collection Standards. The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

OAR Article VI. Closeout.

Section A. Liquidation of Financial Obligations.

Unless the award administration office authorizes an extension of the due date, you must liquidate all financial obligations that you incurred under NGB CA awards not later than 120 calendar days after the end date of the period of performance.

Section B. Refunds of Unobligated Balances.

You must promptly refund to the award administration office any balances of unobligated cash that we have advanced or paid to you and not authorized you to use on other projects or programs.

Section C. Final Reports.

You must submit the:

1. Final performance report under NGB CA awards no later than the date specified in Section C of REP Article I, subject to any extensions granted under Section D of that article.
2. Final financial report under NGB CA awards no later than the date specified in Section C of REP Article II, subject to any extensions granted under Section D of that article.
3. Final report listing subject inventions made under the award no later than the date specified in Section B of PROP Article VI.
4. Other final reports that are required under NGB CA awards no later than 120 calendar days after the end date of the period of performance, unless you request an extension of the due date, and the award administration office approves the request.

Section D. Accounting for Property.

You must account for any real property, equipment, supplies, and intangible property that you and any subrecipients acquired or improved under the award, in accordance with PROP Articles I through IV and VI. Your requests for disposition instructions for any federally owned property, as required by PROP Article V, meet the need described in OMB guidance at 2 CFR 200.344(f) to account for that property at closeout.

Section E. Delinquent Final Reports and Timeframe for Closeout.

1. We intend to closeout NGB CA awards no later than one year after the end date of the period of performance.
 - a. If you or your lower-tier entities (e.g., subrecipients) do not have negotiated final indirect costs rates before the due date of the final financial reports, the final reports must be based on the best information at the time (e.g., proposed final indirect rates). You will have post-closeout continuing responsibilities related to the finalization of those rates in accordance with section A.2 of OAR Article VII.
 - b. If you do not provide timely and/or accurate final reports or do not respond timely to our requests to reconcile discrepancies in these reports or other records, we may initiate closeout based on information we have on hand. For example, if you fail to submit a timely final financial report, we may use amounts provided in the latest interim financial report and/or payment request to determine final amounts to be paid for closeout purposes.
2. Failure to submit timely and accurate final reports may result in our taking one or more remedies as specified in Section B of OAR Article III and reporting your material failure to comply with the terms and conditions of NGB CA awards in the OMB-designated

integrity and performance system accessible through SAM (currently FAPIIS).

OAR Article VII. Post-Closeout Adjustments and Continuing Responsibilities.

Section A. Adjustments.

The closeout of NGB CA awards does not affect:

1. Our right to disallow costs and recover funds based on a later audit or other review, if we make the determination that the costs are disallowed and notify you about that determination as specified in section B.2 of OAR Article II of these terms and conditions.
2. Your obligation to return any funds due to the Federal Government because of later refunds, corrections, or other transactions (to include any adjustments in final indirect cost rates).

Section B. Continuing Responsibilities.

After closeout of NGB CA awards, you must continue to comply with terms and conditions of NGB CA awards that have applicability beyond closeout, including requirements concerning:

- a. Audits, as specified in FMS Article V, that cover periods of time during which you expended funds under NGB CA awards.
- b. Management, use, and disposition of any real property or equipment acquired or improved under NGB CA awards in which we continue to have a federal interest after closeout, as specified in PROP Articles I through IV.
- c. Retention of, and access to, records related to NGB CA awards, as specified in OAR Article II.

Part 6: Subawards (Articles from this part are designated with “SUB” in the article title)

SUB Article I. Distinguishing Subawards and Procurements.

Section A. Required Recipient Determination.

For each transaction into which you enter with another entity at the next tier below NGB CA awards, you must determine whether the transaction is a subaward or procurement transaction.

Section B. Considerations in Making the Determination.

1. The primary purpose of the transaction between you and the other entity is the key factor you must use to determine whether the transaction is a subaward or procurement transaction.
 - a. The transaction is a subaward and the other entity, therefore, a subrecipient if the transaction's primary purpose is for you to transfer—for performance by the other entity—a portion of the substantive project or program for which we are providing financial assistance to you through NGB CA awards. You will continue to be accountable to us for performance of the project or program under the award, including portions performed by any subrecipients.
 - b. The transaction is a procurement transaction and the other entity therefore a contractor if the transaction's primary purpose is for you to purchase goods or services that you need to perform the substantive project or program supported by NGB CA awards. The distinction from a subaward is the contractor is not performing a portion of the substantive project or program because of the transaction.
2. What you call the transaction is not a factor in distinguishing a subaward from a procurement transaction. If the transaction meets the criterion in section B.1.a of this article, it is a subaward for purposes of the requirements of NGB CA awards even if you call and consider the transaction a "contract."

Section C. Effect of the Determination on the Next-Tier Transaction.

1. **Process for Awarding the Transaction.** One important consequence of your determining whether a next-tier transaction is a subaward or procurement is that there are different requirements governing the pre-award and time of award processes that you use to award the transaction.
 - a. SUB Article II of this Part specifies pre-award and time of award responsibilities for subawards.
 - b. PROC Articles I and II of this Part govern pre-award and time of award processes for awarding procurement transactions.
2. **Transaction Terms and Conditions.** A second important consequence of your determining whether a next-tier transaction is a subaward or procurement transaction is that the terms and conditions you include in a subaward differ from those you include in a procurement transaction.
 - a. Section C of SUB Article II of this Part addresses requirements you must include in subaward terms and conditions. Those requirements are generally either identical or directly related to requirements in the general terms and conditions of NGB CA awards. They include national policy requirements, as well as administrative requirements in areas such as financial and programmatic management, property administration, procurement, and reporting.

- b. PROC Article III of these general terms and conditions lists requirements you must include in a procurement transaction when applicable.

SUB Article II. Pre-award and Time of Award Responsibilities.

Section A. Requirements for Unique Entity Identifiers.

1. **Definition of “Entity”.** For purposes of the unique entity identifier requirements in paragraphs A.2 and 3 of this section, “entity” has the meaning given in paragraph C.3 of appendix A to OMB guidance in 2 CFR part 25.
2. **Pre-notification of Potential Subrecipients.** You must notify potential subrecipients that no entity may receive a subaward from you under NGB CA awards unless it has provided its unique entity identifier to you.
3. **Restriction on Making Subawards.**
 - a. **General.** You may not make a subaward to an entity unless the entity has provided its unique entity identifier to you, as required in 2 CFR part 25.300. Subrecipients are not required to obtain an active SAM registration but must obtain a Unique Entity Identifier.
 - b. **Exception.** You may make a subaward to an entity that has not provided its unique entity identifier to you in rare cases in which you requested, and we approved an exemption from the requirement for the entity to provide a unique entity identifier, based on the criteria in OMB guidance in 2 CFR part 25.110(c).

Section B. Pre-award Risk Assessment.

1. Before making a subaward to an entity, you must perform a risk assessment of the prospective subrecipient, as described in 2 CFR 200.332(b). OMB guidance in 2 CFR 200.206(c) provides examples of factors you may consider in evaluating risk.
2. As part of the risk assessment under Section B.1 of this article, you must:
 - a. Verify that neither the prospective subrecipient nor its principals under the proposed subaward are excluded or disqualified from participating in the transaction, in accordance with requirements in Subpart C of OMB guidance in 2 CFR part 180, as implemented by NGB at 2 CFR part 1125; and
 - b. If warranted by risks you identify, determine whether to impose award-specific terms and conditions in the subaward to mitigate the risks.
 - (1) These award-specific terms and conditions may be in addition to, or differ from, the terms and conditions that SUB Articles IV through IX under this Part requires you to include in subawards.

- (2) They may include items such as those listed in OMB guidance in 2 CFR 200.208(c)(1) through (6).
- (3) Your procedures for imposing and removing the additional or different requirements must comply with the procedural guidance in 2 CFR 200.208(d) and (e).

Section C. Subaward Content.

1. Cost-Type Subawards.

- a. SUB Article III of this Part specifies informational content that you must include in each cost type subaward.
- b. SUB Articles IV through VIII specify administrative requirements that you must include:
 - (1) As applicable, in each cost-type subaward to:
 - (a) A domestic entity (i.e., an entity other than a foreign public entity or a foreign organization).
 - (b) An organizational unit of a foreign organization if that unit has a place of business in the United States.
 - (c) To the maximum extent practicable in each cost-type subaward to either a foreign public entity or an organizational unit of a foreign organization that does not have a place of business in the United States (regardless of whether another organizational unit of that foreign organization has one). However, absent our prior approval, you may not allow that foreign entity or organization to acquire real property or equipment under a subaward.
- c. SUB Article IX of this Part specifies national policy requirements that you must include, as applicable, in each cost-type subaward.
- d. SUB Article XI of this award specifies requirements that you must include in any subaward under which you determine that the subrecipient may make lower-tier subawards to other entities.

- 2. **Fixed-Amount Type Subawards.** SUB Article XII of this Part specifies informational content and administrative and national policy requirements that you must include in any fixed amount subaward.

- 3. **Additional Subaward Terms and Conditions.** You may include other requirements in your subawards that you need to meet your responsibilities under NGB CA awards for performance of the project or program (including portions performed by subrecipients) and compliance with applicable administrative and national policy requirements.

Section D. Subaward and Executive Compensation Reporting.

You must report subaward obligating actions and information on subrecipients' executive compensation as required by REP Article IV of these general terms and conditions.

SUB Article III. Informational Content of Subawards.

Section A. Informational Content in General.

You must include in each subaward (and each subsequent modification to a subaward that alters the amount of the subaward) the information specified in OMB guidance in 2 CFR 200.332(a)(1), "Federal Award Identification," with the clarifications provided in Sections B through G of this article.

Section B. Federal Award Identification Number and Award Date.

The "Federal Award Identification Number" and "Federal Award Date" described in 2 CFR 200.332(a)(1)(iii) and (iv), respectively, are the award number and award date for NGB CA awards to you. You must provide the information in a way that makes it clear that the subaward is under NGB CA award.

Section C. Amount of Federal Funds Obligated.

1. The "Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient" that is described in 2 CFR 200.332(a)(1)(vi) is either:
 - a. The amount of your obligation to the subrecipient, if the terms and conditions of NGB CA awards do not require you to provide any cost sharing or matching for the project or program the award supports; or
 - b. The amount of the federal share of your subaward obligation if NGB CA awards does require cost sharing or matching, which in that case is the product of:
 - (1) The federal share of total project costs under NGB CA award to you, as a percentage of those total project costs; and
 - (2) The total amount of project costs obligated for the subaward action.
2. Note that the total project costs of the award and subaward, as used in paragraphs C.1.b.i and ii of this section, include any cost sharing or matching that you or the subrecipient provides to meet any cost sharing or matching requirement under NGB CA awards.

Section D. Total Amount Obligated to the Subrecipient.

The “Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including the current obligation,” as described in 2 CFR 200.332(a)(1)(vii), is the cumulative amount to date of the amounts described in Section C of this article.

Section E. Total Amount of the Federal Award.

The “Total Amount of the Federal Award committed to the subrecipient by the pass-through entity,” as described in 2 CFR 200.332(a)(1)(viii), is the total amount through the end of the subaward that you and the subrecipient mutually agreed upon, to include: funding obligated to date, any future anticipated funding increments, and any options you may exercise in the future.

Section F. Federal Awarding Agency, Pass-Through Entity, and Awarding Official.

The “Name of federal awarding agency” and “pass-through entity,” as those terms are used in 2 CFR 200.332(a)(1)(x) are NGB and the business name associated with your registration in the System for Award Management. In that same section of 2 CFR part 200, the “awarding official” is the individual in your organization who made the subaward.

Section G. Indirect Cost Rate. RESERVED – Not currently applicable to NGB - See Subdivision D of this document.

SUB Article IV. Financial and Program Management Requirements for Subawards.

Section A. Purposes of this Article in Relation to other Articles.

1. This article specifies administrative requirements concerning financial and program management that you must include in the terms and conditions of each cost-type subaward that you make under NGB CA awards to a domestic entity.
2. It thereby addresses the flow down to subrecipients of requirements with which you must comply under FMS Articles I through VII of these general terms and conditions.
3. SUB Article XII of these general terms and conditions addresses which of these administrative requirements you must include in any fixed-amount subaward that you make, if you are authorized to make fixed-amount subawards under NGB CA awards.

Section B. Financial Management System Standards.

1. You must include in any subaward you make under NGB CA awards the requirements of:
 - a. Sections A through C of FMS Article I of these general terms and conditions if the subrecipient is a state.
 - b. Sections B and C of FMS Article I if the subrecipient is an institution of higher

education, nonprofit organization, local government, Indian tribe, or for-profit entity.

Section C. Payments.

1. **Subawards to States.** You must include the provisions of Section A of FMS Article II of these general terms and conditions in each subaward you make to a state.
2. **Subawards to Institutions of Higher Education, Nonprofit Organizations, Local Governments, Indian Tribes, and For-profit Entities.** The following paragraphs specify requirements you must include in subawards to institutions of higher education, nonprofit organizations, local governments, and Indian tribes.

a. Payment Method.

- (1) If you are authorized to request advance payments under NGB CA awards, you must authorize a subrecipient to request advance payments unless:
 - (a) The subrecipient does not maintain, or demonstrate the willingness to maintain, written procedures that minimize the time elapsing between its receipt of each payment and its disbursement of the funds for project or program purposes.
 - (b) You impose a requirement for the subrecipient to be paid by reimbursement because of your risk evaluation of the subrecipient under SUB Article II of these general terms and conditions.
 - (c) The subaward is for construction; or
 - (d) The subrecipient requests reimbursement of funds after it disburses them for project or program purposes.
- (2) If you do not authorize advance payments for one of the reasons given in Section C.2.a.(1) of this article, you must specify either reimbursement or working capital advances as the payment method in accordance with OMB guidance in 2 CFR 200.305(b)(3) and (4).

b. Payment Timing and Amount.

- (1) **Advances.** You must limit advance payments to the minimum amounts needed and time the payments to be in accordance with the subrecipient's actual, immediate cash requirements in carrying out the project or program under the subaward. The timing and amount of your advance payments to the subrecipient must be as close as is administratively feasible to the subrecipient's actual disbursements for direct project costs and the proportionate share of any allowable indirect costs. Your subawards also must include the requirements of sections B.2.b and c of FMS Article II to specify costs subrecipients must exclude from amounts of their advance payment requests.

- (2) **Reimbursements or Working Capital Advances.** You must follow OMB guidance in 2 CFR 200.305(b)(3) and (4) concerning timing and amount of reimbursements or working capital advances.
- c. **Frequency of Requests.** You must allow the subrecipient to request advance payments or reimbursements, including those associated with the working capital advance payment method, as often as it wishes if you pay using electronic funds transfers and at least monthly otherwise.
- d. **Other Requirements.**
 - (1) In any subaward that was subject to our consent, you must include the requirements of Section B.5 of FMS Article II of these general terms and conditions concerning withholding of payments.
 - (2) You must include the provisions of Section B.6 of FMS Article II concerning depositories in each subaward that authorizes the subrecipient to request advance payments.

Section D. Allowable Costs, Period of Availability of Funds, and Fee and Profit.

- 1. You must include in each subaward a requirement that the allowability of costs under the subaward (and any lower tier subawards or procurement transactions into which the subrecipient enters) must be determined in accordance with the applicable cost principles identified in Section A of FMS Article III of these general terms and conditions.
- 2. You must specify in each subaward the period of availability of funds for any project or program purpose so that the period neither begins before nor ends after the period during which you may use funds available to you under NGB CA awards for that same project or program purpose.
- 3. You must include in each subaward the provisions concerning fee or profit that are in Section D of FMS Article III of these general terms and conditions.

Section E. Revision of budget and program plans.

You must include in each subaward provisions requiring the subrecipient to request your approval for any change in the subaward budget or program that would cause a budget or program change under NGB CA awards for which Section B of FMS Article IV requires you to first obtain our prior approval. You may not approve any budget or program revision that is inconsistent with the purpose or terms and conditions of NGB CA awards.

Section F. Non-Federal audits.

You must include a provision in each subaward that you make under NGB CA awards

to require the subrecipient entity to comply with the audit requirements applicable to that entity, as specified in either Section A or Section B of FMS Article V.

Section G. Cost sharing or matching requirements.

1. If you make a subaward under which the subrecipient may provide contributions or donations of cash or third-party in-kind contributions to be counted toward any cost sharing or matching that is required under NGB CA awards, you must include provisions in that subaward to specify:
2. The criteria governing the allowability as cost sharing or matching of the types of cash or third-party in-kind contributions that the subrecipient may contribute or donate. Those criteria are specified in Sections B through D of FMS Article VI of these general terms and conditions if the subaward is to a state, institution of higher education, nonprofit organization, local government, Indian tribe, or a for-profit entity.
3. The methods for determining and documenting the values of those contributions or donations to be counted as cost sharing or matching. Those methods are specified in Sections E and F of FMS Article VI of these general terms and conditions if the subaward is to a state, institution of higher education, nonprofit organization, local government, Indian tribe, or a for-profit entity.

Section H. Program Income.

You must include requirements concerning program income in subawards, as follows:

- a. In each subaward to a state, institution of higher education, nonprofit organization, local government, Indian tribe, or for-profit entity.
- b. You must require the subrecipient to account to you when it earns any program income under the subaward or uses it, so that you can prepare reports you are required to submit to us. If the award-specific terms and conditions of NGB CA awards require you to account for program income earned after the period of performance, you must include a corresponding requirement in your subawards.
- c. You must include the provisions of Sections A through D of FMS Article VII of these general terms and conditions.
- d. You may specify the deduction, addition, or cost sharing or matching alternative or a combination of those alternatives, for the subrecipient's use of any program income it earns. However, you still must comply with the alternative specified in Section E of FMS Article VII and any applicable award-specific terms and conditions for the total amount of program income earned, which includes amounts earned by you and your subrecipients. For example, if we require you to use the deduction alternative, you may authorize a subrecipient to use the addition alternative if you reduce the funding allocated for portions of the project or program that you or other subrecipients perform to make the required reduction in the total award amount.

SUB Article V. Property Requirements for Subawards.

Section A. Purposes of this Article in Relation to other Articles.

1. This article specifies administrative requirements concerning property that you must include in the terms and conditions of each cost-type subaward that you make under NGB CA awards.
2. It thereby addresses the flow down to subrecipients of requirements with which you must comply under PROP Articles I through VI of these general terms and conditions.
3. SUB Article XII of these general terms and conditions addresses which of these administrative requirements you must include in any fixed-amount subaward that you make, if you are authorized to make fixed-amount subawards under NGB CA awards.

Section B. Title to Property.

1. **Subawards to Institutions of Higher Education, Nonprofit Organizations, States, Local Governments, Indian Tribes, or For-profit Entities.**

General. You must include terms and conditions in each subaward to flow down to the subrecipient the provisions of:

- (1) Section A.1 of PROP Article I concerning vesting of title to property acquired under the subaward unless Section B.1.b of this section provides otherwise.
- (2) Sections B through E of PROP Article I that are applicable to types of property that the subrecipient may acquire, improve, donate, or for which it may otherwise be accountable under the subaward.

2. **Exceptions. RESERVED - Only applicable if provided in award-specific terms and conditions.**

Section C. Property Management System.

1. If you make a subaward under which the subrecipient either may acquire or improve equipment or real property, or may be accountable for federally owned property, you must include in the subaward:
2. If the subrecipient is a state, applicable provisions of:
 - a. Section A of PROP Article II concerning insurance for real property and equipment.
 - b. Section B of PROP Article II concerning other property management system standards.
3. If the subrecipient is an institution of higher education, nonprofit organization, local

government, Indian tribe, or for-profit entity, applicable provisions of:

- a. Section A of PROP Article II concerning insurance for real property and equipment.
- b. Section C of PROP Article II concerning other property management system standards.

Section D. Use and Disposition of Real Property.

If you make a subaward under which the subrecipient may acquire or improve real property, then you must include in the subaward:

- a. **Use.** The requirements concerning use of real property:

In Section A of PROP Article III if the subaward is to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity, unless the award-specific terms and conditions of NGB CA awards provide otherwise.

- b. **Disposition.** Provisions to require the subrecipient to request disposition instructions through you when the property is no longer needed for its originally authorized purpose, so that you can meet your responsibilities to us under Section B of PROP Article III to address the federal interest in the property.

Section E. Use and Disposition of Equipment and Supplies.

1. If you make a subaward under which the subrecipient may acquire or improve equipment, or acquire supplies, you must include in the subaward, as applicable:
2. If the subaward is to a state:
 - a. The requirements in Sections B and E of PROP Article IV concerning use and disposition of equipment and supplies.
 - b. Provisions such as those in Section A of PROP Article IV that make clear the applicability of those requirements.
3. If the subaward is to an institution of higher education, nonprofit organization, local government, Indian tribe, or for-profit entity:
 - a. The requirements in Sections C and E of PROP Article IV concerning use of equipment and use and disposition of supplies.
 - b. Provisions such as those in Section A of PROP Article IV that make clear the applicability of those requirements.
 - c. Provisions to require the subrecipient to request disposition instructions from you when equipment is no longer needed for its originally authorized purpose, so that you can meet your responsibilities to us under Section D of PROP Article IV to

address the federal interest in the equipment.

Section F. Use and Disposition of Federally Owned Property.

If you make a subaward under which the subrecipient may be accountable for federally owned property, you must include subaward provisions specifying that the subrecipient:

- a. May use the property as specified in Section A.1 of PROP Article V;
- b. Must submit requests through you for the award administration office's approval to use the property for other purposes, as described in Section A.2 of PROP Article V;
- c. Must request the award administration office's disposition instructions through you when the property is no longer needed for subaward purposes or the subaward ends.

Section G. Intangible Property.

You must include in a subaward provisions specifying the requirements of Sections A through D of PROP Article VI if the subaward is to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity.

SUB Article VI. Procurement Procedures to Include in Subawards.

Section A. Purposes of this Article in Relation to other Articles.

1. This article specifies administrative requirements concerning procurement procedures that you must include in the terms and conditions of each cost-type subaward that you make NGB CA awards.
2. It thereby addresses the flow down to subrecipients of requirements with which you must comply under PROC Articles I through III of these general terms and conditions.
3. SUB Article XII of these general terms and conditions addresses which of these administrative requirements you must include in any fixed-amount subaward that you make, if you are authorized to make fixed-amount subawards under NGB CA awards.

Section B. Subaward to a State.

In any subaward that you make to a state, you must include the requirements of PROC Article I and applicable sections of PROC Article III of these general terms and conditions.

Section C. Subaward to an Institution of Higher Education, Nonprofit Organization, Local Government, Indian Tribe, or For-profit Entity.

1. In any subaward that you make to an institution of higher education, nonprofit organization, local government, Indian tribe, or for-profit entity:
 - a. You must include the requirements of Sections A through G of PROC Article II and applicable sections of PROC Article III of these general terms and conditions.
 - b. You must include the requirement for the subrecipient to make available to you, upon request:
 - (1) Technical specifications of proposed procurement transactions, under the conditions described in OMB guidance at 2 CFR 200.325(a).
 - (2) Other procurement documents for pre-procurement review, under the conditions described in OMB guidance at 2 CFR 200.325(b).
2. If it is possible that, under a subaward you make, the subrecipient may award a construction or facility improvement contract with a value in excess of the simplified acquisition threshold, you must include provisions in the subaward to require the subrecipient to comply with at least the minimum requirements for bidders' bid guarantees and contractors' performance and payment bonds described in 2 CFR 200.326(a) through (c), unless you determine that the subrecipient's bonding policy and requirements are adequate to protect federal interests.

SUB Article VII. Financial, Programmatic, And Property Reporting Requirements for Subawards.

Section A. Purposes of this Article in Relation to other Articles.

1. This article specifies administrative requirements concerning reporting that you must include in the terms and conditions of each cost-type subaward that you make under NGB CA awards.
2. It thereby addresses the flow down to subrecipients of requirements with which you must comply under REP Articles I through III of these general terms and conditions.
3. SUB Article XII of these general terms and conditions addresses which of these administrative requirements you must include in any fixed-amount subaward that you make, if you are authorized to make fixed-amount subawards under NGB CA awards.

Section B. Performance Reporting.

1. You must include terms and conditions in each subaward to require the subrecipient to provide any performance information you need, by the time you need it, to comply with the performance reporting requirements in REP Article I and other terms and conditions of NGB CA awards.
2. You may specify a form, format, or data elements the subrecipient must use to provide

the information to you (you need not require the subrecipient to use the same form, format, or data elements that REP Article I specifies for your reporting to us).

Section C. Financial Reporting.

1. You must include terms and conditions in each subaward to require the subrecipient to provide any financial information you need, by the time you need it, to comply with the financial reporting requirements in REP Article II and other terms and conditions of NGB CA awards.
2. You may specify a form, format, or data elements the subrecipient must use to provide the information to you (you need not require the subrecipient to use the same form, format, or data elements that REP Article II specifies for your reporting to us).

Section D. Reporting on Property.

1. Each subaward you make under NGB CA awards must include provisions concerning property reporting as described in section D.2 of this section if the subrecipient may, under the subaward:
 - a. Acquire or improve real property or equipment;
 - b. Acquire supplies or intangible property; or
 - c. Be accountable for federally owned property.
2. The subaward provisions must require the subrecipient to give you the information you need about the property to meet your responsibilities to us under Sections A through D of REP Article III and PROP Articles II through VI.

SUB Article VIII. Other Administrative Requirements for Subawards.

Section A. Purposes of this Article in Relation to other Articles.

1. This article specifies other administrative requirements that you either must or should include in the terms and conditions of each cost-type subaward that you make under NGB CA awards.
2. It thereby addresses the flow down to subrecipients of requirements with which you must comply under OAR Articles I through VII of these general terms and conditions.
3. SUB Article XII of these general terms and conditions addresses which of these administrative requirements you must include in any fixed-amount subaward that you make, if you are authorized to make fixed-amount subawards under NGB CA awards.

Section B. Submission and Maintenance of Subrecipient Information.

You must include the substance of the provision in Section C of OAR Article I in any subaward you make under NGB CA awards. The provision must require the subrecipient's disclosure of any evidence directly to the Inspector General, DoD.

Section C. Records Retention and Access.

1. In each subaward you make under NGB CA awards:
 - a. If the subaward is to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity:
 - (1) You must include the requirements of Section A of OAR Article II with the additional condition that, for any subrecipient under NGB CA awards that does not have a federally approved rate for indirect or facilities and administrative costs and that does not use the de minimis rate described in 2 CFR 200.414(f), you must:
 - (a) Require the subrecipient to keep records that support its indirect or facilities and administrative costs charged to the subaward for 3 years from the end of the fiscal year (or other accounting period) to which the costs apply.
 - (b) Keep any plan or computation the subrecipient submits to you to serve as a basis for your determining the reasonableness and allowability of indirect or facilities and administrative costs of the subaward, for 3 years from the end of the fiscal year (or other accounting period) to which the proposal, plan, or computation applies.
 - b. You must include the requirements of Sections B, C, and F of OAR Article II.
 - c. You must include provisions that enable you to comply with the requirements of Section D of OAR Article II concerning records for joint or long-term use.
 - d. You must include provisions that establish the same rights and responsibilities for the subrecipient under the subaward that Section E of OAR Article II establishes for you under these general terms and conditions.
 - e. You may not impose any other record retention or access requirements on the subrecipient.

Section D. Remedies and Termination.

1. The terms and conditions of each subaward you make under NGB CA awards should specify your rights and responsibilities and those of the subrecipient if you take a remedial action to address a subrecipient's noncompliance with an applicable federal statute or regulation or the terms and conditions of your subaward. Each subaward's terms and conditions should:
2. Identify remedial actions you may take to address the subrecipient's noncompliance.

Available remedies are described in OMB guidance in 2 CFR 200.339 for a subaward to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity.

3. With respect to termination specifically:

- a. Identify conditions under which you, the subrecipient, or both (by mutual agreement) may terminate the subaward, in whole or in part, as described in:

OMB guidance in 2 CFR 200.340(a) for a subaward to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity.

- b. Inform the subrecipient that you will provide it with a notice of termination if you unilaterally terminate the award.

- c. Specify that you and the subrecipient remain responsible for applicable requirements addressed in Sections G and H of this article concerning closeout, post-closeout adjustments, and continuing responsibilities.

4. With respect to either suspension or termination of the subaward, inform the subrecipient about the criteria that you will use to either allow or disallow subaward costs, which are in Section D of OAR Article III for a subaward to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity.

Section E. Disputes, Hearings, and Appeals.

Each subaward's terms and conditions should specify any rights the subrecipient has to a hearing, appeal, or other administrative proceeding if it disputes a decision you render in administering its subaward. You must comply with any statute or regulation that affords the subrecipient an opportunity for a hearing, appeal, or other administrative proceeding and is applicable to the dispute.

Section F. Collection of Amounts Due.

Although your subaward terms and conditions do not need to include any of the requirements of OAR Article V because those requirements do not flow down to subrecipients, you should consider including provisions to specify what you would need from the subrecipient if you owed a debt to the Federal Government under NGB CA awards that is related to its subaward.

Section G. Closeout.

In each subaward that you make to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity, you must include provisions to require the subrecipient to:

- a. Liquidate all obligations that it incurred under the subaward not later than 90 calendar days after the end date of the period of performance of either the subaward or NGB CA awards, whichever is earlier, unless you grant an extension.
- b. Promptly refund to you any balances of unobligated cash that you advanced or paid to the subrecipient unless you received authorization from the award administration office for the subrecipient's use of those funds on other projects or programs.
- c. Submit to you:
 - (1) Any information you need from the subrecipient to meet your responsibilities to us for an accounting of property, under Section D of OAR Article VI.
 - (2) Not later than 90 calendar days after the end date of the period of performance of NGB CA awards, unless you grant the subrecipient an extension, any information you need to meet your responsibilities to us for final reports, under Section C of OAR Article VI.

Section H. Post-Closeout Adjustments and Continuing Responsibilities.

You must include provisions in each subaward to require the subrecipient to provide what you need to comply with the requirements of OAR Article VII.

SUB Article IX. National Policy Requirements for Subawards.

Section A. General.

1. You must include provisions in the terms and conditions of each subaward you make to require the subrecipient entity's compliance with each of the national policy requirements in Sections B through E of this article that you determine is applicable, given the type of entity receiving the subaward and activities it will be carrying out under the subaward.
2. If an entity to which you are about to make a subaward will not accept an award provision requiring its compliance with a national policy requirement that you determine to be applicable, you must alert the award administration office immediately. You may not omit an applicable national policy requirement to make the subaward.
3. If at any time during the performance of a subaward, you learn that—or receive a credible allegation that—the subrecipient is not complying with an applicable national policy requirement, you must alert the award administration office immediately.

Section B. Nondiscrimination National Policy Requirements.

You must include provisions in each subaward to require the subrecipient's compliance with the nondiscrimination national policy requirements specified in sections A.1 through

A.5 of NP Article I, as applicable.

Section C. Environmental National Policy Requirements.

You must include provisions in each subaward to require that:

- a. The subrecipient complies with all applicable federal environmental laws and regulations, including those specified in Sections A.2, A.3, A.5, and A.6 of NP Article II, as applicable.
- b. Provide any information you need, when you need it, to comply with the requirement to immediately notify us of potential environmental impacts specified in Sections A.4, A.5, and A.6 of NP Article II, as applicable, due to activities under the award (which includes subaward activities).

Section D. National Policy Requirements Concerning Live Organisms. RESERVED –Not applicable.

Section E. Other National Policy Requirements.

1. You must include provisions in each subaward to require the subrecipient's compliance with the national policy requirements in the following portions of NP Article IV of these general terms and conditions, as applicable:
 - a. Section A.1.
 - b. Sections A.3.a and A.3.b.
 - c. Sections A.4 through A.19.
 - d. Section B.1.

SUB Article X. Subrecipient Monitoring and other Post-Award Administration.

Section A. General Requirement for Subrecipient Monitoring.

1. You must do the post-award monitoring of the subrecipient's activities under each subaward that is needed for you to ensure that:
 - a. The subrecipient carries out the portion of the substantive project or program under NGB CA awards for which the subaward was made.
 - b. The subrecipient is using project funds under the subaward (including any cost sharing or matching the subrecipient provides that is counted as project funds in the approved budget of NGB CA awards) for authorized purposes.
 - c. The subrecipient's performance under the subaward is in compliance with

applicable federal statutes and regulations, and the terms and conditions of your subaward.

Section B. Subrecipient Monitoring Actions.

1. **Required Monitoring Actions.** You must, as part of your post-award monitoring of each subrecipient:
 - a. Review the financial and programmatic information that your subaward terms and conditions require the subrecipient to provide, in accordance with Sections B and C of SUB Article VII of these general terms and conditions.
 - b. Follow up and ensure that the subrecipient takes timely and appropriate action to remedy deficiencies detected through any means, including audits and on-site reviews.
 - c. With respect to audits of subrecipients that are required under FMS Article V of these general terms and conditions:
 - (1) Verify that the subrecipient is audited in accordance with those requirements, as applicable (note that Section F of SUB Article IV requires you to include those audit requirements for the subrecipient in the subaward's terms and conditions).
 - (2) Resolve and issue a management decision for audit findings that pertain to your subaward. Doing so is a requirement under either Section A or B of FMS Article V of these general terms and conditions (Section B requires that explicitly and Section A does so by implementing OMB guidance in 2 CFR 200.521, as well as other portions of Subpart F of that part).
 - (3) Consider whether you need to adjust your own records related to NGB CA awards based on results of audits, on-site reviews, or other monitoring of the subrecipient and, as applicable, notify the award administration office.
2. **Other Monitoring Actions.** OMB guidance in 2 CFR 200.332(e)(1) through (3) describes other actions that may be useful as part of your subrecipient monitoring program, depending on the outcomes of the pre-award risk assessment you conducted in accordance with Section B of SUB Article II.

Section C. Remedies and Subaward Suspension or Termination.

1. With respect to any subaward under NGB CA awards, you must:
 - a. Consider whether you need to take any remedial action if you determine that the subrecipient is noncompliant with an applicable federal statute or regulation or the terms and conditions of your subaward, as described in Section D of SUB Article VIII.

- b. Provide a notice of termination to the subrecipient if you terminate its subaward unilaterally for any reason prior to the end of the period of performance.
- c. In the case of either suspension or termination of a subaward prior to the end of the period of performance, allow or disallow subaward costs in accordance with Section D of OAR Article III.

Section D. Subaward Closeout.

1. You will close out each subaward when you either:
 - a. Determine that the subrecipient has completed its programmatic performance under the subaward and all applicable administrative actions; or
 - b. Terminate the subaward if you do so prior to completion of the subrecipient's programmatic performance.
2. With respect to the closeout of each subaward:
 - a. You must pay the subrecipient promptly for allowable and reimbursable costs.
 - b. Consistent with the terms and conditions of the subaward, you must make a settlement for any upward or downward adjustments to the federal share of project costs after you receive the information you need from the subrecipient to close out the subaward.
 - c. You should complete the closeout of the subaward no later than one year after you receive and accept the final reports and other information from the subrecipient that you need to close out the subaward.

SUB Article XI. Requirements Concerning Subrecipients' Lower-tier Subawards.

Section A. Purpose.

This article specifies requirements you must include in any cost-type subaward under which you determine that the subrecipient may make lower-tier cost-type subawards to other entities.

Section B. Requirements for Lower-tier Subawards.

Your subaward terms and conditions must require your subrecipient, with respect to each lower-tier cost-type subaward that it makes to:

1. Ensure that the lower-tier transaction is a subaward, rather than a procurement transaction, by making the determination that SUB Article I of these general terms and conditions requires you to make.

2. Conduct the pre-award risk assessment of its intended subrecipient that Section B of SUB Article II of these general terms and conditions requires you to make for your subawards.
3. Include in any cost-type subaward it makes at the next tier:
 - a. The informational content that SUB Article III specifies.
 - b. The administrative requirements that SUB Articles IV through VIII of these general terms and conditions specify.
 - c. The national policy requirements that SUB Article IX of these general terms and conditions specifies, as applicable.
 - d. The requirements of this article if the next-tier subrecipient may make even lower-tier cost-type subawards to other entities.
4. Carry out the subrecipient monitoring and other post-award administration responsibilities specified in SUB Article X.

SUB Article XII. Fixed Amount Subawards.

Section A. Limitations on Use.

1. You may not use a fixed amount subaward:
 - a. If the total value over the life of the subaward will exceed the simplified acquisition threshold.
 - b. Unless the project or program scope is specific, with definite outcomes, and you can establish a reasonable estimate of the actual costs of accomplishing those outcomes.
 - c. If you will predetermine a set amount or percentage of cost sharing or matching that the subrecipient must provide under the subaward.
 - d. If the subrecipient will acquire any real property or equipment under the subaward.
2. For fixed amount subawards not prohibited by paragraph 1 of this section and except as provided in Section B of this article, you must obtain our prior approval before making a fixed amount type of subaward.
 - a. If Section B of FMS Article IV requires you to obtain our prior approval before you make any subaward, and you do not identify the subaward as a fixed amount subaward when you obtain that approval, then you must subsequently request separate approval before awarding it as a fixed amount type of subaward.

- b. If a subaward is identified as a fixed amount type of subaward in the budget you submit for our approval, then our approval of the budget is the required prior approval.

Section B. Fixed Amount Subawards that do not Require Prior Approval.

1. You are not required to obtain our prior approval before using a fixed amount type of subaward if:
 - a. The subaward is to either:
 - b. A foreign public entity; or
 - c. An organizational unit of a foreign organization, if that unit does not have a place of business in the United States, regardless of whether another organizational unit of that foreign organization has one.
2. You determine that the portion of the project or program under NGB CA awards which the subrecipient will be carrying out under the subaward has one or more specific outcomes with the following characteristics:
 - a. You can define the outcomes well enough to specify them at the time you make the subaward. Note that:
 - (1) Outcomes are distinct from inputs needed to achieve the outcomes, such as amounts or percentages of time that subrecipient employees or other participants will spend on the project or program.
 - (2) The inherently unpredictable nature of basic or applied research makes it rarely, if ever, possible to define specific research outcomes in advance, which makes fixed amount subawards inappropriate for research. Note that technical performance reports serve to document research outcomes but are not themselves outcomes, notwithstanding the definition of “performance goals” in OMB guidance at 2 CFR 200.1.
 - b. The accomplishment of each outcome will be observable and verifiable by you when it occurs, so that you will not need to rely solely on the subrecipient’s assurance of that accomplishment.
 - c. The subrecipient associates its estimated costs with outcomes in the proposal it submits to you, and you are confident that the costs of accomplishment of the outcomes will equal or exceed the subaward amount. This requires either that you have a high degree of confidence:
 - (1) In your estimate of the costs associated with accomplishing the well-defined and observable outcomes, based on the prospective subrecipient’s proposal (and using the applicable cost principles in FMS Article III as a guide); or

- (2) That those costs will be within a finite range, rather than a specific amount, so that you may provide an amount of funding under the subaward that does not exceed the lower end of the range, with the provision that the subrecipient agrees to provide any balance above that amount that ultimately is needed to accomplish the outcomes. Your subaward then would include a term or condition to reflect the subrecipient's agreement to provide that balance (which would be in an amount to be post-determined when the outcomes are accomplished). Note that this is distinct from a situation in which you predetermine a set amount or percentage of cost sharing or matching that the subrecipient must provide under its subaward, a situation in which section A.1.c of this article prohibits use of a fixed amount subaward.
3. The subaward is based on a fixed rate per unit of outcome (or "unit cost") and you have both the confidence:
 - a. That is described in Section B.2.c of this article in the estimated costs associated with each unit of outcome.
 - b. In the subrecipient's guarantee that it can accomplish at least the number of units of outcome on which your total subaward amount will be based (i.e., the product of the unit cost and the number of units of outcome the subrecipient guarantees to accomplish).
 - c. Note, however, that not every fixed rate subaward is also a fixed amount subaward. If you have confidence in the unit cost but not also in the subrecipient's ability to guarantee the number of units of outcome that it will accomplish, then you should set a not-to-exceed award amount based on the number of units desired and reduce the subaward amount at the end if the subrecipient accomplishes fewer than that number. Examples of activities for which it may be appropriate to award this type of fixed rate subaward that is not a fixed amount subaward include:
 - (1) A clinical trial for which the unit cost is the cost of treating each participant. The not-to exceed amount would be based on the number of participants the subrecipient planned to recruit and the final award on the number who participated, documentation for which would be subject to audit.
 - (2) Labor costs for performance of a portion of the project or program under NGB CA awards by an organization or entity that treats its indirect cost rate as proprietary information. The unit cost in that case may be "loaded" labor rates for the organization's or entity's employees that include indirect costs. The final award amount would depend on the number of labor hours the organization's or entity's employees expended under the subaward, documentation for which may be audited without exposing proprietary details associated with the actual costs.

Section C. Informational Content of Fixed Amount Subawards.

You must include in each fixed amount subaward the informational content, other than

the indirect cost rate, that is described in SUB Article III of these general terms and conditions.

Section D. Terms and Conditions Addressing Administrative Requirements.

1. General. This section:

- a. Specifies the minimum set of terms and conditions (in lieu of the more extensive set specified in SUB Articles IV through X for cost-type subawards) addressing administrative requirements that you must include in each fixed-amount subaward:
 - (1) To an entity other than a foreign organization, as applicable.
 - (2) To the maximum extent practicable, to a foreign organization.
- b. Does not preclude the inclusion of other requirements that you need to meet your responsibilities under NGB CA awards for performance of the project or program and compliance with applicable administrative requirements.

2. Financial and Program Management Requirements.

- a. **Financial Management System Standards.** For a subaward to other than a for-profit entity, your subaward must require the subrecipient to include the information specified in section B.1 of FMS Article I in its financial management system, for the purposes of the non-federal audits required by section 2.d of this section.
- b. **Payments.** Your payments must be based on accomplishment of the outcomes and associated costs that you used to establish the subaward amount, rather than on subrecipient expenditures for project or program purposes. Milestone payments before the end of the subaward's period of performance may be appropriate if there are outcomes that the subrecipient will accomplish at different times during that period.
- c. **Revision of Budget and Program Plans.** If our prior approval was required under section A.2 of this article for use of a fixed-amount type of subaward, then you must:
 - (1) Request our prior approval for any change in principal investigator, project leader, project partner, or scope or objective of the subaward.
 - (2) Therefore, include a requirement in the subaward for the subrecipient to request that approval through you.
- d. **Non-Federal Audits.** You must include the requirement for non-federal audits described in Section F of SUB Article IV. The audits are intended to focus on compliance with the performance requirements in the subaward terms and conditions and not to review actual costs as they would for a cost-type subaward.

- e. **Certification of completion.** You must include the requirement for the subrecipient to provide you with a certification at the end of the project as specified in 2 CFR 200.201(b)(3).

3. **Property Requirements.**

- a. **Federally Owned Property.** If the subrecipient will be accountable for federally owned property, you must include the property management system, use, and disposition requirements described in Sections C and F of SUB Article V that are applicable to federally owned property.
- b. **Intangible Property.** You must include the applicable intangible property requirements described in Section G of SUB Article V.

4. **Reporting Requirements.** You must include requirements for reporting that you need to meet your responsibilities under NGB CA awards for reporting to us.

5. **Other Administrative Requirements.**

- a. **Integrity-Related Information.** You must include the substance of the provision in Section C of OAR Article I in any subaward you make under NGB CA awards. The provision must require the subrecipient's disclosure of any evidence directly to the Inspector General, DoD.
- b. **Records Retention and Access.** You must include the requirements for records retention and access in section A.3 and Sections B and F of OAR Article II, as applicable, if the subaward is to an institution of higher education, nonprofit organization, state, local government, Indian tribe, or for-profit entity. You may not impose any other records retention or access requirements on the subrecipient.
- c. **Remedies and Termination.** You must include:
 - (1) The requirements concerning remedies and termination that are described in Sections D.1 and 2 of SUB Article VIII.
 - (2) Provisions addressing any hearing and appeal rights the subrecipient has, as described in Section E of SUB Article VIII.
 - (3) Terms and conditions addressing adjustment of the amount of the subaward if it is terminated before the subrecipient accomplishes all the specified outcomes.
- d. **Continuing Responsibilities.** You must include requirements concerning continuing responsibilities for audits and records retention and access that are described in Sections B.1 and B.3 of OAR Article VII.
- e. **Collection of amounts Due.** You should consider including requirements

concerning collection of amounts due, as described in Section F of SUB Article VIII.

Section E. National Policy Requirements for Fixed Amount Subawards.

You must include in the terms and conditions of each fixed amount subaward the national policy requirements that SUB Article IX of these general terms and conditions specifies, as applicable.

Section F. Subrecipient Monitoring and Other Post-Award Administration.

You must carry out the subrecipient monitoring and post-award administration actions specified in SUB Article X, as applicable.

Section G. Fixed amount subawards at Lower Tiers.

1. Authority.

- a. If Section B of this article authorizes you to use a fixed-amount type of subaward without our prior approval in some situations, a cost-type subaward that you make may authorize the subrecipient to use fixed-amount subawards at the next lower tier in those same situations without our prior approval.
- b. If you wish to allow a subrecipient of a cost-type subaward to use fixed amount subawards at the next tier in other situations (i.e., situations in which this article requires you to obtain our prior approval before using a fixed-amount type of subaward), your subaward terms and conditions must require the subrecipient to submit a request through you to obtain our prior approval for use of that type of subaward.

2. Subaward Requirements. If your subrecipient is authorized to use lower tier, fixed amount subawards, as described in paragraphs 1.a and 1.b of this section, your subaward's terms and conditions must:

- a. Require the subrecipient, before it makes any lower tier, fixed amount subaward, to:
 - (1) Ensure that the lower-tier transaction is a subaward, rather than a procurement transaction, by making the determination that SUB Article I of these general terms and conditions requires you to make.
 - (2) Conduct the pre-award risk assessment of its intended subrecipient that Section B of SUB Article II of these general terms and conditions requires you to make for your subawards.
- b. Include the requirements specified in Sections A through F of this article.

SUBDIVISION C - General Terms and Conditions for National Policy Requirements

Part 1: National Policy Requirements (Articles from this part are designated with “NP” in the article title)

NP Article I. Nondiscrimination National Policy Requirements.

Section A. Cross-Cutting Nondiscrimination Requirements.

By signing NGB CA award or accepting funds under NGB CA awards, you assure that you will comply with applicable provisions of the national policies prohibiting discrimination:

- a. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), as implemented by Department of Defense (DoD) regulations at 32 CFR part 195.
- b. On the basis of gender, blindness, or visual impairment, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as implemented by DoD regulations at 32 CFR part 196.
- c. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90.
- d. On the basis of disability, in the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR part 41 and DoD regulations at 32 CFR part 56.
- e. On the basis of disability in the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) related to physically handicapped persons' ready access to, and use of, buildings and facilities for which federal funds are used in design, construction, or alteration.

Section B. Other Nondiscrimination Requirements. RESERVED - Only applicable if provided in award-specific terms and conditions.

NP Article II. Environmental National Policy Requirements.

Section A. Cross-Cutting Environmental Requirements.

1. You must:

- a. Comply with all applicable federal environmental laws and regulations. The laws and regulations identified in this section are not intended to be a complete list.
- b. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.).
- c. Comply with applicable provisions of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), as implemented by the Department of Housing and Urban Development at 24 CFR part 35. The requirements concern lead-based paint in buildings owned by the Federal Government or housing receiving federal assistance.
- d. Immediately identify to us, as the federal awarding agency, any potential impact that you find NGB CA awards may have on:
 - (1) The quality of the “human environment”, as defined in 40 CFR 1508.14, including wetlands; and provide any help we may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321 et seq.), the regulations at 40 CFR 1500-1508, and Executive Order 12114, if applicable; and assist us to prepare Environmental Impact Statements or other environmental documentation. In such cases, you may take no action that will have an environmental impact (e.g., physical disturbance of a site such as breaking of ground) or limit the choice of reasonable alternatives to the proposed action until we provide written notification of federal compliance with NEPA or Executive Order 12114.
 - (2) Flood-prone areas and provide any help we may need to comply with the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.
 - (3) A land or water use or natural resource of a coastal zone that is part of a federally approved state coastal zone management plan and provide any help we may need to comply with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) including preparation of a Federal agency Coastal Consistency Determination.
 - (4) Coastal barriers along the Atlantic and Gulf coasts and Great Lakes’ shores and provide help we may need to comply with the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), concerning preservation of barrier resources.

- (5) Any existing or proposed component of the National Wild and Scenic Rivers system and provide any help we may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.).
- (6) Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source and in wellhead protection areas and provide any help we may need to comply with the Safe Drinking Water Act (42 U.S.C. 300f et seq.).
- e. You must comply fully with the Endangered Species Act of 1973, as amended (ESA, at 16 U.S.C. 1531 et seq.) and implementing regulations of the Departments of the Interior (50 CFR parts 10-24) and Commerce (50 CFR parts 217-227). You also must provide any help we may need in complying with the consultation requirements of ESA section 7 (16 U.S.C. 1536) applicable to federal agencies or any regulatory authorization we may need resulting from performance under NGB CA awards. This is not in lieu of responsibilities you have to comply with provisions of the Act that apply directly to you as a U.S. entity, independent of receiving NGB CA awards.
- f. You must fully comply with the Marine Mammal Protection Act of 1972, as amended (MMPA, at 16 U.S.C. 1361 et seq.) and provide any assistance we may need in obtaining any required MMPA permit resulting from performance under NGB CA awards.

Section B. Other Environmental Requirements. RESERVED - Only applicable if provided in award-specific terms and conditions.

NP Article III. National Policy Requirements Concerning Live Organisms. RESERVED – Not Applicable.

NP Article IV. Other National Policy Requirements.

Section A. Cross-Cutting Requirements.

1. **Debarment and Suspension.** You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR part 180, as adopted by DoD at 2 CFR part 1125. This includes requirements concerning your principals under NGB CA awards, as well as requirements concerning your procurement transactions and subawards that are implemented in PROC Articles I through III and SUB Article II.
2. **Drug-Free Workplace.** You must comply with drug-free workplace requirements in Subpart B of 2 CFR part 182, which is the DoD implementation of 41 U.S.C. chapter 81, “Drug-Free Workplace.”

3. **Lobbying.**

- a. You must comply with the restrictions on lobbying in 31 U.S.C. 1352, as implemented by DoD at 32 CFR part 28, and submit all disclosures required by that statute and regulation.
 - b. You must comply with the prohibition in 18 U.S.C. 1913 on the use of federal funds, absent express Congressional authorization, to pay directly or indirectly for any service, advertisement or other written matter, telephone communication, or other device intended to influence at any time a Member of Congress or official of any government concerning any legislation, law, policy, appropriation, or ratification.
 - c. If you are a nonprofit organization described in section 501(c)(4) of title 26, United States Code (the Internal Revenue Code of 1968), you may not engage in lobbying activities as defined in the Lobbying Disclosure Act of 1995 (2 U.S.C., chapter 26). If we determine that you have engaged in lobbying activities, we will cease all payments to you under this and other awards and terminate the awards unilaterally for material failure to comply with the award terms and conditions.
4. **Officials not to Benefit.** You must comply with the requirement that no member of Congress shall be admitted to any share or part of NGB CA awards, or to any benefit arising from it, in accordance with 41 U.S.C. 6306.
 5. **Hatch Act.** If applicable, you must comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508) concerning political activities of certain state and local government employees, as implemented by the Office of Personnel Management at 5 CFR part 151, which limits political activity of employees or officers of state or local governments whose employment is connected to an activity financed in whole or part with federal funds.
 6. **Native American Graves Protection and Repatriation.** If you control or possess Native American remains and associated funerary objects, you must comply with the requirements of 43 CFR part 10, the Department of the Interior implementation of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C., chapter 32).
 7. **Fly America Act.** You must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301-10.131 through 301-10.143. The law and regulations require that U.S. Government financed international air travel of passengers and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost-sharing arrangement with a U.S. carrier, if such service is available.
 8. **Use of United States-flag Vessels.** You must comply with the following requirements of the Department of Transportation at 46 CFR 381.7, in regulations implementing the Cargo Preference Act of 1954:

- a. Pursuant to Public Law 83-664 (46 U.S.C. 55305), at least 50 percent of any equipment, materials or commodities procured, contracted for, or otherwise obtained with funds under NGB CA awards, and which may be transported by ocean vessel, must be transported on privately owned United States flag commercial vessels, if available.
 - b. Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in section 8.a of this section must be furnished to both our award administrator (through you in the case of your contractor's bill-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
9. **Research Misconduct.** You must comply with requirements concerning research misconduct in Enclosure 4 to DoD Instruction 3210.7, "Research Integrity and Misconduct." The Instruction implements the Federal Governmentwide research misconduct policy that the Office of Science and Technology Policy published in the Federal Register (65 FR 76260, December 6, 2000, available through the U.S. Government Printing Office web site:
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>).
10. **Requirements for an Institution of Higher Education Concerning Military Recruiters and Reserve Officers Training Corps (ROTC).**
- a. As a condition for receiving funds available to the DoD (NGB) under NGB CA awards, you agree that you are not an institution of higher education (as defined in 32 CFR part 216) that has a policy or practice that either prohibits, or in effect prevents:
 - (1) The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior Reserve Officers Training Corps (ROTC)—in accordance with 10 U.S.C. 654 and other applicable federal laws—at that institution (or any sub element of that institution);
 - (2) Any student at that institution (or any sub element of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education;
 - (3) The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or
 - (4) Access by military recruiters for purposes of military recruiting to the names of students (who are 17 years of age or older and enrolled at that institution or

any sub element of that institution); their addresses, telephone listings, dates and places of birth, levels of education, academic majors, and degrees received; and the most recent educational institutions in which they were enrolled.

- b. If you are determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of NGB CA awards, we:

- (1) Will cease all payments to you of federal funds under NGB CA awards and all other DoD grants and cooperative agreements.
- (2) May suspend or terminate those awards unilaterally for material failure to comply with the award terms and conditions.

11. Historic Preservation. You must identify to us any:

- a. Property listed or eligible for listing on the National Register of Historic Places that will be affected by NGB CA awards, and provide any help we may need, with respect to NGB CA awards, to comply with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR part 800 and Executive Order 11593, "Identification and Protection of Historic Properties," [3 CFR, 1971-1975 Comp., p. 559]. Impacts to historical properties are included in the definition of "human environment" that require impact assessment under NEPA (See NP Article II, Section A).
- b. Potential under NGB CA awards for irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, and provide any help we may need, with respect to NGB CA awards, to comply with the Archaeological and Historic Preservation Act of 1974 (54 U.S.C. chapter 3125).

12. Relocation and Real Property Acquisition. You must comply with applicable provisions of 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.) and provide for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

13. Confidentiality of Patient Records. You must keep confidential any records that you maintain of the identity, diagnosis, prognosis, or treatment of any patient in connection with any program or activity relating to substance abuse education, prevention, training, treatment, or rehabilitation that is assisted directly or indirectly under NGB CA awards, in accordance with 42 U.S.C. 290dd-2.

14. Pro-Children Act. You must comply with applicable restrictions in the Pro-Children Act of 1994 (Title 20, Chapter 68, subchapter X, Part B of the U.S. Code) on smoking in any indoor facility:

- a. Constructed, operated, or maintained under NGB CA awards and used for routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18.
 - b. Owned, leased, or contracted for and used under NGB CA awards for the routine provision of federally funded health care, day care, or early childhood development (Head Start) services to children under the age of 18.
15. **Constitution Day.** You must comply with Public Law 108-447, Div. J, Title I, section 111 (36 U.S.C. 106 note), which requires each educational institution receiving federal funds in a federal fiscal year to hold an educational program on the United States Constitution on September 17th during that year for the students served by the educational institution.
16. **Trafficking in Persons.** You must comply with requirements concerning trafficking in persons specified in the award term at 2 CFR 175.15(b), as applicable.
17. **Whistleblower Protections.** You must comply with 10 U.S.C. 2409, including the:
- a. Prohibition on reprisals against employees disclosing certain types of information to specified persons or bodies.
 - b. Requirement to notify your employees in writing, in the predominant native language of the workforce, of their rights and protections under that statute.
18. **Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Public Law 115-232).**
- a. Prohibits the head of an executive agency from obligating or expending loan or grant funds to procure or obtain, extend, or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems prohibited systems as identified in section 889 of the NDAA for FY 2019.
 - b. In accordance with 2 CFR 200.216 and 200.471, all awards that are issued on or after August 13, 2020, recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:
 - (1) Procure or obtain;
 - (2) Extend or renew a contract to procure or obtain; or
 - (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company

or ZTE Corporation (or any subsidiary or affiliate of such entities).

- (a) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (b) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - (c) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
- c. In implementing the prohibition under Public Law 115-232, section 889, subsection (f), section (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.
- d. See Public Law 115-232, section 889 for additional information.
- e. Covered Foreign Country means the People's Republic of China.
- f. Telecommunications Cost means the cost of using communication and telephony technologies such as mobile phones, land lines, and internet.
- g. Do Not Contract with the Enemy (2 CFR 183)

Section B. Additional Requirements.

1. Prohibition on Using Funds under Grants and Cooperative Agreements with Entities that Require Certain Internal Confidentiality Agreements.
2. You may not require your employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
3. You must notify your employees, contractors, and subrecipients that the prohibitions

and restrictions of any internal confidentiality agreements inconsistent with NGB CA award, inclusive of these general terms and conditions are no longer in effect.

4. The prohibition in paragraph 1.a. of this section does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a federal department or agency governing the nondisclosure of classified information.
5. If the Federal Government determines that you are not in compliance with NGB CA awards provisions, it:
 - a. Will prohibit your use of funds under NGB CA awards, in accordance with section 743 of Division E of the Consolidated and Further Continuing Resolution Appropriations Act, 2015, (Public Law 113-235) or any successor provision of law.
 - b. May pursue other remedies available for your material failure to comply with award terms and conditions.

SUBDIVISION D - General Terms and Conditions for Programmatic Requirements.

Part 1: Authorities

Section A. General Authority.

1. Title 32 United States Code (U.S.C.) §§ 106 and 107 authorize NGB to contribute funds for the support of the operation and training of the Army National Guard and Air National Guard.
2. It is NGB's policy to do so in the form of a Cooperative Agreement.

Section B. Other Specific Authorities.

Other specific authorities to the programs will be in each the individual Cooperative Agreement.

Part 2: NGB Definitions

Section A. Airport Authority.

A Public Agency controlling a Public Airport. A Public Agency is a State or any agency of a State, a municipality or other political subdivision of a State, a tax- supported organization, or an Indian tribe or pueblo. Public Airport means an airport which is used for or to be used for public purposes, under the control of a public agency, and the landing area of which is publicly owned.

Section B. Air National Guard.

The Air National Guard (ANG) means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that:

- a. Is an air force.
- b. Is trained, and has its officers appointed, under the sixteenth clause of section 8, article 1 of the Constitution.
- c. Is organized, armed, and equipped wholly or partly at federal expense.
- d. Is federally recognized (32 USC § 101).

Section C. Army National Guard.

The Army National Guard (ARNG) means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that --

- a. Is a land force.
- b. Is trained, and has its officers appointed, under the sixteenth clause of section 8, article I of the Constitution.
- c. Is organized, armed, and equipped wholly or partly at federal expense.
- d. Is federally recognized (32 U.S.C. § 101).

Section D. Army National Guard and Air National Guard Cooperative Agreement Award.

Any agreements entered by the Department of Defense, National Guard Bureau, with recipients, funded by Department of Defense appropriations for the Army National Guard and Air National Guard, minor construction, maintenance, repair, or operation of facilities, operations of the Army National Guard and Air National Guard, and for other programs authorized and directed by Congress or the Department of Defense to be performed by the recipients and the National Guard Bureau.

Section E. Chief, National Guard Bureau.

The appointed head of the National Guard Bureau

Section F. Centralized Personnel Plan.

The centralized personnel plan is the mechanism which the recipient may charge indirect rates should they choose to centralize cooperative agreement personnel within the recipient military department.

Section G. Federal Fiscal Year.

The federal fiscal year that runs from October 1 to September 30.

Section H. Grant Appeal Authority.

The Chief, National Guard Bureau will establish one or more grant appeal authorities to decide formal, administrative appeals. The individual so designated will be a General Officer or Senior Executive Service Civilian. The appointment order will be issued by the Chief, National Guard Bureau.

Section I. In-Kind Assistance.

The federal procurement of supplies and or services, in lieu of funds, to satisfy National Guard Bureau's obligation of assistance support to the recipient. To be used sparingly

as the exception to the rule with strong justification for each action submitted to the Grants Officer for pre-approval prior to submitting the request to the contracting office.

Section J. In-Kind Contribution.

Property or services (valued at the time of the contribution at fair market value) which benefit a federally assisted program or activity contributed by or on behalf of the recipient to satisfy (in whole or in part) the recipient's match share of assistance to the Cooperative Agreement Award.

Section K. Military Equipment.

Military Equipment is federal equipment, authorized and used by the Army and Air National Guard to carry out tactical military missions (i.e., combat, or homeland defense/security), listed in the ARNG Modified Table of Organization Equipment, or AF Designed Operational Capability. Military equipment cannot be issued/transferred to the State for the purpose of National Guard Bureau cooperative agreement award execution.

Section L. National Guard Bureau.

DoD Component and a Joint Activity of the Department of Defense headed by a Chief who sits on the Joint Staff and is the advisor on National Guard matters. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia, on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Section M. Principal Investigator.

Also known as Project Director and State Program Manager The individual within that group identified by the organization as the one with whom National Guard Bureau's Federal CA PM generally should communicate as the primary contact for, technical, and related budgetary matters concerning the project.

Section N. Renewal Award

An award made subsequent to an expiring Federal award for which the start date is contiguous with, or closely follows, the end of the expiring Federal award. A renewal award's start date will begin a distinct period of performance.

Section O. State.

Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam..., and any agency or instrumentality thereof exclusive of local governments. For Military Construction Cooperative Agreements and other Cooperative Agreements awarded to meet the purpose of facilities under 10 USC Chapter 1803, FACILITIES FOR RESERVE COMPONENTS, the term "State" means any of the States of the United States, the District of Columbia, the Commonwealth of

Puerto Rico, and each territory and possession of the United States and includes political subdivisions and military units thereof and tax-supported agencies therein.

Section P. The Adjutant General

The head of the State (Commonwealth, or Territory) Military Department, appointed by the Governor of the State (Commonwealth, or Territory) or elected, according to the respective State's (Commonwealth's, or Territory's) constitution, or statute. The Adjutant General receives funds and property, accounts for expenditures and property acquired through a cooperative agreement award and makes returns and reports concerning those expenditures and property, as required by the cooperative agreement award.

Section Q. United States Property and Fiscal Officer.

The qualified commissioned officer of the Army National Guard or the Air National Guard designated by the Chief, National Guard Bureau, to be the United States Property and Fiscal Officer of a State or Territory. He/she receives and accounts for funds and property of the United States in the possession of the National Guard for which he/she is property and fiscal officer; and make returns and reports concerning those funds and that property, as required by the Secretary concerned.

Part 3: NGB General Provisions

Section A. Successors and Assigns.

NGB CA awards may not be assigned by a party without the express written consent of the other party. All covenants made under NGB CA awards shall bind and take effect to the benefit of any successors and assigns of the parties whether expressly assumed or acknowledged by such successors or assigns.

Section B. Entire Agreement.

NGB CA award and these general terms and conditions, which are incorporated in whole by reference into all NGB CA awards, form the entire agreement between the parties as to scope and subject matter of NGB CA award. All prior discussions and understandings concerning the scope and subject matter are superseded and incorporated by NGB CA awards.

Section C. Severability.

If any provision of NGB CA award is held judicially invalid, the remainder of the CA award shall continue in force and effect to the extent not inconsistent with such holding.

Section D. Waiver of Breach.

If a party waives enforcement of any provision of NGB CA award upon any event of breach by the other party, the waiver shall not automatically extend to any other or future events of breach.

Section E. Notices.

1. Any notice, transmittal, approval, or other official communication made by you the recipient, under an NGB CA award shall be in writing and shall be delivered by hand, email, facsimile transmission, or by mail to the grants officer.
2. Any notice, transmittal, approval, or other official communication made by us, NGB, under an NGB CA award shall be in writing and shall be delivered by hand, email, facsimile transmission, or by mail by the grants officer or as delegated by the grant officer.

Section F. Liabilities and Indemnity.

Except as stated in section G, nothing in NGB CA awards shall be construed as an indemnification by one party or the other for liabilities of a party or third persons for property loss or damage, or for death or personal injury arising out of and during performance of the activities supported by NGB CA awards. Any liabilities or claims for property loss or damage or for death or personal injury by a party or its agents, employees, contractors or (assigns) or by third persons, arising out of and during the performance of supported activities shall be determined according to applicable law.

Section G. Government Furnished Equipment (GFE).

In addition to the Liability and Indemnity provisions in section F, nothing in NGB CA award shall be construed as an indemnification by the United States of the State, its employees, agents, or third persons, for liability with respect to any and all claims, including, but not limited to: (1) claims for damages; and (2) claims for reimbursement arising from property loss, personal injury or accident damage related to the use, care, or operation of GFE. The Recipient's liability for lost or damaged GFE will be in accordance with applicable State laws. In the event that State law does not authorize indemnification, GFE should not be provided.

Part 4: Legal Authorities

Section A. Legal Authority.

The Recipient represents and warrants that it is under no existing or foreseeable legal disability that would prevent or hinder it from fulfilling the terms and conditions of NGB CA award. The Recipient shall promptly notify NGB of any legal impediment that arises during the term of NGB CA award that may prevent or hinder the state's fulfillment of its obligations under NGB CA award.

Section B. Opinion of Counsel.

Concurrent with its execution of NGB CA award, the Recipient shall furnish an opinion of counsel by the highest legal officer of the State, or his or her designee, that:

- a. The Recipient has the requisite authority to enter into NGB CA award.
- b. The Recipient can make the warranty set forth in Section A above.
- c. The Recipient is empowered to assume the responsibilities and obligations it proposes to undertake under NGB CA award.
- d. The provisions of NGB CA award intended to secure the interests of NGB are enforceable according to their terms.
- e. The execution of NGB CA award has been duly authorized by the state.
- f. That the individual signing NGB CA award on behalf of the recipient has the requisite legal authority to bind and obligate the recipient to the terms and conditions of NGB CA award.

Part 5: Responsibilities of Parties

Section A. National Guard Bureau (NGB) Responsibilities.

NGB has overall responsibility for NGB-funded awards, including providing oversight for technical, programmatic, financial, and administrative performance.

a. Grants Officer.

Grants officer authority is authorized by a warrant issued by NGB, Head of Contracting Activity (HCA) or HCA delegate. The grants officer is responsible for all actions on behalf of NGB, including entering, modifying, or terminating awards. In addition, the grants officer is responsible for the administrative coordination and liaison with the recipient. The grants officer is the only person authorized to approve changes to any of the requirements in the award.

b. Grants Officer Representative (GOR).

The GOR is a federal employee delegated in writing by the grants officer who is responsible for completing day-to-day administrative actions and technical monitoring relative to all cooperative agreement awards. The GOR ensures internal controls are in place and effective. The GOR establishes and maintains a separate file for each award.

c. Federal Cooperative Agreement Program Manager (CA PM).

The CA PM is a federal employee, delegated in writing, by the grants officer to administer certain aspects of the award. The CA PM has the technical expertise related to program implementation and monitors assigned cooperative agreement's performance to ensure compliance with the terms and conditions of the award. The CA PM provides technical input, direction, and guidance to assist the recipient in meeting the terms and conditions of the cooperative agreement. A recipient employee cannot be designated as a CA PM.

d. NGB Office of Primary Responsibility Program Manager (NGB-OPR Program Manager).

It is NGB policy that all CA awards shall have an appointed NGB-OPR Program Manager. They should have knowledge of and are responsible for the programmatic and/or technical aspects of the federal assistance award. They provide administrative and financial guidance to the grants officer and CA PMs as stated in the agreement. Lines of communication between the NGB-OPR Program Manager and you the recipient will go through the CA PM or grants officer as appropriate.

Section B. Recipient Responsibilities and Compliance with Federal Requirements.

1. The recipient is responsible for notifying NGB of any significant problems relating to the administrative, programmatic, or financial aspects of the award. The recipient should direct all correspondence related to programmatic and budgetary issues to the grants officer, GOR, and CA PM. Lines of communication between the NGB-OPR Program Manager and you the recipient will go through the CA PM or grants officer as appropriate.
2. The recipient is responsible for the management of the project or activity supported under the award and for adherence to federal regulations, the award provisions, and these general terms and conditions. Although the recipient is encouraged to seek the advice and opinion of the grants officer, GOR, and/or the CA PM on special circumstances that may arise, such advice does not diminish the recipient's responsibility for making prudent and sound administrative judgments under the circumstances prevailing at the time the decision was made and should not imply that the responsibility for operating decisions has shifted to NGB.
3. In addition to the requirements specified in 2 CFR 200.331, these terms and conditions flow down to all sub recipients (subcontracts and sub agreements) and must be included in the recipient's sub award instrument. Depending on the type of entity, all sub recipients and subcontractors are subject to the federal regulations specified in Part 2 of these terms and conditions.
4. Nothing in this provision alters the recipient's responsibility for conduct of the project and compliance with all applicable laws and regulations.

Part 6: Period of Performance of Cooperative Agreement Awards (Articles from this part are designated with “POP” in the article title)

POP Article I. Period of Performance

Section A. Opening of a new NGB Cooperative Agreement Award

1. With the exceptions in Section C, NGB cooperative agreements will be awarded on 1 October of each fiscal year.
2. The period of performance will begin on 1 October of the Federal fiscal year in which funds the first tranche of funds are made available for obligation.
3. The necessary funds must be available for obligation for the fiscal year for the grants officer to award a cooperative agreement. However, if the appropriation has been signed into law but the funds have not been transferred to the specific grants officer's accounts, a cooperative agreement award may still be awarded with the disclaimer “Subject to the Availability of Funds” included in the initial award.
 - a. In such circumstances, the cooperative agreement award should reflect zero (\$0) federal dollars obligated and an approved or estimated budget that is not to be exceeded. Unless the NGB-OPR Program Manager has approved a budget, the budget should be based on the prior year's budget less ten percent.
 - b. The cooperative agreement will be modified once funds are received to reflect the actual amount funded and budget amount.

Section B. Duration of the Period of Performance (PoP)

1. With the exceptions in Section C, the length of the period of performance will be negotiated between the recipient and the grants officer with the grants officer making the final decision.
2. The PoP can be from one to five years.
3. You, the recipient may request that the grants officer extend the period of performance for any of the following reasons:
 - a. For projects, contracts and other allowable activities that do not require additional funding and were initiated by you during the period of performance but will not be completed by the end of the period of performance.
 - b. An upward adjustment of funds for in-scope changes has been approved by the grants officer IAW NGB issuances for projects, contracts and other allowable activities that were initiated by you during the period of performance but will not be completed by the end of the period of performance.

- c. For projects, contracts and other allowable activities that will begin after 30 September following the end of the first year of the PoP if:
 - (1) There are unliquidated funds remaining in the cooperative agreement award.
 - (2) Those remaining are not expired.
- d. It is the grants officer's discretion on whether to extend the period of performance. It is within the authority of the grants officer to implement additional controls and safeguards when extending the period of performance.

Section C. Period of Performance Exceptions.

1. National Guard Youth ChalleNge cooperative agreement awards may be opened on a date other than 1 October of the Federal fiscal year in which funds are made available for obligation. The PoP will close twelve months after it is opened. The PoP may be extended IAW with Section B, paragraph 2 of this Article.
2. Army Compatible Use Buffer cooperative agreement awards may be opened on a date other than 1 October of the Federal fiscal year in which funds are made available for obligation. The period of performance will be determined by NGB for each award. The period of performance may be extended IAW with Section B, paragraph 2 of this Article.
3. Military Construction Cooperative Agreement awards may be opened on a date other than 1 October of the Federal fiscal year in which funds are made available for obligation. The period of performance will close upon completion of the project but not to extend beyond the period that the funds are available for liquidation. The period of performance may be extended IAW with Section B, paragraph 2 of this Article.
4. Other agreement awards that are for specific projects that will not be renewed may be opened on a date other than 1 October of the Federal fiscal year in which funds are made available for obligation. The PoP will close upon completion of the project but not to extend beyond the period that the funds are available for liquidation. The PoP may be extended IAW with Section B, paragraph 2 of this Article.

POP Article II. Use of Renewal Awards

1. If the determination is to use one year PoPs for a CA Award, the grants officer has the discretion to execute up to four one-year "renewal awards" to an initial award. If a renewal award is issued, each renewal period will have its own distinct PoP.
2. If the grants officer elects to execute a renewal award, there will not be a requirement for legal review unless there is a change to the terms of the agreement from the initial cooperative agreement award.

3. Cooperative agreement extension requirements under POP Article I applies to renewal awards the same as it does to the initial award.

Part 7: Payments

Payment Method, Timing, and Amounts.

1. Recipients will submit requests for reimbursement/advancement on the Standard Form (SF) 270.
2. To ensure proper fiscal stewardship, the SF 270 will be reviewed by the grants officer, GOR and the CA PM for the CA award.
3. Requested reimbursements will be processed by the grants officer and paid within 30 days after receipt and acceptance.
4. Exclude from any payment request amounts from any of the following sources that are available to you for project or program purposes under an NGB CA award: program income, including repayments to a revolving fund; rebates; refunds; contract settlements; audit recoveries; and interest earned on any of those funds. You must disburse those funds for project or program purposes before requesting additional funds from us.
5. Reimbursement is the preferred method of NGB, however if state law or a non -federal entity's policies indicates it must have funds on hand, the recipient may request advance payment.
6. To request authority for the advance method the Recipient shall annually prepare and sign a memorandum and forward it to the grants officer NLT 1 September of each year. Recipient will work with the GOR and grants officer on required information per NGB Policies.

Part 8: Authorized Charges

Personnel.

1. Payments for salaries, to include approved overtime and allowable benefits IAW recipient personnel policy for the payment of salary and benefits of like recipient government positions within the same geographic area are allowable costs.
2. Personnel actions for recipient employees such as pay raises, bonuses, pay freezes or pay caps, hiring freezes or employee furloughs will be treated consistently as other like positions that do not support work being performed in support of a CA award.

3. When there is no like state government position available, salaries and benefits will be equivalent to a comparable grade and series Federal Civil Service position in the geographic area.
4. Raises for federally reimbursed state employees and state-contracted personnel will not exceed those of comparable state employees.
5. Costs for merit and incentive awards based on performance, providing the awards are part of a program available and consistent with those offered to similar state government positions.
6. Overtime required by Fair Labor Standards Act (FLSA), based on the work schedule authorized by the state. When operational requirements or personnel circumstances dictate additional staffing in support of the mission, overtime may be authorized as specified in the CA award to satisfy minimum staffing requirements.
7. Overtime may be approved on an exception basis (filling for sick or annual leave, emergency, or training, etc.).
8. Costs of training for qualification in accordance with established work center requirements, and as authorized in each CA award.
9. Any other charges or activities not otherwise authorized, require prior approval by the OPR-PM and grants officer, or as specified in the CA award.

Part 9: Centralized Personnel Plan (CPP)

Section A. CPP

1. The CPP is the mechanism which the recipient may charge indirect rates should they choose to centralize CA personnel within the recipient military department.
2. It is the decision of the grants officer whether to allow reimbursement for a CPP. The CPP is a negotiated document. The grants officer has final approval over the plan.
3. The recipient's personnel in the human resource office, procurement office, or accounting office are the personnel that are authorized to be a part of CPP.
4. Supervisor's time for positions being allocated to the CPP will not be calculated in the CPP; however, a supervisor, whose time can be validated and allocated to the performance of direct supervision over multiple CA awards over personnel working directly on those CA awards or non-supervisory functions in the CA award program, may be considered in the CPP calculations.
5. A formal DHHS negotiated Central Services Cost Allocation Plan (CSCAP) can be included in the CPP for consideration by the grants officer as part of the CPP

submission by the recipient.

Section B. Responsibilities.

The CPP will be negotiated annually between the recipient and the grants officer. The grants officer will have final approval.

- a. It is the grants officer's responsibility to review and validate costs charged to agreements for reimbursement. The CPP will reflect only actual, direct personnel costs incurred. The CPP will include a methodology that accurately captures the separate cost drivers and metrics for each allowable personnel functional area. The two most used NGB methodologies to formulate CPP costs drivers are the time study of personnel method and the fee per action method.
- b. Requested CPP reimbursements must be for incremental, direct, and personnel costs that are compensation for staff positions that would not exist if CA awards did not exist. Only non-supervisory compensation costs are allocable except as described in (1)(c) above. No other costs (i.e., audit costs, equipment) are authorized. Reimbursements must be allocated to specific CA awards. requested amounts must be based upon the actual level of effort and the personnel must be directly responsible for actions supporting the CA award.

Section C. State Central Services Cost Allocation Plan (CSCAP)

1. CSCAP is a cost that can be classified as either a direct or indirect cost. Recipient treatment of the cost, as reflected in its CSCAP or a recipient's approved indirect cost rate negotiated IAW Appendix E, 2 CFR 200.416, will apply. The CSCAP is prepared by the recipient IAW Appendix E, 2 CFR 200.416, and approved by the Department of Health and Human Services (HHS). The CSCAP is prepared to identify central service costs statewide.
2. When a cost cannot be easily classified as a direct or indirect cost, the recipient's treatment of that cost, as reflected in CSCAP or in its approved indirect cost rate proposal, will apply.
3. The CSCAP is prepared to identify central service costs statewide and must have a specific percentage identified and negotiated by HHS for each Department within the state.
 - a. The percentage allowed to be considered in the CPP calculation is that of the percentage negotiated under the CSCAP by HHS specifically for the state military department.
 - b. The grants officer will work with the recipient to ensure there is no duplication of charges between the CSCAP and proposed CPP.

Part 10: Program Income

You, the recipient must exclude from any payment request amounts from any of the following sources that are available to you for project or program purposes under an NGB CA award: program income, including repayments to a revolving fund; rebates; refunds; contract settlements; audit recoveries; and interest earned on any of those funds. You must disburse those funds for project or program purposes before requesting additional funds from us.

AGREEMENT NO. **W912LN2522101**PAGE [1 of 25] PAGES

BETWEEN THE NATIONAL GUARD BUREAU (GRANTOR) AND PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT (RECIPIENT)

PROJECT TITLE: CURZ142307 – CA Construct AAS Drainage**PROJECT LOCATION:** Patrick Leahy Burlington International Airport, Burlington, Vermont**TABLE OF CONTENTS**

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EXECUTION

By executing this cooperative agreement, the parties agree to the terms and conditions contained herein, including attachments.

IN WITNESS WHEREOF, the parties hereto have executed this Cooperative Agreement

RECIPIENT: *[As identified on the Agreement in Principle]*

BY: _____
NICHOLAS LONGO
 Director of Aviation
 Patrick Leahy Burlington International Airport

Date: _____

GRANTOR: NATIONAL GUARD BUREAU

BY: _____
MICHAEL D. CHASE, COL, USA
 U.S. Property & Fiscal Officer, Vermont

Date: _____

ARTICLE I – SCOPE, PURPOSE AND AUTHORITY

Section 101. General.

- a. The Grantor, National Guard Bureau (GRANTOR) through the United States Property and Fiscal Officer (USPFO) and the State (any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each Territory and Possession of the United States and includes political subdivisions and military units thereof and tax-supported agencies therein – See 10 USC Chapter 1803, §18232), and hereinafter referred to as “Recipient”, have entered into this Facilities Sustainment, Repair, Modernization Cooperative Agreement, hereinafter referred to as “FSRMCA” or “Agreement”, to establish the terms and conditions applicable to the reimbursement of federal funds or contribution of federal funds or contribution of in-kind assistance for this project. GRANTOR and the Recipient desire to design, sustain, rehabilitate, restore, convert or modernize as applicable, this project using this single FSRMCA.
- b. The attached technical appendices to this FSRMCA are integral to this FSRMCA.
- c. This award incorporates the DoD Component (GRANTOR) Cooperative Agreement General Terms and Conditions (hereinafter referred to as GTC), October 2023 as well as 2 CFR 2 CFR Chapter II, Subtitle B, Chapter XI. GRANTOR This award incorporates the DoD Component (GRANTOR) Cooperative Agreement General Terms and Conditions (hereinafter referred to as GTC), October 2023 as well as 2 CFR 2 CFR Chapter II, Subtitle B, Chapter XI.

Section 102. Property and Improvements.

- a. The Recipient will submit prior to soliciting the project, satisfactory evidence of the necessary property interest to the real estate upon which the project is to be executed. In addition, the Recipient must certify that the real estate is of a nature and located in an area that is appropriate, under local laws and ordinances, for the intended project and for the use intended under local laws and ordinances.
- b. Title to real property improvements, including real property installed equipment, except for ANG Intrusion Detection System (IDS) or Joint-Services Interior Intrusion Detection System (J-SIIDS) equipment, executed under this FSRMCA, shall be held by the Recipient.
- c. The Recipient waives any claim to title of any federal commercial IDS equipment furnished by the ANG for installation in the facility. The GRANTOR will reimburse the Recipient for costs of operation and maintenance of any installed IDS equipment or Electronic Security System (ESS) protecting federal assets as approved by the ANG ESS Program Manager. The Recipient, using its ESS Program certified technicians, will remove any IDS equipment or ESS system upon discontinuance of the use of the facility sustained, restored, altered, converted or modernized for administration or training of Reserve Forces of the United States or upon GRANTOR's determination that such removal is in the best interests of the United States, whichever is earlier.

Section 103. Scope of Activities.

The Scope of activities is contained in the technical appendices to this FSRMCA.

Section 104. Performance Specifications.

The Recipient's performance specifications are contained in the technical appendices to this FSRMCA.

Section 105. Authority

- a. This FSRMCA is authorized under the Secretary of Defense, as provided in Title 10 U.S.C. Chapter 1803. In accordance with the provisions of 10 U.S.C. Chapter 1011, the Chief, National Guard Bureau (GRANTOR) is the channel of communication on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and the Department of the Air Force, and (2) the several States. As the federal agent for the US, the CGRANTOR is authorized to contribute funds necessary for the design, alteration, rehabilitation, and conversion of facilities as set forth in 10 U.S.C. Chapter 1803. The contribution of funds by GRANTOR for sustainment, rehabilitation, restoration, expansion, conversion, or modernization of the facility is necessary to accomplish federal and state missions of the State's Air National Guard.
- b. This FSRMCA is a cooperative agreement within the meaning of 31 U.S.C. §§ 6301-6308.

ARTICLE II – OBLIGATIONS OF THE PARTIES

Section 201. Obligations of the Recipient.

- a. The Recipient will exercise its best efforts to supervise, manage, operate and maintain all activities or projects within the scope of this FSRMCA according to sound, efficient, commercial practice and the terms, conditions, and specifications of this FSRMCA.
- b. The Recipient will obligate sufficient funds to pay its share of the costs of this FSRMCA.
- c. Once the project is completed, the Recipient may not permit any use or disposition of the facility which will interfere with its use for the administration and training of units of the Reserve Forces of the United States, or in times of war or national emergency, by other units of the Armed Forces of the United States or any other use by the federal government until the event of termination of this FSRMCA. (See Section 701 Term of Agreement).

Section 202. Obligations of GRANTOR.

- a. Whenever terms of this FSRMCA provide for reimbursement or cost sharing by the federal government, GRANTOR shall reimburse the Recipient for allocable and allowable costs incurred in the performance of this FSRMCA, according to terms and conditions for such reimbursement set forth herein.
- b. Whenever the terms of this FSRMCA provide for approval by GRANTOR, such approval will not be unreasonably withheld. Any request for such approval shall be considered and acted upon by GRANTOR in a timely fashion.
- c. The obligations of GRANTOR are subject to the availability of federal funds for the FSRMCA and the Recipient's funding contribution for its share of this FSRMCA.

ARTICLE III – COSTS

Section 301. General.

GRANTOR shall reimburse the Recipient for allocable and allowable costs incurred in the performance of this FSRMCA.

Section 302. Estimated Cost.

- a. The total estimated costs of this FSRMCA are specified in the technical appendices to this FSRMCA.
- b. The Recipient shall share in the costs of this FSRMCA performance as provided for in the approved budgets of the technical appendices to this FSRMCA.

Section 303. Cost Sharing.

- a. Wherever any item of cost for the performance of this FSRMCA, as listed in a budget in the technical appendices to this FSRMCA, is identified to be funded in part by GRANTOR reimbursement, GRANTOR shall be obligated to reimburse the Recipient only for its percentage share of total costs that would otherwise be allocable and allowable under this FSRMCA.
- b. Cost Share Percentage. For the purposes of liquidating the Recipient's obligation to pay for its share of costs, the percentage share of allocable and allowable costs for the execution of this project to be reimbursed to the Recipient shall be identified in the technical appendices to this FSRMCA.

Section 304. Allowability of Costs.

- a. Except as otherwise stated in this article or elsewhere in this FSRMCA, the allocable and allowable costs incurred by the Recipient in the performance of this FSRMCA shall be determined according to 2 CFR Part 200, and GRANTOR issuances, effective at the time the cost is incurred. Specifically, the provisions of 2 CFR §200.400 are applicable to costs for awards to States to include political subdivisions and military units thereof and tax-supported agencies therein, including but not limited to §200.416 (Special Considerations for States, Local Governments and Indian Tribes) and §200.420, et seq. (General Provisions for Selected Items of Cost).
- b. The allowability of costs has no effect on the maximum funding level of this cooperative agreement. GRANTOR has no liability to reimburse any cost over and above the maximum amount of funding obligated in this cooperative agreement, even if such cost would otherwise be allowable.

Section 304-A. Authorized Charges.

- a. Personnel.
 - (1) Payments for salaries, to include approved overtime and allowable benefits in accordance with Recipient personnel policy for the payment of salary and benefits of like government positions within the same geographic area. If a Recipient has a pay raise, pay freeze or pay cap, a hiring freeze or employee furloughs for like positions, then Recipient employees under this Appendix will have corresponding limitations. When there is no like government position available, salaries and benefits will be equivalent to a comparable grade and series federal civil service position in the geographic area.
 - (2) Benefit costs include Recipient or employer-paid Social Security contributions, premiums for workers compensation, medical and unemployment insurance, and the Recipient retirement system.
 - (3) Costs for merit and incentive awards based on performance providing the awards are part of a program available and consistent with those offered to similar Recipient government positions.
 - (4) Overtime required by Fair Labor Standards Act (FLSA), based on the work schedule authorized by the Recipient. When operational requirements or personnel circumstances dictate additional staffing in support of the mission, overtime may be authorized as specified in the technical appendices to this FSRMCA to satisfy minimum staffing requirements. Overtime may be approved on an exception basis (filling for sick or annual leave, emergency, or training, etc.).

- b. Costs for travel expenses and per diem, at a rate consistent with Recipient travel regulations, for performing activities authorized under that technical appendices to this FSRMCA or separate Agreement away from their home office.
- c. Costs of training for qualification in accordance with established work center requirements, and as authorized in each technical appendix to this FSRMCA.
- d. Costs for facilities, equipment and supplies required or reasonably necessary to perform the activities specified or described in each technical appendices to this FSRMCA or separate Agreement.
- e. Any other charges or activities not otherwise authorized require prior approval by the GRANTOR-OPR-PM (SRM Program Manager) or as specified in that technical appendices to this FSRMCA.
- f. Advance Agreements on Allowability of Costs.
 - (1) No cost incurred by the Recipient that is contrary to any restriction, limitation, or instruction contained in any approved Budget and/or Financial Plan under this FSRMCA shall be allocable or allowable.
 - (2) The costs of compensation for personnel services, including but not limited to the costs of premiums for workmen's compensation, unemployment compensation, Recipient sponsored life/health insurance, and retirement benefits, shall be allocable and allowable as specified in current AQ policy, CI 9101.00 "National Guard Grants and Cooperative Agreements" or successor C Instruction and Manual and 2 CFR §200.431.
 - (3) Other specific agreements on costs, such as Pre-Agreement Costs: NONE.

Section 305. Unauthorized Activities/Charges and Costs.

- a. Costs for the acquisition of real property for purposes of this FSRMCA are unallowable.
- b. Costs of Recipient improvements are unallowable. These unallowable improvements are facility components in excess of authorized criteria, which will not qualify for federal reimbursement.
- c. In addition to the unauthorized activities and charges that may be identified in each specific technical appendices to this FSRMCA, unallowable costs identified in General Provisions for Selected Items of Cost, throughout 2 CFR §200.420 through 2 CFR §200.475 shall be unauthorized for reimbursement.

Section 306. Project Close Out and Settlement.

As specified in the GRANTOR issuances and 2 CFR 200, within 120 days of final completion of the project (execution date of the GRANTOR Form 593 PROJECT INSPECTION REPORT by the Recipient and the USPFO), or upon termination of this FSRMCA, whichever comes earlier, the Recipient shall promptly deliver to GRANTOR/A4I all required closeout documents such as as-built drawings and a full and final accounting liquidating all payments or reimbursements under this FSRMCA. After completion of the Recipient's final accounting, the Grants Officer shall make a final settlement of the total GRANTOR contribution for this FSRMCA. Costs incurred for the performance of the project which are not disclosed by the Recipient shall not be eligible for reimbursement by the Grants Officer. At its sole discretion, the Grants Officer may extend the time limit for good cause shown.

ARTICLE IV - FUNDING LIMITATIONS

Section 401. Funding Limitation.

- a. GRANTOR funding limitations for the execution of this project are separately specified in the technical appendices to this FSRMCA.
- b. Within its discretion, GRANTOR may unilaterally increase maximum funding limitations reflected in the technical appendices to this FSRMCA at any time.
- c. Project Funding and Appropriation Limitation. Funding is limited to availability at GRANTOR and the limits in appendices of the current FSRMCA or FSRMCA modification. Due to appropriation limitations, GRANTOR funding authority for a project shall not exceed current GRANTOR, DoD Directives and Congressional limitations. Exceeding these limitations can only be done through re-approval protocols, as applicable.

Section 402. Method of Funding.

This FSRMCA shall be funded for each phase, according to technical appendices.

Section 403. Recipient Advance Funding of Pre-Design and/or Design Option.

- a. Within its discretion, the Recipient may contract, and fund the payment of costs, for the preparation of project pre-design and/or design documents in order to fulfill its obligation to provide project design documents. To the extent that "federally reimbursed" costs are required, the Recipient's incurrence of costs shall be made on behalf of GRANTOR; GRANTOR shall reimburse the Recipient for these costs IAW 2 CFR 200.
- b. Limitations in this article relate to funds necessary for reimbursement to the Recipient for its pre-design and/or design costs. The fact that federal funds may not be available for obligation, or obligated to this FSRMCA, or available for reimbursement of Recipient costs until completion of project design documents by the Recipient or the beginning of execution of the project, shall not be grounds for a claim by either party that this FSRMCA is unenforceable because of failure of consideration.
- c. Pre-design and design costs associated with this project incurred by the Recipient in advance of this FSRMCA may not exceed the amounts identified in the Technical Appendix Recipient Design and may be reimbursed in accordance with Section 403.d. below.
- d. The obligation of GRANTOR for federal reimbursement of Recipient costs for pre-design or design requires a pre-agreement be in place and is typically contingent upon one or more of the following conditions being met:
 - (1) Project validated as part of the Execution Tasking Order distributed to the Bases typically in May FY-1 for the next FY Execution.
 - (2) Project designated on the Integrated Priority List (IPL) or separate letter that provides specific authorization to add the project to the IPL.
 - a) Time frame for eligible designs will be FY through FY+2.
- e. In all conditions the design must meet all GRANTOR design criteria as set forth in the appropriate GRANTOR design guides and regulations.

ARTICLE V – PAYMENT

Section 501. General.

There are only two payment methods authorized in the execution of this FSRMCA, the reimbursement method and the advance method. Either payment method may be used, pursuant to the policy and procedures in the GRANTOR issuances; **the award term for the method not chosen requires a strikethrough.**

Section 502. Payment by the Reimbursement Method.

Reimbursement method payments shall be according to procedures established by the Defense Finance and Accounting Service (DFAS), DoD Financial Management Regulation 7000.14R Volumes 11A and 11B and GRANTOR issuances.

Section 503. Payment by the Advance Method.

GRANTOR may reimburse the Recipient in advance when authorized by the Recipient's governing laws. The advance payment method shall be according to procedures established by the Defense Finance and Accounting Service and GRANTOR issuances.

Section 504. Direct Federal Payment of Recipient Obligations.

In no event, shall the Grants Officer make direct payment to a Recipient's contractor, Recipient's employee(s), contractor employee(s), or Recipient's vendor for any costs incurred by the Recipient under this FSRMCA.

Section 505. Interest.

The amount of interest due the United States on funds advanced to the Recipient or interest due the Recipient shall be determined and paid in accordance with 31 U.S.C. § 6503 and the terms of the Cash Management Improvement Act Agreement in effect between the Recipient and U.S. Treasury and regulations as issued by the U.S. Department of Treasury and the Department of Defense, as amended. For interest on advance payments see 31 U.S.C. §6503, 32 C.F.R. § 33.21.

ARTICLE VI – DEFINITIONS

Section 601. Air National Guard FSRM Cooperative Agreement.

Refer to GT&C SUBDIVISION D, Part 2, Section D, Page 109.

Section 602. Air National Guard.

Refer to GT&C SUBDIVISION D, Part 2, Section C, Page 109.

Section 603. Airport Authority.

A Public Agency controlling a Public Airport. A Public Agency means a State or Territory or District of Columbia or any agency of a State, Territory or District of Columbia, a Municipality or any other political subdivision of a State, et. al., a tax supported organization, or an Indian tribe or pueblo. Public Airport means an airport used for or to be used for public purposes, under the control of a public agency, and the landing area of which is publicly owned. [Extracted from Public Law 97-248]. Refer to GT&C SUBDIVISION D, Part 2, Section A, Page 108.

Section 604. Chief, National Guard Bureau.

Chief, National Guard Bureau, means the head of the National Guard Bureau, or his or her designee. Refer to GT&C SUBDIVISION D, Part 2, Section E, Page 109.

Section 605. Facilities, Sustainment, Restoration, and Modernization (FSRM) Project.

When using SRM (O&M appropriation), project means the maintenance, sustainment, rehabilitation, alteration, restoration, modernization, conversion or expansion (not to exceed O&M statutory threshold) of a facility. This includes equipment (not furniture) installed and made a part of a facility, related site preparation, excavation, backfilling, landscaping, or other land improvements. The federal reimbursement of the project costs cannot exceed the statutory ceiling unless approved as prescribed in 10 U.S.C. §2811.

Section 606. Equipment (Non-Military).

Refer to GT&C, Subdivision A, Part 7, Section D, Page 21

Section 607. Fiscal Year.

Refer to GT&C SUBDIVISION D, Part 2, Section G, Page 109

Section 608. Estimated Project Costs.

Refer to PROJECT FINANCE PLAN found in the Technical Appendix – Recipient Project or Recipient Utility Connection

Section 609. Recipient.

Refer to GT&C, Subdivision A, Part 7, Section D, Page 22

Section 610. Grants Officer.

Refer to GT&C SUBDIVISION D, Part 5, Section A, Page 113.

Section 611. Grants Officer Representative.

Refer to GT&C SUBDIVISION D, Part 5, Section A, Page 113.

Section 612. In-Kind Assistance.

Refer to GT&C SUBDIVISION D, Part 2, Section I, Page 109.

Section 613. Military Equipment.

Refer to GT&C SUBDIVISION D, Part 2, Section K, Page 110.

Section 614. National Guard Bureau.

Refer to GT&C SUBDIVISION D, Part 2, Section L, Page 110.

Section 615. Pre Design and Design Services.

The pre-design and design services are outlined as "Type A" and Type B" services in Air National Guard Instruction 32-1023. Type A services include advance planning studies as well as field surveys and investigations required to obtain data essential to the performance of direct design. These surveys and investigations may include topographical surveys, geotechnical surveys, mechanical surveys and investigations, determination of utility locations and capacities, and similar fact-finding investigation, technical studies, life cycle costing, sustainable design, concept cost estimates, or concept development studies. Type B services provide production of complete designs, including plans, specifications, design analyses, and cost estimates.

Section 616. Operation and Maintenance Activities.

Operation and Maintenance (O&M) Activities mean and include, but are not limited to actions by the state, through employment by the state, by contract or hire, of sufficient personnel, acquisition by contract of supplies or services, or other necessary actions, to perform the services, tasks, or activities within the scope of this FSRMCA which are properly charged to an Operations and Maintenance appropriation.

Section 617. State.

Refer to GT&C SUBDIVISION D, Part 2, Section O, Page 110

Section 618. Territory.

Refer to GT&C SUBDIVISION D, Part 2, Section O, Page 110; See also 32 U.S.C. § 101.

Section 619. The Adjutant General.

Refer to GT&C SUBDIVISION D, Part 2, Section P, Page 111.

Section 620. United States Property and Fiscal Officer (USPFO) (Grants Officer).

Refer to GT&C SUBDIVISION D, Part 2, Section Q, Page 111.

Section 621. Unit.

The Unit includes Air National Guard (ANG) flying Groups and Wings, Combat Communication Flights and Squadrons, Engineering Installation Flights and Squadrons, and Combat Readiness Training Centers (CRTC).

Section 622. Recipient Improvements.

Recipient improvements are other work to facilities or portions of facilities included within the scope of the project, as identified in the technical appendices to this FSRMCA to this FSRMCA, which are desired by the Recipient and for which the Grantor will make no reimbursement of funds.

ARTICLE VII - GENERAL PROVISIONS

Section 701. Terms of Agreements.

- a. The terms of this FSRMCA remain in effect until changed.
- b. The performance period for each appendix to the FSRMCA is the Federal Fiscal Year in which that award is made, except as specified in the award itself (e.g. the performance period for many Youth Challenge awards reflects the state's academic year).

Section 702. Sole Benefits.

This FSRMCA and associated appendices are intended for the sole benefit of GRANTOR and the Recipient and are not intended to create any other beneficiaries.

Section 703. Modifications.

This FSRMCA may be modified only by a written instrument signed by the parties hereto. Appendices may be modified separately. However, no appendix modification may modify this FSRMCA by reference.

Section 704. Successors and Assigns.

Refer to GT&C SUBDIVISION D, Part 3, Section A, Page 111.

Section 705. Entire Agreement.

Refer to GT&C SUBDIVISION D, Part 3, Section B, Page 111.

Section 706. Severability.

Refer to GT&C SUBDIVISION D, Part 3, Section C, Page 111.

Section 707. Waiver of Breach.

Refer to GT&C SUBDIVISION D, Part 3, Section D, Page 112.

Section 708. Notices.

Refer to GT&C SUBDIVISION D, Part 3, Section E, Page 112.

Section 709. Execution.

This FSRMCA may be executed in several counterparts, each of which shall be deemed an original. Subsequent execution of any or all Appendices shall not affect the legality or enforceability of this FSRMCA.

Section 710. Conflict of Interest.

The Recipient shall insure that its employees are prohibited from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others.

Section 711. Access to and Retention of Records.

Refer to GT&C SUBDIVISION B, Part 5, OAR Article II, Page 63

Section 712. Change of Circumstances.

Each party shall promptly notify the other party of any legal impediment, change of circumstances, pending litigation, or any other event or condition that may adversely affect the party's ability to carry out any of its obligations under this FSRMCA.

Section 713. Liability and Indemnity.

Refer to GT&C SUBDIVISION D, Part 3, Section F, Page 112.

Section 714. Reports.

Refer to GT&C SUBDIVISION B, Part 4, REP Article I, Page 55

Section 715. Special Recipient Requirements.

Changes to established requirements of this FSRMCA made necessary by governing State statutes will be processed in accordance with current GRANTOR-AQ policy, NGR 5-1 Chapter 3 or successor GRANTOR I & M, for approval by GRANTOR. Upon approval, a statement of alterations or changes, along with justification, shall be attached to this FSRMCA and will be considered a part thereof. (If none, state NONE.)

Section 716. Government Furnished Equipment.

Refer to GT&C SUBDIVISION D, Part 3, Section G, Page 112.

ARTICLE VIII – APPLICABLE LAWS AND REGULATIONS

Section 801. Applicable Law.

This FSRMCA is incidental to the implementation of a federal program. Accordingly, this FSRMCA shall be governed by and construed according to federal law as it may affect the rights, remedies, and obligations of the United States.

Section 802. Governing Regulations.

Refer to 2 CFR part 200, generally.

Section 803. Officials Not to Benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit arising from it, in accordance with 41 U.S.C. 22.

Section 803-A Nondiscrimination.

Refer to GT&C SUBDIVISION C, Part 1, NP Article I Section A, Page 99

Section 804. Lobbying.

Refer to GT&C SUBDIVISION C, Part 1, NP Article IV Section A, Page 102

Section 805. Drug-Free Workplace.

Refer to GT&C SUBDIVISION C, Part 1, NP Article IV Section A, Page 101

Section 806. Environmental Protection.

Refer to GT&C SUBDIVISION C, Part 1, NP Article II Section A, Page 100

Section 807. Use of United States Flag Carriers.

Refer to GT&C SUBDIVISION B, Part 3, PROC Article III Section B, Page 54

Section 808. Debarment and Suspension.

Refer to GT&C SUBDIVISION B, Part 3, PROC Article III Section B, Page 54

Section 809. Buy American Act.

2 CFR part 184; Refer to GT&C SUBDIVISION B, Part 3, PROC Article III Section B, Page 55.

Section 810. Uniform Relocation Assistance and Real Property Acquisition.

Refer to GT&C SUBDIVISION C, Part 1, NP Article IV Section A, Page 104.

Section 811. Copeland "Anti-Kickback" Act. *(All contracts and sub-grants for repair.)*

Refer to GT&C SUBDIVISION B, Part 3, PROC Article III Section B, Page 53.

Section 812. Contract Work Hours and Safety Standards Act.

Refer to GT&C SUBDIVISION B, Part 3, PROC Article III Section B, Page 53.

Section 813. Project Wage Requirement Statute (formerly known as Davis Bacon Act)

Not Applicable

Section 814. National Historic Preservation.

(Any project, acquisition, modernization, or other activity that may impact a historic property.) The Recipient covenants and agrees to identify to the Grantor any property listed or eligible for listing on the National Register of Historic Places that will be affected by this Agreement, and to provide any help the Grantor may need, with respect to this Agreement, to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR Part 800 and Executive Order 11593.

(36 CFR Part 800 requires Grants Officers to get comments from the Advisory Council on Historic Preservation before proceeding with federally assisted projects that may affect properties listed on or eligible for listing on the National Register of Historic Places.)

Section 815. Hatch Act.

The Recipient covenants and agrees to comply with the Hatch Act (5 U.S.C. 1501 - 1508 and 7324 - 7326), as implemented by the Office of Personnel Management at 5 CFR Part 151, which limits the political activity of employees or officers of the State or Local governments whose employment is connected to an activity financed in whole or part with federal funds. Refer to G,T&C, SUBDIVISION C, NP Article IV, Section A

Section 816. Equal Employment Opportunity.

(All project contracts awarded in excess of \$10,000 by Recipients and their contractors or subrecipients.)

The Recipient covenants and agrees to comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60).

Refer to GT&C, SUBDIVISION C, NP Article I, Section A.

Section 817. Cargo Preference. *(Any agreement under which international air travel may be supported by U.S. Government funds.)*

The Recipient covenants and agrees that it will comply with the Cargo Preference Act of 1954 (46 USC Chapter 553), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 percent of the equipment, materials or commodities procured or otherwise obtained with U.S. Government funds under this Agreement, and which may be transported by ocean vessel, shall be transported on privately owned U.S. flag commercial vessels, if available.

Section 818. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Projects.

The Recipient covenants and agrees that it will comply with Executive Order 13202 of February 17, 2001, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, as amended on April 6, 2001.

Section 819. System for Award Management and Data Universal Numbering Requirements.

Refer to GT&C SUBDIVISION B, Part 5, OAR Article I, Page 59.

Section 820. Reporting Subawards and Executive Compensation

Refer to GT&C SUBDIVISION B, Part 4, REP Article IV, Page 59.

ARTICLE IX – PROCUREMENT

Section 901. Procurement Procedures Applicable to Recipients.

Refer to GTC, SUBDIVISION B, Part 3: PROC, page 49

Section 902. Recipient Contract Flow-down.

Refer to GTC, SUBDIVISION B, Part 3: PROC, page 49

ARTICLE X – PROPERTY

Section 1001. Equipment.

- a. Equipment purchased by the Recipient under the terms of this Agreement becomes the property of the Recipient and will be managed, used, and disposed of in accordance with 2 CFR §200.313 and GRANTOR issuances.
- b. Equipment purchased by the federal government, including equipment acquired specifically for a National Guard Cooperative Agreement, vests in the federal government. This equipment shall be managed, used, and accounted for as provided in 2 CFR 200.313(d), and GRANTOR issuances.
- c. Equipment purchased by the federal government and issued to the Recipient is Government Furnished Equipment (GFE). The title to GFE vests in the federal government and cannot be transferred to the Recipient and therefore cannot be considered as In-Kind Assistance (IKA).

Section 1002. Operating Materials and Supplies.

- a. Items to be consumed in normal operations purchased by the Recipient under the terms of this Agreement become the property of the Recipient and will be managed and disposed of in accordance with 2 CFR Part 200, and GRANTOR issuances.
- b. Supplies purchased by the federal government shall be managed, used, and accounted for as provided in 2 CFR §200.314, and GRANTOR issuances. Recipient use of federal supplies and materials may be considered as IKA.

ARTICLE XI - LEGAL AUTHORITY

Section 1101. Legal Authority.

The Recipient represents and warrants that it is under no existing or foreseeable legal disability that would prevent or hinder it from fulfilling the terms and conditions of this FSRMCA. The Recipient shall promptly notify GRANTOR of any legal impediment that arises during the term of this FSRMCA that may prevent or hinder the Recipient's fulfillment of its obligations under this FSRMCA. Refer to GT&C SUBDIVISION D, Part 4, Section A, Page 112.

Section 1102. Opinion of Counsel.

Concurrent with its execution of this FSRMCA, the Recipient's highest legal officer, or his or her designee, certifies by signature approval as to legal form of this FSRMCA, that: Refer to GT&C SUBDIVISION D, Part 4, Section B, Page 113.

- a. The Recipient has the requisite authority to enter into this FSRMCA.
- b. The Recipient can make the warranty set forth in Section 1101 above;
- c. The Recipient is empowered to assume responsibilities and obligations the Recipient proposes to undertake under this FSRMCA;
- d. The provisions of this FSRMCA intended to secure GRANTOR interests are enforceable according to their terms;
- e. The execution of this FSRMCA has been duly authorized by the Recipient; and
- f. That the individual signing this FSRMCA on behalf of the Recipient has the requisite legal authority to bind and obligate the Recipient to the terms and conditions of this FSRMCA.

ARTICLE XII - TERMINATION, ENFORCEMENT, CLAIM AND DISPUTE RESOLUTION

Section 1201. Termination.

This FSRMCA may be terminated by either party according to the terms and conditions of 32 CFR § 33.44.

Section 1202. Enforcement.

- a. GRANTOR may take such actions to enforce the terms of this CA as may be provided for in/under terms of 32 CFR §33.43.
- b. Circumstances under which GRANTOR may take actions provided in Section 1202.a. above includes, but shall not be limited to, the following:
 - (1) Failure by the Recipient to appropriate funds sufficient for its share of project costs;
 - (2) Unreasonable failure by the Recipient to begin, prosecute, or complete project;
 - (3) Failure by the Recipient to substantially complete the project in accordance with Project Design Documents, accepted in accordance with terms of this FSRMCA.

Section 1203. Claims, Disputes Resolution and Appeals.

Refer to GT&C, SUBDIVISION B, Part 5, OAR, Article 4

ARTICLE XIII - Agreement Particulars.

The information below shall be recorded by the Grants Officer's Representative (GOR) for the compliance with the reporting requirements of the DoD Assistance Award Action Report System (DAADS) and the Federal Funding Accountability and Transparency Act of 2006.

a. Recipient Category:	Government
b. Recipient Type:	Airport Authority
c. Recipient UEI:	KXQQKNB2GZL1
d. Primary Place of Performance (Project Location):	Burlington, Vermont
e. Recipient County (Primary Place of Performance):	Chittenden
f. Recipient/Recipient Congressional District (Primary Place of Performance):	At Large (VT)
g. Major Agency:	DoD
h. Agency Code:	5700
i. Funding Agency:	Air
j. Program Source Agency:	57
k. Transaction Type:	Cooperative Agreement
l. CFDA:	12.400
m. CFDA Program Title:	Repair, Air National Guard
n. Program Source Account-Funding:	3840
o. Treasury Appropriation Code:	3840
p. Award/Obligation/Action Date:	FY24
q. Starting Date:	TBD
r. Ending Date:	TBD +2
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	2024/2
u. Unique Federal Award Identification Number (FAIN)	W91243-25-2-2101
v. Approved Budget Amount:	[See Technical Appendices]
w. R&D Award (Yes or No)	No
x. Indirect Cost Rate or CPP Rate:	0%

RECIPIENT DESIGN

PROJECT DESCRIPTION, SCOPE, SCHEDULE, STATEMENT OF WORK

PROJECT DESCRIPTION

Repair and alter existing Aircraft Arresting Systems (AAS) by repairing the drainage system by adding infiltration galleries and connecting drainage to existing storm water system to ensure proper treatment of storm water to comply with state and federal storm water regulations. Upgrade the sump pump capabilities to create redundant drainage capabilities in each barrier pit. Upgrade control system to allow controls monitoring of aircraft arresting system flood levels. Relocate the Arresting Gear Markers. These aircraft arresting systems are the only operating systems for this installation.

SCOPE

Design in accordance with latest published versions of Department of Defense (DoD) Unified Facilities Criteria (UFC) 1-200-01 "DoD Building Code" inclusive of all sub-referenced applicable core UFC's therein, UFC 1-200-02 "High Performance and Sustainable Building Requirements", UFC 4-010-01 "DoD Minimum Antiterrorism Standards for Buildings", Air National Guard Engineering Technical Letter (ANG ETL) 10-03 "ANG Design Objectives and Procedures", ANG ETL 12-06 "Design Meetings and Presentations", ANG ETL 12-07 "Preparation of Project Documentation Package", and ANG ETL 15-01-00 "ANG Design Policy" and/or successor publications. Latest published UFCs and their referenced codes and criteria are effective upon issuance for projects as follows:

- i. A-E Design Statement of Work
- ii. DD Form 1391 CURZ142307
- iii. ANGETL 12-05 Design and Construction Handbook
- iv. ANG ETL 15-01, Air National Guard Design Policy (Tab D)
- v. ANG ETL 15-03, MILCON Project Closeout
- vi. ANG ETL 19-12, Geographic Information System data format Specifications
- vii. ANGETL 24-01-05, Electrical and Communications Engineering
- viii. ANGETL 24-02, Design Objectives and Procedures
- ix. ANGI 32-1023, Criteria and Standards for Air National Guard Construction
- x. UFC 1-200-01, DoD Building Code
- xi. UFC 3-120-01, Design: Sign Standards
- xii. UFC 3-201-01, Civil Engineering
- xiii. UFC 3-220-01, Geotechnical Engineering
- xiv. UFC 3-210-04FA, Backfill for Subsurface Structures
- xv. UFC 3-220-18FA, Engineering Use of Geotextiles
- xvi. UFC 3-220-10, Soil Mechanics
- xvii. UFC 3-230-13, Industrial Water Treatment Operation and Maintenance
- xviii. UFC 3-240-01, Wastewater Collection and Treatment

- xix. UFC 3-420-01, Plumbing Systems
- xx. UFC 3-501-01, Electrical Engineering
- xxi. UFC 3-520-01, Interior Electrical Systems
- xxii. UFC 3-530-01, Interior and Exterior Lighting Systems
- xxiii. UFC 3-550-01, Exterior Electrical Power Distribution

Projects that have a delay, either planned or unintentional, of more than 18 months between design completion and the solicitation of offers for construction must be re-evaluated to determine if any design revision is necessary due to changes in criteria (including codes and standards) or site infrastructure (for example, water supply for fixed fire suppression system, water for host stream allowances, or fire department vehicle access). Note: The evaluation must also include retroactive requirements that have been included in the new editions of the criteria.

Provide all planning and engineering design coordination and consultation at applicable design stages to include the Assistant USPFO for Air (Real Property) for Vermont ("Base Civil Engineer"), local or State agencies such as for all utilities, environmental, and building code, as well as Airport Authority (or agency having jurisdiction over the airport) wherein the State's Air National Guard unit resides and trains from. If a tenant on a federal installation, coordinate with host also for any facilities compliance requirements as dictated by the approved Interservice Support Agreement.

Provide "Code and Criteria Review" Services where they become necessary under ANG ETL 24-02.

Provide "Value Engineering" Services in accordance with ANG ETL 24-02.

Note: DD Form 1391 documentation is used to establish scope.

SCHEDULE

Milestone Dates:

Project Start (i.e., Notice to Proceed) **TBD**

Code and Criteria Review/Data Collection – 60 days after Notice to Proceed

Design submittals – 30 days after Code and Criteria Review

Bid Phase – 60 days after design submittals

Construct Contract Award – 30 days after bids received

Notice to Proceed for Pre-Construction Activities – 30 days for

Construction Notice to Proceed – 60 days after notice to proceed for preconstruction activities

STATEMENT OF WORK

This Statement of Work defines the Recipient's obligation in providing design for a construction, sustainment, restoration, or modernization project.

By contract or in-house tasking, the Recipient will provide the Architect-Engineer (A-E) services necessary to develop plans, specifications, cost estimates, and any applicable phasing or sequencing requirements required for the construction of the project. ANG shall not issue directions to the Recipient's A-E contractor.

The Recipient shall transmit design documents for GRANTOR/A4I review, comment, and approval prior to the Recipient's acceptance of the documents. A signed copy of each document shall be sent through the Base Civil Engineer to the Grants Officer who forward it to the Project Manager, GRANTOR/A4I at 3501 Fetchet Avenue, Joint Base Andrews, Maryland 20762. Design documents relating to Recipient Improvements shall not be subject to GRANTOR/A4I validation. GRANTOR/A4I shall validate that the design documents meet the technical requirements for the project. If GRANTOR/A4I validates the documents subject to comments, the Recipient shall make good faith efforts to resolve the comments prior to accepting the documents from the design A-E.

Title to Design Documents:

Title to Design Documents shall be provided in the Recipient Design contract. The Recipient shall ensure that the design contract provides an unlimited right to use Design Documents at no additional cost.

Limitation of Liability:

The Recipient acknowledges that it (or its contractor) is preparing Design Documents in its right and not as an agent or contractor of GRANTOR. No GRANTOR or Recipient approval given under this Appendix shall be construed as a warranty of any kind.

Reimbursement of Pre-Design and Design Costs:

Pre-design and design costs shall be reimbursed upon acceptance of each submittal during the course of design.

Reimbursement of design costs will be made upon GRANTOR/A4I's acceptance of the project's submittal documents or IAW the cash flow requirements of the advance payment method and the Recipient's proper billing for reimbursement of the federal share of costs under the terms of this FSRMCA.

Architect-Engineer Fee limits:

Recipient will negotiate a fixed fee Architect-Engineer services contract. In addition to any other limitation on cost set forth in this FSRMCA, GRANTOR shall have no obligation to reimburse the Recipient for more than the federal prorated share as stipulated in the Project Design Finance Plan and/or Project Construction Finance Plan.

Project Design Finance Plan:

The project finance plan is the maximum amount for which GRANTOR/A4I is obligated to reimburse the Recipient for the costs of performance of the FSRMCA. The amount of any project finance plan line-item cost limitation shall not be exceeded.

Unless otherwise provided for in the project finance plan, any line item therein may be changed only by amendment of this FSRMCA. Either party may propose a change to finance plan by submitting such proposal in writing to the other party.

PROJECT DESIGN FINANCE PLAN

Project Title: CURZ142307 – CA Construct AAS Drainage

AUTHORIZED MAXIMUM CONSTRUCTION COST (MCC): \$810,000

Activity	Estimated ANG Share	Estimated Recipient Share	Estimated Other Share	Estimated Total
Code and Criteria Review	\$20,200	0	0	\$20,200
Design Fees	\$58,560	0	0	\$58,560
Totals	\$78,760	0	0	\$78,760

Design Finance Plan Notes, Terms and Conditions:

1. This Design Finance Plan is incorporated into this Appendix for the purpose of establishing the total estimated costs and the amount of NGB funding necessary to produce the project's predesign and/or design documents.
2. The Maximum Construction Cost (MCC) only represents the Project Cost. The MCC does **not** include the Project Supervision, Inspection and Overhead; Project Agent Fee; or project Contingency.
3. In accordance with this Appendix, and subject to any other cost or fund limitation in this FSRMCA, NGB shall reimburse the Recipient for 100% of allocable and allowable costs for pre-design and/or design of ANG improvements which includes: **All work identified in the Technical Appendix "Recipient Design" Project Description**
4. NGB shall not be liable to reimburse the Recipient for any other costs of design except those for cost shared ANG improvements.
5. "Design Agent Fee - Recipient" is for the purpose of compensating the Recipient for its agency fee to perform as the Design Agent.

TECHNICAL APPENDIX

RECIPIENT CONSTRUCTION

PROJECT DESCRIPTION, SCOPE, AND SCHEDULE

PROJECT DESCRIPTION

Use A-E's approved scope of work from the final design submittal.

Provide "Construction Inspection and Testing Services (Type C)" in accordance with ANG ETL 10-03. Retain the Architect - Engineer Design Firm of Record to fulfill all A-E based Type C requirements for duration of construction.

Grantee shall provide all contracting, construction management services, and management of the Construction Inspection and Testing Services (Type C). Grantee shall provide quality control, and Grantor shall provide quality assurance for all change orders, field changes, and final closeout.

PROJECT SCOPE

Repair and alter existing Aircraft Arresting Systems (AAS) by repairing the drainage system by adding infiltration galleries and connecting drainage to existing storm water system to ensure proper treatment of storm water to comply with state and federal storm water regulations. Upgrade the sump pump capabilities to create redundant drainage capabilities in each barrier pit. Upgrade control system to allow controls monitoring of aircraft arresting system flood levels. Relocate the Arresting Gear Markers. These aircraft arresting systems are the only operating systems for this installation.

PROJECT SCHEDULE

Project Start (i.e., Notice to Proceed) **TBD**

Code and Criteria Review/Data Collection – 60 days after Notice to Proceed

Design submittals – 30 days after Code and Criteria Review

Bid Phase – 60 days after design submittals

Construct Contract Award – 30 days after bids received

Notice to Proceed for Pre-Construction Activities – 30 days for

Construction Notice to Proceed – 60 days after notice to proceed for preconstruction activities

TECHNICAL APPENDIX

RECIPIENT CONSTRUCTION

STATEMENT OF WORK

1. **Purpose.** This Statement of Work defines the Recipient's obligation in executing this project which is supported in full or in part with ANG Sustainment, Restoration or Modernization (SRM) funding.

2. **Scope of Responsibilities and Administration.**

2.1. Upon acceptance of the project's 100% Final Design Documents, approval to execution of project will be dependent on Grantor and NGB/A4I. The Recipient will contract for the execution of the construction project according to this FSRMCA.

2.2. This Recipient shall carry out the execution of the construction project in strict accordance with the project's 100% Final Design Documents.

2.3 NGB/A4I Validation of Proposed Contract(s). Unless authority is delegated, the Recipient shall provide any proposed contract(s) for this project to NGB/A4I for its review, comment, and validation prior to the Recipient's execution of the contract. By formal written notice, NGB/A4I shall respond to the Recipient with its validation and comments within 30 days of its receipt of the proposed Recipient contract(s). NGB/A4I may not validate the Recipient's contract(s) only for the following reasons:

2.3.1. The contract price exceeds the amount in the finance plan for the project in this Appendix; or,

2.3.2. The proposed contractor has been debarred or suspended from performing federal contracts or performing contracts under Grants or Cooperative Agreements with the federal government.

2.4 Inspection and Acceptance of Construction.

2.4.1. The Recipient shall be responsible for inspection and acceptance of the work by its construction contractor(s). ANG shall not issue directions to any Recipient contractor and shall communicate with a Recipient contractor only through, or with the permission of, an authorized Recipient representative.

2.4.2. Upon the USPFO's concurrence with final acceptance, final reimbursement of project costs shall be made and the project shall be considered complete.

3. **Project Finance Plans.**

3.1. The project finance plan is the maximum amount for which NGB is obligated to reimburse the Recipient for the costs of performance of this FSRMCA. The amount of any project finance plan line item cost limitation shall not be exceeded.

3.2. Unless otherwise provided for in the project finance plan, any line item therein may be changed only by amendment of this FSRMCA. Either party may propose a change to a finance plan by submitting such proposal in writing to the other party.

RECIPIENT CONSTRUCTION FINANCE PLAN

Project Title: **CURZ142307 – CA Construct AAS Drainage**

AUTHORIZED MAXIMUM CONSTRUCTION COST (MCC): \$810,000

Activity	Estimated ANG Share	Estimated Recipient Share	Estimated Other Share	Estimated Total
<i>Project's Cost Share</i>				
<i>Repair Controls/alarm system and relocation AGM (estimated \$215K)</i>	\$215,000	0	0	\$215,000
<i>Install Drainage and sumps (estimated \$595K)</i>	\$595,000	0	0	\$595,000
<i>Project Supervision, Inspection and Overhead – Recipient (art E/F, art C/D)</i>	\$102,519	0	0	\$102,519
<i>Project Contingency (estimated \$0K)</i>	\$0	0	0	\$0
<i>Totals</i>	\$912,519	0	0	\$912,519

Project Finance Plan Notes, Terms and Conditions:

1. This Project Finance Plan is incorporated into this Appendix for the purpose of identifying shared costs.
2. The Maximum Construction Cost (MCC) only represents the Project Cost. The MCC does **not** include the Project Supervision, Inspection and Overhead; Project Agent Fee; Project Contingency; etc.
3. "Project Supervision – Recipient" is for the Recipient's costs to retain the Design Architect-Engineer (A-E) of Record (DOR) under a "Type C Services" contract in order for A-E to furnish ANG ETL 10-03 "Construction Inspection and Testing Services (Type C)", and, for the A-E to retain third-party construction inspection services for "Quality Assurance" purposes.
4. "Project Agent Fee - Recipient" is for the purpose of compensating the Recipient for its agency direct overhead to execute this Project.
5. "Project Contingency" are funds accounted against this FSRMCA and held in reserve within the program at NGB/A4 to cover any project related contingency for the duration of the Project through "beneficial occupancy". Contingency funds will not be dispersed to the Recipient without prior written coordination of the Recipient, through the USP&FO and, subsequent NGB/A4I approval for disbursement.
6. Due to design not being at 100% at the time of the signing of the FSRMCA, a modification may have to be made between the Grantee and the Grantor to change the MCC and associated construction fees.

General Terms and Conditions

The DoD Component (NGB) general terms and conditions pertaining to the cooperative agreement are incorporated by reference. The Grants Officer can provide a paper copy of the General Terms and Conditions, and they are posted on our website at <https://www.nationalguard.mil/Leadership/Joint-Staff/Special-Staff/Director-of-Acquisitions/>

Board of Finance and City Council Submission ChecklistDepartment: Airport Submitter: Nicolas LongoTitle/Subject: Request for Arrestor Cable

	Approval:	Meeting Date:
☒	Board of Finance	12/9/2024
☒	City Council	12/16/2024
☐	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	11/27/2024	Approved by Nicolas Longo
Mayor's Office informed and approved memo	Yes	12/3/2024	Approved by Katherine Schad and Erin Jacobsen
Board/Commission, if required	Yes	11/6/2024	Approved by the Burlington Airport Commission
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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?	Yes	DOD Component (NBG) Cooperative Agreement; NG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA)
Additional Materials, if necessary	No	Click or tap here to enter text.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.

Board of Finance and City Council Submission Checklist

If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.
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**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Burlington, VT 05402-0849
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802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: City Council

FROM: Julia Ursaki, PE, Public Works Transportation Engineer (DPW)
Laura Wheelock, PE, Division Director of Tech Services/City Engineer (DPW)

DATE: December 16, 2024

CC: Chapin Spencer, Director of Public Works
Paul Nadeau, PE, Director of Engineering (BED)
Stephen Scott, Distribution Engineer (BED)

RE: Great Streets Standard Lighting Assembly Update

Request

We are respectfully requesting that the City Council approve the following motion:

The City Council approves the use of the lighting assembly as shown in Figure 2 for Great Streets projects in the downtown to meet new lighting standards and further, grants the Burlington Electric Commission the authority to approve changes to the Great Streets lighting assembly that are best practice or safety updates.

Summary

Great Streets Initiative

The Great Streets BTV Downtown Street Design & Construction Standards were adopted by the City Council on April 16, 2018. Under the Great Streets Initiative, the City has completed Great Streets reconstruction for two blocks of Saint Paul Street and City Hall Park. The Main Street Great Streets project is currently under construction on the blocks between Pine Street and Winooski Avenue, and Great Streets Reconnecting Bank & Cherry (including new blocks of Saint Paul and Pine St surrounding CityPlace) is under project development with anticipated construction in 2027.

Federal Funding & Requirements

The City has funded past Great Streets projects using local dollars, however, our current City

budgets make this infeasible for additional projects. In 2023 the City was awarded a \$22 million Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to fund Great Streets construction on Bank Street, Cherry Street, and the new blocks of Saint Paul Street and Pine Street surrounding the CityPlace development. This is in addition to the \$15 million Congressionally Directed Spending (CDS) grant that the City was awarded for construction on Cherry Street in 2022. The City will continue to pursue federal funding for projects in the downtown.

The Build America Buy America (BABA) Act was passed by Congress on November 15, 2021 as part of the Infrastructure Investment and Jobs Act and applies to all federally funded projects. This means that all materials used on the City's federally funded projects need to meet the BABA requirements.

The lighting assembly that the City has used in past Great Streets projects is from the vendor Lumec. After extensive research, the Burlington Electric Department (BED) and the Department of Public Works (DPW) discovered that Lumec does not provide lighting that meets BABA requirements, but another vendor identified in the Great Streets Standards, Spring City, can meet the requirements.

Great Streets Lighting Assembly

The Great Streets Standards specify the pole, base, arms/brackets, and luminaires to be used on streets downtown, as shown in **Figure 1**. Design constraints have made it very difficult for DPW and BED to meet both the Great Street Standards and the Illumination Engineering Society (IES) standards since Great Streets has the lights installed at a lower height than most street lights so they can also create well-lit sidewalks for pedestrians. This low height creates higher levels of glare for drivers.

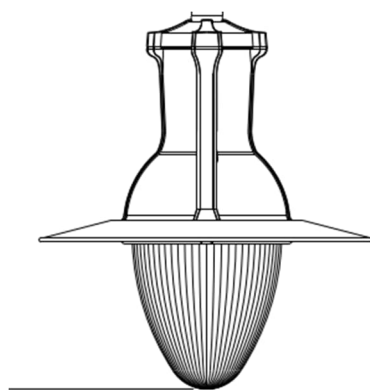


Figure 1. Current Great Streets Luminaire

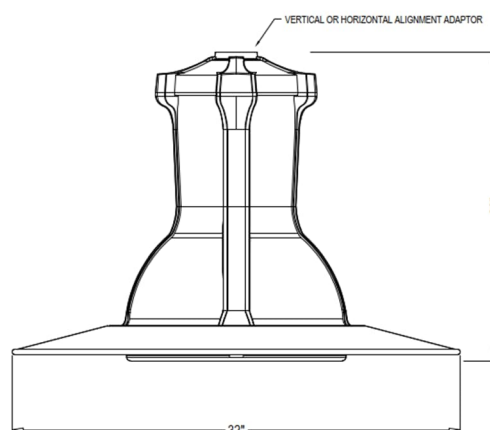


Figure 2. Proposed Great Streets Luminaire

BED has worked with Spring City to find a lighting assembly that fits within our Great Street Standards. In this review, however, BED found that the teardrop luminaire specified in the Great

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Streets Standards does not meet the Illumination Engineering Society (IES) standards because it causes too much glare. For this reason, BED and DPW are proposing to use the luminaire shown in **Figure 2** instead.

For consistency, BED and DPW would like to use the same lighting assembly throughout downtown. This makes it easier for BED to keep extra in stock in case one needs repairs and also provides a consistent aesthetic in the downtown. If approved, BED will eventually replace the existing Great Streets luminaires on Saint Paul Street with the proposed luminaire too.

Based on quotes from lighting vendors in 2024, the proposed Great Streets lighting assembly is less expensive than the current one in use. For the Great Streets Main Street project, the lights will be purchased using funding from the Downtown TIF. For the Great Streets Reconnecting Bank & Cherry project, the lights will be purchased using a combination of funding sources including our \$22 million RAISE grant, CDS funds, and Waterfront TIF. The lighting cost has already been considered in both project's budgets.

This revision to the Great Streets Standards has been determined to be significant enough to require Council action. The Council's Transportation, Energy & Utilities Committee recommended Council approval of this modification at their November 26, 2024 meeting.

Best Practices and Safety Updates

Our motion also seeks to provide the Burlington Electric Commission with the authority to approve changes to the Great Streets lighting assembly that are best practice or safety updates. In this case, best practices or safety updates refers to any updates to the standards that the Burlington Electric Department's Lighting Policy references. That includes, but it not limited to, lighting standards published by the Illuminating Engineering Society (IES).

Board of Finance and City Council Submission ChecklistDepartment: Department of Public Works Submitter: Julia UrsakiTitle/Subject: Great Streets Lighting Assembly Update

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/16/2024
☐	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	12/5/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	12/11/2024	Joe Magee
Board/Commission, if required	Yes	11/26/24	TEUC
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	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	12/6/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	12/12/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	TEUC



Burlington Department of Public Works
Water Resources Division
235 Penny Lane
Burlington, VT 05401
(802) 863-4501

MEMORANDUM

TO: Board of Finance and City Council

FROM: Megan Moir and Steve Roy, DPW - Water Resources

DATE: December 16, 2024

CC: Chapin Spencer, DPW Director

RE: Second Amendment to Work Assignment Agreement #3 with Utility Services Co., Inc. for additional scope items associated with Redstone Tank Rehabilitation

REQUEST:

The Department of Public Works ("DPW") and its Water Resources Division ("WRD") seeks authorization to execute an amendment to work assignment agreement in the amount of \$14,238 with Utility Services Co. Inc. for minor scope additions that were identified as necessary during the Redstone Tank Rehabilitation project. This amended scope of work now includes: a) sandblasting/coating of the underground tank vault piping to increase service life, and b) replacement of tank ladder from catwalk to the roof.

BACKGROUND:

Since 1991 the City has leased space on the Redstone tank to a number of the cell carriers for their antennas with the latest being AT&T. Leasing space to cellular carriers on existing elevated structures is an alternative source of revenue for municipalities. In our case, FY24 anticipated revenue is approximately \$111K.

On July 23, 2019, after approval by the Board of Finance and City Council, the City executed a long term Master Service Agreement with Utility Services Co., Inc., a company that specializes in the maintenance and rehabilitation of water tanks. Work under this contract is authorized via Work Assignment Agreements (WAA). Below is a listing of the work assignment agreements to date:

- WAA #1: Rehabilitation of the UVM Tank (annual payments for 5 years) - total \$853,460
- WAA #2: Inspections and Maintenance of UVM Tank (annual payments over 10 years) – total \$443,334
- WAA #3: Rehabilitation of the Redstone Tank (annual payments for 5 years) - total \$549,980
 - o First Amendment to WAA #3. Increased maximum limiting amount (MLA) by \$135,385 to \$685,365 with this cost increase entirely funded by cellular carrier AT&T.
 - o This proposed second Second Amendment to WAA #3 by \$14,238 for amended scope of work.
- WAA #4: Inspections and Maintenance of the Redstone Tank (annual payments over 10 years) – total \$220,887
- WAA #5: Installation of an FAA compliant beacon on UVM Tank - \$2,334
- WAA #6: Design of Cell Antenna Corral - \$15,000

- WAA #7: Design of Redstone Tank Structural Fortifications - \$7,204
- WAA #8: Construction cost of Redstone Tank Corral and Structural Fortifications - \$245,000
- WAA #9: Price Increase of \$135,385 from project delays, 100% funded by AT&T

This cost increase will be funded through Water Capital Outlay (460-19-400-410.9500). The rehabilitation of the Redstone Elevated Storage tank was completed earlier this year and no further amendments to this WAA #3 are anticipated. The WAA will be in effect until the 5 year payment period is completed.

MOTIONS:

The Department of Public Works and its Water Resources Division respectfully request that the Board of Finance and City Council approve the following motions:

Board of Finance Actions:

"To approve and recommend that the City Council authorize Chapin Spencer, Director of the Department of Public Works, to execute the second amendment to Work Assignment Agreement #3 with Utility Services Co. Inc. for an amount not to exceed \$14,238, subject to the final review and approval of the City Attorney's Office."

City Council Actions:

"To approve and authorize Chapin Spencer, authorize Chapin Spencer, Director of the Department of Public Works, to execute the second amendment to Work Assignment Agreement #3 with Utility Services Co. Inc. for an amount not to exceed \$14,238, subject to the final review and approval of the City Attorney's Office."

Thank you for your consideration of this request.

**SECOND AMENDMENT TO THE WORK ASSIGNMENT AGREEMENT #3
BETWEEN UTILITY SERVICES CO., INC. AND THE CITY OF BURLINGTON
REGARDING REDSTONE WATER TANK REHABILITATION**

A second amendment to the Agreement between Utility Services Co, Inc. and The City of Burlington regarding the Work Assignment Agreement #3 for Redstone Water Tank Rehabilitation (“First Amendment”) is made and entered into as of _____ by and between the City of Burlington, a Vermont municipal corporation (“City”), and Utility Services Co, Inc. (“Contractor”) (collectively, “the parties”).

Background

A. The parties entered into that certain work assignment agreement #3, dated as of July 23, 2019 (the “Work Assignment Agreement”) in order to establish the Contractor’s scope of work and payments to perform necessary rehabilitation and maintenance related to the City’s Redstone Water Tank for the Water Resources Division.

B. Due to circumstances outside of both parties’ control, various elements within Work Assignment Agreement #3 must be modified in order to complete the specified scope of work, including amendments to scope of work, increase to the maximum limiting amount and update to the annual payment schedule.

C. The parties desire to enter into this Second Amendment in order to:

- 1) Adjust the scope of work to include a) sandblasting/coating of the underground tank vault piping to increase service life, and b) replacement of tank ladder from catwalk to the roof.
- 2) Increase the total maximum limiting amount (MLA) of the agreement by \$14,238 for a total MLA of \$699,603.
- 3) Adjust the payment schedule to reflect that the \$14,238 increase will be paid with the first payment to keep the remaining four (4) payments at the original amounts.

NOW THEREFORE, in consideration of the Background described above and other good and valuable consideration, IT IS AGREED by and between the City and Contractor as follows:

1. The following changes are proposed in the First Amendment text of Agreement Section 5. (PAYMENT FOR SERVICES), Subsection A. (Contract Fee), the original text of:

“A. Contract Fee. The City shall pay Contractor in five installments as follows:

Payment Year 1:	\$245,381
Payment Year 2:	\$109,996
Payment Year 3:	\$109,996
Payment Year 4:	\$109,996
Payment Year 5:	\$109,996

Will be replaced with:

Payment Year 1:	\$259,619
Payment Year 2:	\$109,996
Payment Year 3:	\$109,996
Payment Year 4:	\$109,996
Payment Year 5:	\$109,996

The initial installments for Payment Year 1 shall be due and payable within 30 days of completion of the renovation and repairs described in §4 and Attachment A of this Contract. Each additional yearly installment payment thereafter shall be made as two equal annual payments on or before December 31 (payment 1) and on or before June 30 (payment 2) of each subsequent City Fiscal Year. Invoices for Year 2 and beyond payments shall be submitted by November 1 and May 1. Contractor agrees to accept this payment as full compensation for performance of all services and expenses (including those of subcontracts, if any) under this Contract.”

2. In Agreement Section 5. (PAYMENT FOR SERVICES), Subsection B. (Maximum Limiting Amount), the First Amendment text of:

“B. Maximum Limiting Amount. The total amount that may be paid to the Contractor for all services and expenses under this Contract shall not exceed the maximum limiting amount of **\$685,365**. The City shall not be liable to Contractor for any amount exceeding the maximum limiting amount without duly authorized written approval.”

shall be replaced with:

“B. Maximum Limiting Amount. The total amount that may be paid to the Contractor for all services and expenses under this Contract shall not exceed the maximum limiting amount

of **\$699,603**. The City shall not be liable to Contractor for any amount exceeding the maximum limiting amount without duly authorized written approval.”

3. Contractor agrees to not present the City with additional cost increases for project delays beyond the City’s control. This includes, but is not limited to, delays caused by acts of God, public health emergencies, epidemics, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which is not under its control.
4. Except as specifically amended by the terms of this Second Amendment, the Agreement remains in full force and effect. Unless specifically defined in this Second Amendment, all terms shall have the meanings contained in the Agreement.

IN WITNESS WHEREOF, this First Amendment is executed as of the day and date first above written.

CITY OF BURLINGTON, VERMONT

By: _____
Chapin Spencer
Director of Department of Public Works
Duly Authorized Agent

UTILITY SERVICES GROUP CO. INC.

By: _____
Duly Authorized Agent

(Print Name and Position)



August 30, 2024

Steve Roy
Burlington Public Works
235 Penny Lane
Burlington, Chittenden VT 05401

RE: Addendum to Water Tank Maintenance Contract with Utility Service Co., Inc.

Dear Mr. Roy:

This letter agreement shall serve as an addendum to the Water Tank Maintenance Contract ("Original Contract") described as follows:

Original Contract Date	Tank Name	Gallons	Type	Tank Project#	Customer #
23-JULY-2019	REDSTONE TANK	150,000	ELEVATED	147956	37193

The following changes shall be made to the Original Contract:

TERMS: The Redstone Tank shall receive the one-time repair of pipe blasting and coating and ladder replacement. The additional fee for this one-time repair shall be \$14,238.00. This amount shall be invoiced upon completion of the repair work.

Any and all other aspects of the Original Contract not addressed in this addendum shall remain unmodified and in full force and effect.

I appreciate this opportunity and look forward to working with you in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Cato".

Jonathan Cato
Chief Operating Officer

Burlington Public Works, VT

Authorizing Signature: _____ **Title:** _____

The above signatory certifies that he or she is duly authorized to sign this Addendum on behalf of the entity(ies) represented.

Printed Name: _____ **Date:** _____

Board of Finance and City Council Submission Checklist

Department: DPW-Water Resources Submitter: Steve Roy/Megan Moir

Title/Subject: Redstone Tank Second Amendment to WAA#3

	Approval:	Meeting Date:
☐	Board of Finance	
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/16/2024

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	12/10/24	Chapin Spencer
Mayor's Office informed and approved memo	Yes	12/11/24	Erin Jacobsen
Board/Commission, if required			
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	11/13/24	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/10/24	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	YES	12/10/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	Yes	USG Cost Proposal
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



To: Board of Finance
City Council

From: Megan Moir, Division Director - Water Resources
Matt Dow, Wastewater Facilities Manager

Cc: Chapin Spencer, DPW Director
Tony Berry, Human Resources Manager

Date: December 16, 2024

Subject: Water Resources FY25 Personnel Reorganization - Various

EXECUTIVE SUMMARY

The Water Resources Division (WRD) of the Department of Public Works (DPW) requests Board of Finance and City Council approval for a variety of organizational changes related to the Water Resources Division Wastewater, Drinking Water and Utility Billing/Customer Care workgroups. These include:

1. Reclassification of the Wastewater Facilities Manager (Non-Union Grade 22) to Director of Wastewater Facilities (Non-Union Grade 24)
2. Reclassification of the Chief of North, East and Pump Stations (Non-Union Grade 20) to Wastewater Treatment Manager (Non-Union Grade 22)
3. Reclassification of the Drinking Water Facilities Manager (Non-Union Grade 22) to Director of Drinking Water Production (Non-Union Grade 24)
4. Creation of a Drinking Water Production Manager (Non-Union, Grade 22)
5. Reclassification of the Senior Customer Care Associated (AFSCME, Grade 16) to Utility Billing and Customer Care Manager (Non-Union, Grade 20) (Position is currently vacant)

Additional details are provided below in the background.

Funds for these organizational changes were included in the approved FY25 Drinking Water, Wastewater and Stormwater budgets.

BACKGROUND

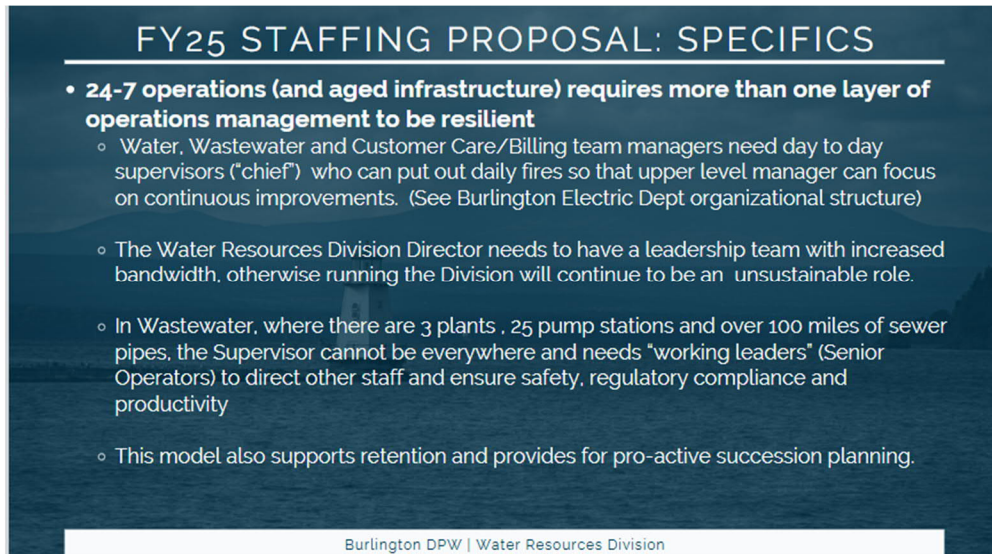
In our June 2024 personnel reorganization memo¹ we provided detailed background regarding the challenges faced by the Water Resources division. In the FY25 budget presentation² we summarized these challenges into 5 themes of action:

1. Incentivize staffing excellence
2. Pay commensurate with responsibility
3. Plan for organizational succession
4. Increase operational efficiencies
5. Increase/support division level leadership bandwidth

¹ <https://burlingtonvt.portal.civicclerk.com/event/7005/files/attachment/4998>

² <https://bit.ly/WRFY25Budget>

The changes described below and requested in this memo are directly related to items 2, 3, 4 and 5 of the five challenges identified above. The requests in this memo were detailed in this FY25 budget presentation slide:

A presentation slide with a dark blue background and white text. The title "FY25 STAFFING PROPOSAL: SPECIFICS" is at the top. Below it is a bulleted list of four points. The footer "Burlington DPW | Water Resources Division" is at the bottom.

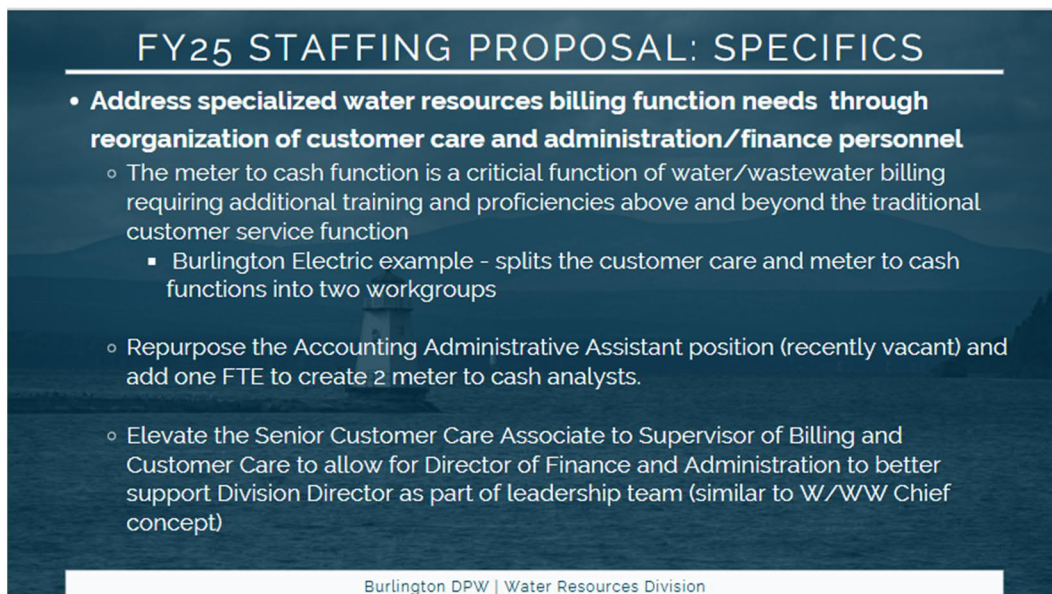
FY25 STAFFING PROPOSAL: SPECIFICS

- **24-7 operations (and aged infrastructure) requires more than one layer of operations management to be resilient**
 - Water, Wastewater and Customer Care/Billing team managers need day to day supervisors ("chief") who can put out daily fires so that upper level manager can focus on continuous improvements. (See Burlington Electric Dept organizational structure)
 - The Water Resources Division Director needs to have a leadership team with increased bandwidth, otherwise running the Division will continue to be an unsustainable role.
 - In Wastewater, where there are 3 plants, 25 pump stations and over 100 miles of sewer pipes, the Supervisor cannot be everywhere and needs "working leaders" (Senior Operators) to direct other staff and ensure safety, regulatory compliance and productivity
 - This model also supports retention and provides for pro-active succession planning.

Burlington DPW | Water Resources Division

Burlington Electric Organizational Structure shows multiple layers of non-union leadership below the General Manager. While the Division Director role is not 100% equivalent to the General Manager in that it is not a department head, functionally it serves much of the same roles as the GM when it comes to managing and overseeing the Water Resources Utilities, and needs a leadership team with sufficient bandwidth to ensure that all areas of operation are being properly overseen. This includes having capacity to respond to infrastructure emergencies which are inevitable with our aged infrastructure, as well as to manage the 24-7 operations while the facilities are undergoing the planned capital upgrades. More detail is provided in the "Summary of Organizational Changes" below.

Furthermore, the request related to the Utility Billing and Customer Care Manager is the first step of the functional reorganization (also similar to the Burlington Electric structure) described in another FY25 budget slide:

A presentation slide with a dark blue background and white text. The title "FY25 STAFFING PROPOSAL: SPECIFICS" is at the top. Below it is a bulleted list of three points. The footer "Burlington DPW | Water Resources Division" is at the bottom.

FY25 STAFFING PROPOSAL: SPECIFICS

- **Address specialized water resources billing function needs through reorganization of customer care and administration/finance personnel**
 - The meter to cash function is a critical function of water/wastewater billing requiring additional training and proficiencies above and beyond the traditional customer service function
 - Burlington Electric example - splits the customer care and meter to cash functions into two workgroups
 - Repurpose the Accounting Administrative Assistant position (recently vacant) and add one FTE to create 2 meter to cash analysts.
 - Elevate the Senior Customer Care Associate to Supervisor of Billing and Customer Care to allow for Director of Finance and Administration to better support Division Director as part of leadership team (similar to W/WW Chief concept)

Burlington DPW | Water Resources Division

The current and proposed organizational chart (with legend to denote the type of change) for each workgroup where changes are occurring is provided as Attachment A with all job descriptions change requests provided in Attachment B. All positions were graded by the Human Resources Department. The reclassification of the Senior Customer Care Associated (currently AFSCME) into a Non-Union Utility Billing and Customer Care Manager was reviewed with AFSCME membership. Given the large context of the fully realized reorganization (including the proposed addition of an AFSCME position) the Union has agreed to transition the position out of the Union so it can provide direct supervision (vs. team lead) to the workgroup.

Looking Ahead

This request represents the penultimate step in advancing the changes proposed within the FY25 budget. The final step of the FY25 proposed organizational changes will be brought to Board of Finance and City Council in early 2025. The changes are shown on the organizational chart in the green box. They include:

- Creation of two (2) tiered Meter-to-Cash Analyst I/II position via:
 - a. Redescription/reclassification of the vacant Accounting and Administrative Assistant position into a tiered Meter-to-Cash Analyst position.
 - b. Creation of a new FTE to fill the second tiered Meter-to-Cash Analyst I/II position.

SUMMARY OF ORGANIZATIONAL CHANGES

Reclassify the Drinking Water and Wastewater Facilities Manager positions to Director of Drinking Water Production and Director of Wastewater Facilities with similar grading and duties to other Director positions

The level of operational responsibility is significant for these positions. Unlike other portions of DPW, the drinking water and wastewater operations are 24-7 constant operations – in that respect they are more similar to the operations of the Burlington Electric Department. In addition to their 24-7 nature, both drinking water and wastewater operations must adhere to strict State and Federal regulations and must be operated properly to ensure the protection of public health and provision of essential utility services to the City of Burlington.

With the re-write of the job descriptions, these positions are expected to serve in 4 main functions: Operational Oversight, Supervision, Administration and Continuous Improvement. The job descriptions have been re-written to outline level of leadership expected from these positions and the addition of manager positions beneath them will ensure that they have bandwidth to operate at this higher level as part of the Water Resources management team.

While they will both have Manager level positions to tackle the day-to-day oversight, they will still be the person ultimately responsible for ensuring adherence of their facilities to all respective regulations for their workgroup.

Together with the reorganization of the Chief of North, East and Pump Stations into the Wastewater Treatment Manager, the Wastewater leadership team will increase capacity to address the upcoming capital upgrades and to manage the challenges of keeping these aged assets functioning until the construction is complete. Once complete, significant effort will be involved in training staff on new processes, updating SOPs and then ensuring that ongoing asset management and capital planning occurs to ensure the protection and maintenance of these renewed and new assets.

Similarly, on the Drinking Water side – the addition of a Manager to the organizational structure of the Drinking Water Production group means that the Director will be able to absorb the existing capacity that will be lost with

the departure of the Risk and Resiliency Engineer, Steve Roy, in June 2025. Similar to the infrastructure challenges on the wastewater side, the Drinking Water Plant is 40 years old and other facilities (Reservoir Pump Station) are even older. Water Resources will be initiating a comprehensive preliminary engineering evaluation of the Plant in calendar year 2025 and construction of a new pump station in 2026, and this will require significant engagement from the Director. In order for this to happen, the manager is needed to keep the day to day operations on track and addressing operational challenges that may come up due to infrastructure emergencies.

The current Facilities Manager positions are graded as Non-Union Grade 22. The Human Resources (HR) Grading Committee graded the revised job descriptions as Non-Union Grade 24.

Create Operations Manager for the Wastewater Treatment Plants (re-describe and reclassify the Chief of North, East and Pump Stations into a newly described Wastewater Treatment Manager)

This manager position will come from a reclassified Chief of North, East, and Pump Stations. The overall duties are somewhat similar – being that this role would be responsible for day to day operations and permit compliance and supervision of staff. However this position will now have to oversee 3 (vs. 2) wastewater plant facilities (each with its own permit) and staff in addition to taking on the more complex operations at the Main Wastewater Plant (wet-weather operations) and biosolids management. These are the more complex operations that recently factored into the tiering of Wastewater Operator positions. Additional requirements have been added related to supervision and certifications. Pump Station oversight duties are now part of the Collection System Managers duties. This position will allow the Director to focus on advancing the important capital upgrades for the Wastewater Facilities and will add additional capacity to address the inevitable challenges of keeping the plants running in the interim, since project completion is still years away.

The current Chief of North, East and Pump Station position is graded as a Non-Union Grade 20. The Human Resources (HR) Grading Committee graded the revised job descriptions as Non-Union Grade 22.

Create Operations Manager for the Drinking Water Production work group (new position Drinking Water Production Manager)

The Drinking Water Production Manager oversees the City's Drinking Water permit compliance which includes the water treatment plant and storage facilities (reservoir and elevated tanks). Additionally, Drinking Water permit and regulatory compliance is directly relevant to public health since improperly treated drinking water can have real impacts to the community. On the water supply side, production of adequate supply of water is critical for fire protection and to supply UVMCC. Because of its criticality, the Drinking Water Plant is staffed 24-7 (with an accompanying scheduling MOU) which presents unique challenges for the manager of the workgroup. Additionally, the water plant has not had significant upgrades since 1984, and this Manager position will be the first rung of defense in addressing operational challenges that occur due to infrastructure emergencies until the plant can be upgraded. This position will also allow the Director to focus on absorbing the loss in technical oversight capacity currently provided by the Risk and Resiliency Engineer, who is retiring in June 2025 and on advancing the important capital upgrades for the plant.

The Human Resources (HR) Grading Committee graded the new job description as Non-Union Grade 22.

Create Operations Manager for the Utility Billing and Customer Care Team (re-describe and reclassify the Senior Customer Care Associate into a newly described Utility Billing and Customer Care Manager)

This is the initial step in a redesign of the current Customer Care team (which currently handles billing) into a large team with two functional sub groups – Customer Care and Meter to Cash functions.

A series of serious and significant billing errors discovered in 2017 uncovered the need for much more robust meter to cash and revenue assurance processes and increased staff resources to meet the new level of process. This resulted in an initial addition of a Senior Customer Care position in 2019. While the Senior Customer Care position was a step in the right direction, the team has still struggled to meet all of its needed proficiencies, which as a result, necessitates a high level of input and guidance from the Director of Finance and Administration. This, in turn, prevents the Director of this work group from being able to address some of the higher level needs of the organization and this does not support the sustainability of the organization. We attribute these struggles to:

- o The Senior Customer Care being a team lead (Union) vs. a direct supervisor (non-Union)
- o The difficulty of performing detailed QA/QC work when also trying to perform customer care duties (numerous interruptions); this has specifically been reported by both current and past CCAs.
- o The job duties and grading of the Customer Care positions (including the Senior) not attracting or retaining the right skill, education and experience for the more complex work related to the meter-to-cash cycle.

Additionally, Water Resources has recently deployed hardware that will support our shift to AMI technology (Advanced Metering Infrastructure/Smart Metering). It is an important piece of giving customers more control and knowledge over their water bills which is key for keeping their costs down with the proposed rate increases. This will require more staff capacity to support.

Once again, we looked at the BED organizational structure to understand how that utility's organizational structure approached this particular utility function. The main takeaways:

- BED's Meter to Cash function is separate from their Customer Care function
- Similar to the other operational workgroups, BED has an additional layer of non-union management in both the finance group where the meter-to-cash analysts reside and in the customer care group.
- BED has employed tiering in the Meter to Cash roles

From these observations we identified the following near term actions:

- 1) Create a Billing and Customer Care Manager from the recently vacated (November 2024) Senior Customer Care position. (included in this request)
- 2) Add two meter to cash analyst positions to the Water Resources Customer Care/Billing team (Early 2025)
 - a. The Accounting and Admin position has been vacant since May 2024. While it is possible that this support position may need to be brought back in the future as the Senior Financial and Administrative Analyst takes on more duties, currently this FTE would best be repurposed into one of the two meter to cash analyst roles.
 - b. Shift billing activities to the meter to cash analyst positions
 - i. Once those positions are filled and trained, the Customer Care Associates will focus on the revenue collection aspect of billing only and be better able to focus on customer

care activities, including being able to better keep our customers informed about affordability initiatives and providing accurate and timely information to requests for information about our numerous infrastructure projects.

- c. Tier the Meter to Cash Analyst positions
 - i. BED has 3 tiers, we will be proposing the first two tiers so we can grow this new workgroup. However, there is room in the grading framework to add a tier III when employees are ready to move up further on the tiering ladder.

The Human Resources (HR) Grading Committee graded the revised job description as Non-Union Grade 20. The removal of the AFSCME Senior Customer Care position from the Union was discussed with AFSCME and they are supportive, given that with the addition of the two AFSCME Meter to Cash positions (one from a repurposed existing AFSCME role and the other a new AFSCME FTE) the impact to the Union number of positions will be net neutral.

BUDGET IMPACT

The City's Human Resources Department has reviewed the position descriptions, and determined the recommended pay scale for these positions. The salary impacts were calculated using the FY25 pay-scales. Funding for these proposed personnel changes including any associated benefits such as retirement contributions for existing positions and health, dental, life and retirement for new positions was included in the 5000_910 Salaries and Wages Total Compensation Contingency expense lines of the FY25 Wastewater and Stormwater Budgets. Authorization of a budget neutral amendment is requested in this memo to distribute those budgeted amounts to the appropriate personnel expense lines. Note, by FY26, the budgetary impact of the Creation of the Drinking Water Production position will be neutral due to the retirement of the Drinking Water Risk and Resiliency Engineer.

Position	Current Grade	New Grade	Salary Impact ¹
Reclassification of Wastewater Facilities Manager to Director of Wastewater Facilities	Non-Union, Grade 22	Non-Union, Grade 24	\$5,869
Reclassification of Chief of North, East and Pump Stations to Wastewater Treatment Manager	Non-Union, Grade 20	Non-Union, Grade 22	\$5,599
Reclassification of Drinking Water Facilities Manager to Director of Drinking Water Production	Non-Union, Grade 22	Non-Union, Grade 24	\$6,732
Creation of Drinking Water Production Manager	N/A	Non-Union, Grade 22	\$89,009 - \$99,358
Reclassification of Vacant Senior Customer Care to Utility Billing and Customer Care Manager	AFSCME, Grade 16	Non-Union, Grade 20	\$20,576 - \$23,047

Notes

1) Unless otherwise noted, reclassifications use 5% minimum rule

2) For new positions or positions without an incumbent, range shown is Step 1-7 of the grade

Motions

Board of Finance Motion:

1. To recommend that the City Council approve the:
 - Reclassification of the Wastewater Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Wastewater Facilities - a Regular, Full-time, Exempt, Non-Union, Grade 24 position.
 - Reclassification of the Chief of North, East and Pump Stations - a Regular, Full-time, Exempt, Non-Union, Grade 20 position, to Wastewater Treatment Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position.
 - Reclassification of the Drinking Water Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Drinking Water Production - a Regular, Full-time, Exempt, Non-Union, Grade 24 position.
 - Creation of a Drinking Water Production Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, position.
 - Reclassification of the Senior Customer Care - a Regular, Full-time, Non- Exempt, AFSCME, Grade 16 position, to Utility Billing and Customer Care Manager - a Regular, Full-time, Exempt, Non-Union, Grade 20 position.
2. To approve and recommend that the City Council authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000. 5000_910, 460-19-400-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.

City Council Motion:

1. To approve the:
 - Reclassification of the Wastewater Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Wastewater Facilities - a Regular, Full-time, Exempt, Non-Union, Grade 24 position.
 - Reclassification of the Chief of North, East and Pump Stations - a Regular, Full-time, Exempt, Non-Union, Grade 20 position, to Wastewater Treatment Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position.
 - Reclassification of the Drinking Water Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Drinking Water Production - a Regular, Full-time, Exempt, Non-Union, Grade 24 position.
 - Creation of a Drinking Water Production Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, position.
 - Reclassification of the Senior Customer Care - a Regular, Full-time, Non- Exempt, AFSCME, Grade 16 position, to Utility Billing and Customer Care Manager - a Regular, Full-time, Exempt, Non-Union, Grade 20 position.
2. To approve and authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages

Total Compensation Contingency lines 480-19-425-000.5000_910, 460-19-400-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.

Attachments:

- A. Current and Proposed Water Resources Division Organizational Chart
- B. Job Descriptions

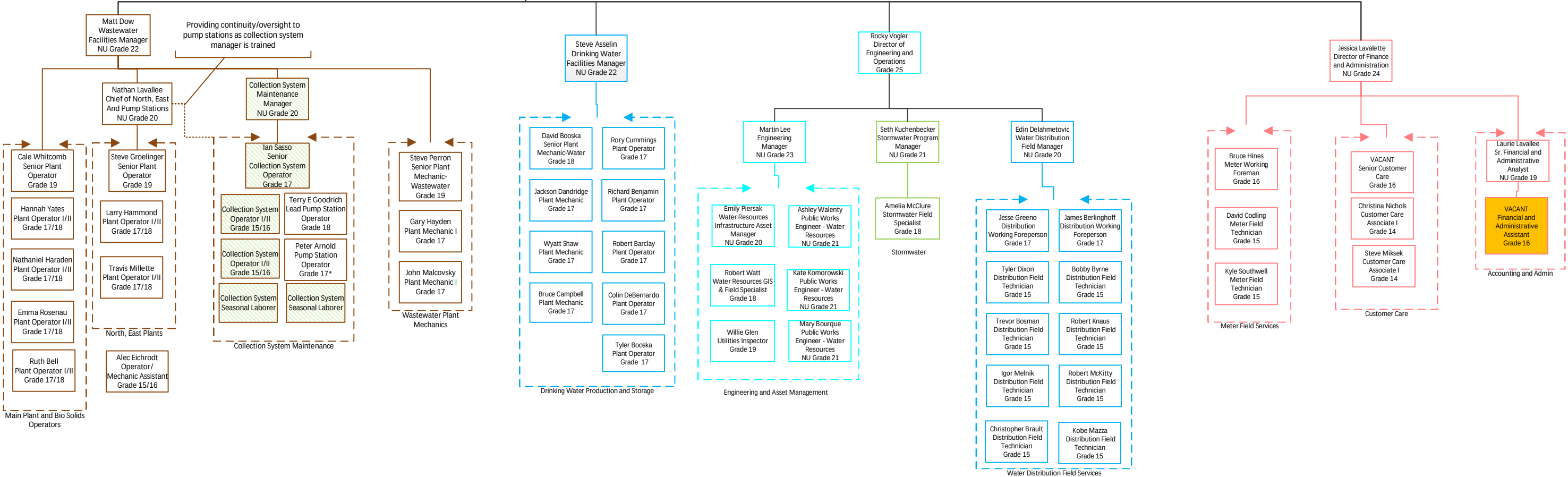
Retiring June 30,
2025

Steve Roy
Risk and Resiliency
Specialist - Water
Resources
Grade 23

Megan Moir
Division Director
Water Resources
Mkt Factor

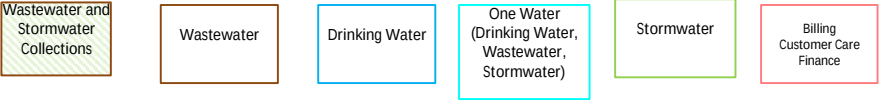
Eleanore Walker
Water Policy and
Program Advisor
Grade 21

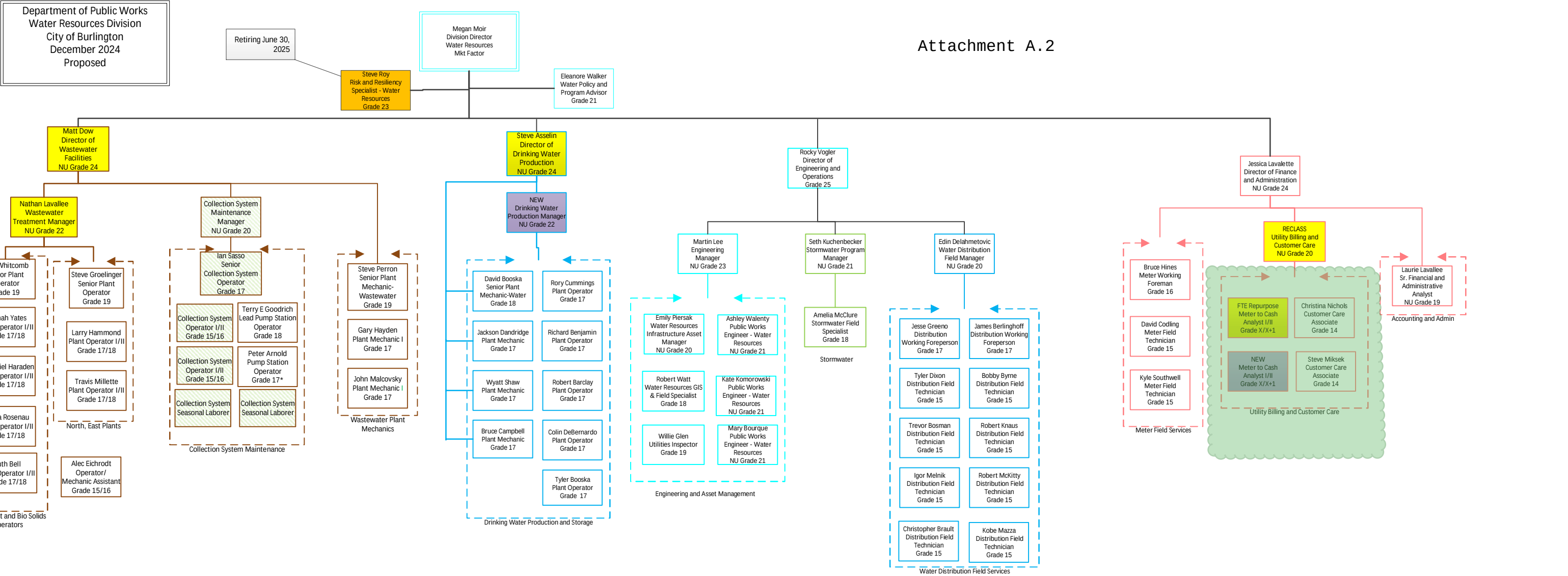
Attachment A.1



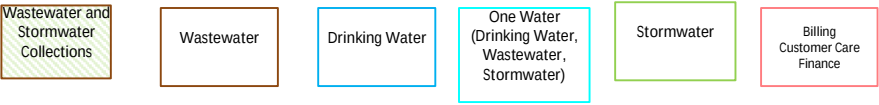
FTE that will be
repurposed

WORKGROUP FUNCTION KEY

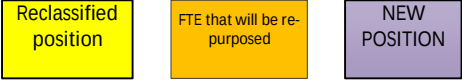




WORKGROUP FUNCTION KEY



ORGANIZATIONAL PERSONNEL ACTION KEY



Director of Wastewater Facilities
Page 1 of 6

City of Burlington Job Description

Position Title: Director of Wastewater Facilities (reclassified from Wastewater Facilities Manager)

Department: Department of Public Works

Reports to: Division Director Water Resources

Pay Grade: 24

Job Code: 406

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose:

Under administrative direction from the Division Director, oversees, supervises and coordinates the operations, regulatory compliance, maintenance, and capital improvements of the City's Wastewater systems (Main, North and East Plants, Pump Stations and collections systems).

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

Operations Oversight

- Responsible for ensuring City's compliance with Wastewater Permits to Operate and all State regulations related to unpermitted discharges (CSOs and SSOs) from Wastewater Facilities.
- Oversees the organization, staffing and operations activities for the Wastewater Facilities including assuming responsibility for critical decisions regarding operational changes, process control, maintenance priorities, scheduling and compliance with all applicable regulations.
- Directs, coordinates, and review progress of the monthly, quarterly and annual work plans for operation and maintenance functions, services and activities for all aspects of the Wastewater Facilities; ensures the implementation of workplans through the Wastewater Treatment Manager, Collection System Manager and Senior Mechanic.
- For all Wastewater Facilities, develops and ensures implementation of techniques and programs for gathering data and monitoring trends; analyzes overall plant or pump station performance trends, recommends and implements process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy consumption, biosolids management, staff resources, cost mitigation etc.) and optimized plant effluent quality.
- Responsible for final review of WR-43 Plant Monthly Operations Report for all Wastewater Treatment Plants prior to submission by the Wastewater Treatment Manager.
- In collaboration with the Water Resources Asset Manager, ensures that maintenance

requirements and actions for wastewater facility assets are recorded in the City's asset management software.

- Ensures timely development of and regular updates to all the Operation and Maintenance Manuals, all necessary Standard Operating Procedures and various regulatory plans (Emergency Response Plan, Sludge Management Plan, Spill Response Plan etc.).
- Oversee building and grounds maintenance activities for all wastewater facilities.
- Reads, understands and ensures compliance with the City of Burlington Safety Manual and, in conjunction with the City Safety Manager, reporting injuries, evaluating job hazards, ensuring adherence to training schedules and recommending safety equipment.
- Monitors State and Federal regulatory changes and reports on operational, budgetary, staffing and other implications to the Division Director.
- Performs all duties of subordinates as required.

Capital Improvements:

- Provides significant input into the Wastewater Facilities Capital Improvement Plans, including prioritization of projects
- In collaboration with Water Resources Engineers, Senior Plant Mechanic, Wastewater Treatment Manager, and Collection Systems Manager, responsible for ensuring that items within the Wastewater Capital Plan are implemented as scheduled.
- Reviews reports and designs related to capital improvements to ensure compatibility with operations.
- Collaborates with Water Resources Engineers to provide operational oversight on the implementation of capital improvement projects.

Supervision

- Supervises the wastewater leadership team (Wastewater Treatment Manager, the Collection Systems Manager, and the Senior Wastewater Mechanic.
- Establishes proficiency and performance standards for all wastewater group personnel; evaluates performance of direct reports informally and formally at regular intervals and ensures regular performance evaluations of their subordinates.
- Ensures the proper supervision and training of Wastewater Facilities Staff including scheduling training and developing training programs to ensure staff are properly trained in wastewater treatment, analysis for discharge permit parameters, process control analysis, corrective and preventative maintenance of equipment and collection systems, and safety requirements.
- Oversees the hiring and ensures the proper on-boarding of all wastewater facilities personnel
- Responsible for ensuring compliance of all work within the Wastewater Facilities group with the AFSCME Collective Bargaining Agreement.
- In collaboration with Human Resources, supports a culture of professional accountability through the implementation of the disciplinary ladder as necessary.
- Meets with staff regularly to identify and resolve issues.

Administration

- Participates in the development and administration of a \$10.8million dollar annual

operating and capital budget, in planning for the next budget period by evaluating past expenditures, estimating future costs and making determination of new budget amounts; approves and submits purchase orders to the Division Director for purchases originating in the Wastewater Facilities group; recommends budget adjustments as necessary

- Receives, investigates, and delegates or responds to a variety of requests for information or assistance from the general public, other City departments, vendors, federal and state agencies and other treatment plants.
- Prepare a variety of written and numerical records and reports for the Division Director, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects.
- Responsible for ensuring purchasing and contracting activities of the Wastewater Facilities group adhere to the City's Purchasing Policy.
- Responsible for procurement and contracting for wastewater treatment chemicals, underwater inspections, biosolids handling, on-call electrical and mechanical services.
- Coordinates with Customer Care and Water Resources Policy and Programs Advisor on public outreach and education related to Wastewater Facilities

Continuous Improvement

- Support the Division Director in developing and advancing continuous improvement efforts towards the effective utility management principles of operational optimization, financial viability, customer satisfaction/stakeholder understanding and support, and employee leadership and development for the Wastewater Facilities work group. This includes, but is not limited to:
 - the development, measurement and tracking of appropriate key performance indicators (KPIs)
 - monitoring of industry trends and reporting on innovative ways to elevate the effectiveness of the Water Resources Utilities
 - stays current on emerging technologies and trends within wastewater and collection systems fields.
- Together with the Division Director, participates in the identification of goals and priorities for the Wastewater Facilities to ensure continuous organizational and operational improvement. Develops resultant objectives, plans, policies and procedures.
- Monitors the efficiency and workload of the organizational structure of the Wastewater Facilities group and recommends organizational changes as necessary.
- Coordinates with the Director of Water Treatment on areas of shared interest, including but not limited to safety programs, chemical and equipment procurement.
- Implements a work culture of professional accountability, curiosity and continuous learning.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

Education, Certifications and Experience:

- Bachelor of Science in Engineering, Chemistry, Biology or related field with six (6) years

working in a WW treatment plant, Associates Degree in Engineering, Chemistry, Biology or related field with eight (8) years working in a WW treatment plant OR High School Diploma or equivalent with ten (10) years working in a WW treatment plant required.

Education/Experience Requirement Summary Table

Degree	With following number of years experience in working in a WW plant
Bachelor of Science in Engineering, Chemistry, Biology or related field	Six (6) years
Associates degree in Engineering, Chemistry, Biology or related field	Eight (8) years
High School Degree or equivalent	Ten (10) years

- Grade 5 Vermont Wastewater License or equivalent required
- Five (5) years of experience at the Grade 5 License level preferred.
- Experience with simultaneously managing multiple Wastewater Treatment Plants preferred.
- Experience with collection systems management preferred.
- Experience overseeing operations and preventative and correction maintenance of wastewater equipment preferred.
- Minimum 4 (four) years supervisory experience in an operations environment required. Previous supervisory experience in a Union environment preferred.
- Completion of the OSHA 30 is preferred, must be completed within 1 year of hire.
- Capital improvement planning and implementation experience strongly preferred.
- Valid driver's license required. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to the operation of any City vehicles or non-City vehicles for City business.

Necessary Knowledge, Skills and Abilities:

- Demonstrated knowledge of municipal wastewater collection, standard lab practices, pumping, and treatment, and sludge production and distribution systems.
- Ability to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals
- Ability to learn City budgeting and procurement requirements, and make annual budget recommendations for the Wastewater Facilities to the Division Director of Water Resources.
- Ability to interpret and apply federal, state and local policies, laws and regulations.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to understand logic associated with programmable logic controllers.
- Knowledge of and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Ability to comprehend and carry out written, oral, and diagrammatic instructions

required.

- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to develop and maintain policies and standard operating procedures.
- Ability to delegate, direct, supervise and evaluate the work of subordinate staff and the ability to train staff in wastewater treatment and collection system management.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to formulate procedures and policies and ensure conformance with City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to establish and maintain effective working relationships with staff, City officials and citizens.
- Ability to represent the Department professionally in meetings with a variety of public and elected officials, media personnel, members of the general public, etc.
- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook Email, Word and Excel programs and computerized maintenance management systems.
- Ability to enforce safety regulations and standards.
- Exposure to toxic chemicals, bacteria and noxious odors.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 50-75 pounds)
x	hearing/listening	x	carrying (specify 50-75 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex		shift work
	math skills – basic	x	moving objects
x	math skills – complex	x	pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 6

Indirectly Supervises: 14

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised 12/2/05. Revised September 2015. Revised November 2016. Revised/Created December 2024.

City of Burlington Job Description

Position Title: Wastewater Facilities Manager

Department: Department of Public Works

Reports to: Assistant Director Water Resources

Pay Grade: 22

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Under administrative direction from the Assistant Director, oversees, supervises and coordinates the operation, regulatory compliance, maintenance, capital improvements and strategic planning of the City's Wastewater Facilities (Main, North and East Plants and Pump Stations). Serves as Chief Wastewater Operator of Main Plant and sludge processing.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Supervises the Senior Plant Operator- Main Plant, Chief Operator of North, East and Pump Stations, and the Senior Wastewater Mechanic.
- Coordinate the organization, staffing and operations activities for the Wastewater Facilities including assuming responsibility for critical and complex decisions regarding operational changes, process control, maintenance priorities, scheduling and compliance with all applicable regulations.
- In collaboration with the Assistant Director, play a significant role in planning and directing the Wastewater Division's strategic and long range goals including the development and implementation of goals, objectives, policies and priorities related to the effective operation and maintenance and continuous improvement of the Wastewater Facilities.
- Responsible for the development, coordination and implementation of monthly, quarterly and annual work plans for operation and maintenance functions, services and activities at Burlington's Main Wastewater Treatment Plant. Provides significant oversight and input to the monthly, quarterly and annual operations and maintenance work plans for the other Wastewater Facilities (other plants and pump stations).
- Monitor overall Wastewater Facilities work flow and productivity; review and evaluate work products, methods and procedures; meet with staff to identify and resolve issues.
- Participate in the development and administration of a \$7.8 million annual operating and capital budget, in planning for the next budget period by evaluating past expenditures, estimating future costs and making determination of new budget amounts; approve and submit purchase orders to the Assistant Director for purchases originating in the Division;

recommend budget adjustments as necessary

- Responsible for final review and timely submission of WR-43 Plant Monthly Operations Report for all Wastewater Treatment Facilities.
- Develop and implement techniques and programs for gathering data and readings which support process control required by federal and state regulations or for which cost comparisons can be calculated
- For all Wastewater Facilities, analyze plant performance, recommend and implement process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy consumption, biosolids management, staff resources etc.) and optimized plant effluent quality.
- Prepare a variety of written and numerical records and reports for the Assistant Director, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects; maintain recordkeeping system on plant operation and maintenance.
- In collaboration with Water Resources Engineers, Senior Plant Mechanic and Chief Operator of North, East and Pump Stations, responsible for ensuring that items within the Wastewater Capital Plan are implemented as scheduled and provide input to the on-going updates to this plan.
- Analyze wastewater as required by federal and state agencies and ensure conformance with the NPDES discharge permit and effective plant operation as designed.
- Train staff in the areas of wastewater treatment, analysis for discharge permit parameters, process control analysis, corrective and preventative maintenance.
- Receive a variety of requests for information or assistance from the general public, other City departments, vendors, federal and state agencies and other treatment plants.
- Provide safety related information, training and procedures for staff and visitors.
- Perform special projects and related work as required.

As Chief Operator of Main Plant, with the assistance of the Senior Plant Operator – Main Plant:

- Comply with State reporting requirements regarding SSO and CSO events.
- Plan and schedule for vehicle maintenance as required.
- Plan and coordinate the sludge removal operation via tanker truck from the East and North wastewater treatment plant to the Main Plant for dewatering and prepares the dewatering schedule.
- Oversee operations and maintenance of the wet weather/ Combined Sewer Overflow treatment process including ensuring the proper operation of the treatment process under adverse weather conditions, including, proper pump operation, disinfection, and solids removal.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor of Science in Engineering, Chemistry, Biology or related field with six (6) years working in a WW treatment plant, Associates Degree in Engineering, Chemistry, Biology or related field with eight (8) years working in a WW treatment plant OR High School

Diploma or equivalent with ten (10) years working in a WW treatment plant required. Additional experience may be substituted for a degree requirement on a two-for-one per year basis.

- Grade 5 Vermont Wastewater Certification required.
- Five (5) years of experience at the Grade 5 Certification level preferred.
- Experience with simultaneously managing multiple Wastewater Treatment Plants preferred.
- Previous supervisory experience strongly preferred.
- Capital improvement planning and implementation experience strongly preferred.
- Ability to obtain and maintain a valid driver's license.
- Demonstrated knowledge of municipal wastewater collection, pumping, and treatment, and sludge production and distribution systems.
- Ability to analyze complex problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals
- Ability to learn City budgeting and procurement requirements, and make annual budget recommendations for the Wastewater Facilities to the Assistant Director of Water Resources.
- Ability to interpret and apply federal, state and local policies, laws and regulations.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to understand logic associated with programmable logic controllers.
- Knowledge of and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to develop and maintain policies and standard operating procedures.
- Ability to plan, organize, assign, supervise and inspect the work of subordinates.
- Ability to train, coach, evaluate and discipline staff.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to formulate procedures and policies and ensure conformance with City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- Ability to establish and maintain effective working relationships with staff, City officials

and citizens.

- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook Email, Word and Excel programs and computerized maintenance management systems.
- Ability to enforce safety regulations and standards.
- Exposure to toxic chemicals, bacteria and noxious odors.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 50-75 pounds)
x	hearing/listening	x	carrying (specify 50-75 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex	x	shift work
	math skills – basic	x	moving objects
x	math skills – complex	x	pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment

x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 3

Indirectly Supervises: 9

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created June 2017.

Wastewater Treatment Manager (All Plants – Main, North, East)
Page 1 of 5

City of Burlington Job Description

Position Title: Wastewater Treatment Manager (reclassified from Chief of North, East and Pump Stations)

Department: Department of Public Works

Reports to: Director of Wastewater Facilities

Pay Grade: 22

Job Code: 406

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose:

This position is responsible for the operation and maintenance of all Burlington wastewater plants (Main, North and East Plant). This position is responsible for directing and evaluating the work of Plant Operators, for State and Federal wastewater treatment plant regulatory compliance, managing the sludge/biosolids disposal, process control, and preventative maintenance at these facilities. Serves as the Chief Wastewater Operator for all Wastewater Treatment Plants.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The “Qualifications/Basic Job Requirements” and the “Physical and Mental/Reasoning Requirements and Work Environment” state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Plan, organize, communicate and direct the day-to-day and on-call operation of all wastewater treatment plants. Schedule work activities, making all necessary arrangements for supplies, equipment, and staff resources. Including, but not limited to:
 - In collaboration with the Senior Plant Operators, oversee, schedule and direct Plant Operators in the operation and preventative maintenance of treatment plant processes, equipment, buildings and grounds, including laboratory analysis and process control
 - In collaboration with the Senior Plant Mechanic, schedule maintenance work, supply parts and materials for preventative maintenance of wastewater buildings, grounds and equipment; order and maintain inventory of adequate supply of parts.
 - Oversee operation and maintenance of the wet weather/Combined Sewer Overflow treatment process including ensuring the proper operation, disinfection and solids removal.
 - Oversee biosolids dewatering operation, including but not limited to, coordinating with Collection Systems Manager for tanking from North and East, managing incoming sludge from other entities and scheduling of dewatering loads.
 - Provide schedules for dewatering process tanks for preventative and corrective action
 - Maintain monthly preventative maintenance work schedule for all assets through the computerized asset management maintenance program.

- Establish and maintain wastewater data management database
- Analyze plants' performance, recommend and, under direction of Director of Wastewater, implement process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy consumption, biosolids management, staff resources, cost mitigation etc.) and optimized plant effluent quality.
- Supervise and monitor performance and proficiency of staff in the areas of wastewater treatment, laboratory analysis for discharge permit parameters, process control, preventative maintenance, and safety requirements. Evaluate staff performance and document personnel performance and growth; provide coaching, training and development of staff; recommend disciplinary action to the Director of Wastewater.
- Develops monthly, quarterly and annual work plans for operations and maintenance functions at all wastewater treatment plants. Responsible for implementation of operations work plans within appropriate time frames. Coordinates with the Senior Plant Mechanic to implement corrective maintenance functions.
- Assist the Director of Wastewater to develop, document, implement, and maintain policies and standard procedures for proper operation of the plants and plant laboratories.
- Prepare a variety of written and numerical records and reports for the Director of Wastewater, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects;
- Coordinates with the Collection Systems Manager to schedule Collection System Team staff for vactoring and general plant maintenance work (tank cleaning, painting, grounds maintenance) at the WWTPs and for the scheduling of qualified collection system team members for support of Plant Operations as needed.
- In conjunction with the Water Resources Engineers, , Senior Plant Mechanic and Director of Wastewater, ensure that items within the Wastewater Treatment Plant Capital Plan are implemented as scheduled and provide input to the on-going updates to this plan.
- Provides technical expertise to consultants, engineers and contractors on all projects related to the Wastewater Treatment Plants.
- Provide safety related information, training and procedures for staff and visitors.
- Analyze wastewater as required by federal and state agencies and ensure conformance with the NPDES discharge permits and effective plant operation as designed.
- Assists the Director of Wastewater Facilities in monitoring State and Federal regulatory changes.
- Receives and responds to variety of requests within the scope of the position for information or assistance from the general public, other City departments, vendors, federal and state agencies and other treatment plants.
- Plan and schedule for vehicle maintenance as required.
- Complete WR43 Plant Monthly Operations Report (for all plants) in a timely fashion for review by the Director of Wastewater and subsequently support report to the State of Vermont.
- Provide support for Collection Systems team as needed.
- Act in place of Director of Wastewater in their absence.
- In collaboration with the Director of Wastewater, reviews and approves requests for special industrial discharges
- Plan and lay out required maintenance activities for the sludge removal equipment and

storage tank.

- Coordinate delivery of septage and sludge from private haulers.
- Oversees purchasing for the wastewater treatment plants in compliance with the City's Purchasing Policy.
- Perform special projects and related work as required.
- Fulfills job functions of wastewater plant operator as required.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

Education, Certifications and Experience:

- Bachelor of Science in Engineering, Chemistry, Biology or related field with four (4) years working in a WW treatment plant, Associates Degree in Engineering, Chemistry, Biology or related field with six (6) years working in a WW treatment plant OR High School Diploma or equivalent with eight (8) years working in a WW treatment plant required.

Education/Experience Requirement Summary Table

Degree	With following number of years experience in working in a WW plant
Bachelor of Science in Engineering, Chemistry, Biology or related field	Four (4) years
Associates degree in Engineering, Chemistry, Biology or related field	Six (6) years
High School Degree or equivalent	Eight (8) years

- Grade 5 Vermont Wastewater Certificate (or equivalent certification from another State) preferred. Grade 4, with ability to obtain Grade 5 within 6 months, is required.
- Previous supervisory or leadership experience required.
- Grade 1 Laboratory Analyst Certification from NEWEA is preferred, must be obtained within 1 year.
- Completion of the OSHA 30 is preferred, must be completed within 1 year.
- Valid driver's license required. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to the operation of any City vehicles or non-City vehicles for City business.

Necessary Knowledge, Skills and Abilities:

- Demonstrated knowledge of municipal wastewater collection, standard lab practices, pumping, and treatment, and sludge dewatering.
- Ability to understand logic associated with programmable logic controllers.
- Knowledge of and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.

- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to learn City budgeting and procurement requirements, use the City's financial software, and make annual budget recommendations for all plants to the Director of Wastewater.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to develop and maintain policies and standard operating procedures.
- Ability to plan, organize, assign, supervise and inspect the work of subordinates.
- Ability to train, coach, evaluate and discipline staff.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to formulate and follow written procedures and ensure conformance to City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- Ability to establish and maintain effective working relationships with staff, City officials and citizens.
- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook Email, Word and Excel programs and computerized maintenance management systems.
- Ability to enforce safety regulations and standards.
- Exposure to toxic chemicals, bacteria and noxious odors.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

- | | | |
|---|---|--|
| ☒ seeing | ☒ ability to move distances | ☒ lifting (specify) |
| ☒ color perception
(red, green, amber) | within and between
warehouses/offices | 50-75 pounds |
| ☒ hearing/listening | ☒ climbing | ☒ carrying (specify) |
| ☒ clear speech | ☒ ability to mount and | 50-75 pounds |
| ☒ touching | dismount forklift/truck | ☒ driving (local/over
the road) |
| ☒ dexterity | ☒ pushing/pulling | |
| ☒ hand | | |
| ☒ finger | | |
| ☐ reading - basic | ☐ math skills - basic | ☒ analysis/comprehension |
| ☒ reading – complex | ☒ math skills - complex | ☒ judgment/decision
making |
| ☐ writing - basic | ☐ clerical | |
| ☒ writing - complex | | |
| ☒ shift work | ☒ outside | ☒ pressurized equipment |
| ☒ works alone | ☒ extreme heat | ☒ moving objects |
| ☒ works with others | ☒ extreme cold | ☒ high places |
| ☒ verbal contact w/others | ☒ noise | ☒ fumes/odors |
| ☒ face-to-face contact | ☒ mechanical equipment | ☒ hazardous materials |
| ☒ inside | ☒ electrical equipment | ☒ dirt/dust |

Supervision:

Directly Supervises: 9

Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created December 2024

Chief Operator – Wastewater Plant (North, East, Pump Stations)
Page 1 of 5

City of Burlington Job Description

Position Title: Chief Operator – Wastewater (North, East, Pump Stations)

Department: Department of Public Works

Reports to: Wastewater Facilities Manager

Pay Grade: 20

Job Code: 406

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose:

This position is responsible for the operation and maintenance of North and East wastewater plant(s) and the City's 25 pump stations. This position is responsible for directing and evaluating the work of Plant Operators and for regulatory compliance, process control, and preventative maintenance at these facilities.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Plan, organize, communicate and direct the day-to-day and on-call operation of the assigned wastewater treatment plants. Schedule work activities, making all necessary arrangements for supplies, equipment, and staff resources. Including, but not limited to:
 - Provide schedules for dewatering process tanks for preventative and corrective action
 - In collaboration with the Senior Plant Mechanic, schedule maintenance work, supply parts and materials for correction, preventative or new construction of wastewater general improvements, buildings, grounds and equipment; order and maintain inventory of adequate supply of parts.
 - Supervise the Plant Operators in the operation and maintenance of treatment plant processes, equipment, buildings and grounds; evaluate staff performance and maintain personnel performance logs; provide coaching, training and development of staff; recommend disciplinary action to the Wastewater Superintendent.
 - Maintain monthly preventative maintenance work schedule for all assets through the computerized maintenance program
- Develop and implement techniques and programs for gathering data and readings which support process control required by federal and state regulations or for which cost comparisons can be calculated
- Analyze plants performance, recommend and under direction of Wastewater Facilities Manager, implement process control techniques or other improvements as necessary to

ensure maximum operational efficiency (energy consumption, biosolids management, staff resources etc.) and optimized plant effluent quality.

- Assist the Wastewater Manager to develop, document, implement, and maintain policies and standard procedures for proper operation of the plant, plant laboratories and pump station.
- Prepare a variety of written and numerical records and reports for the Wastewater Facilities Manager, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects; maintain recordkeeping system on plant operation and maintenance.
- In conjunction with the Water Resources Engineers, Senior Plant Mechanic and Wastewater Facilities Manager, ensure that items within the Wastewater Capital Plan are implemented as scheduled and provide input to the on-going updates to this plan.
- Provide safety related information, training and procedures for staff and visitors.
- Analyze wastewater as required by federal and state agencies and ensure conformance with the NPDES discharge permit and effective plant operation as designed.
- Train staff in the areas of wastewater treatment, analysis for discharge permit parameters, process control analysis, corrective and preventative maintenance.
- Receive a variety of requests for information or assistance from the general public, other City departments, vendors, federal and state agencies and other treatment plants.
- Comply with State reporting requirements regarding SSO and CSO events.
- Plan and schedule for vehicle maintenance as required.
- Complete WR43 Plant Monthly Operations Report (for assigned plants) in a timely fashion for review by the Wastewater Manager and submission to the State of Vermont
- Direct the sludge removal operation via tanker truck from the East and North wastewater treatment plant to the Main Plant for dewatering.
- Inspect, schedule and perform preventative and corrective maintenance on City owned pump stations.
- Maintain monthly preventative maintenance work order schedule for all the pump stations through the computerized maintenance program.
- Plan and lay out required maintenance activities for the pump stations, sludge removal equipment and storage tank.
- Coordinate delivery of septage and leachate from private haulers.
- Perform special projects and related work as required.
- Fulfills job functions of wastewater plant operator as required.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

Education, Certifications and Experience:

- Bachelor of Science in Engineering, Chemistry, Biology or related field with three (3) years working in a WW treatment plant, Associates Degree in Engineering, Chemistry, Biology or related field with four (4) years working in a WW treatment plant OR High School Diploma or equivalent with five (5) years working in a WW treatment plant required.

Education/Experience Requirement Summary Table

Degree	With following number of years experience in working in a WW plant
Bachelor of Science in Engineering, Chemistry, Biology or related field	Three (3) years
Associates degree in Engineering, Chemistry, Biology or related field	Four (4) years
High School Degree or equivalent	Five (5) years

- Grade 5 Vermont Wastewater Certificate (or equivalent certification from another State) preferred. Grade 4, with ability to obtain Grade 5 within 6 months, is required.
- Previous supervisory experience strongly preferred.
- Capital improvement planning and implementation experience strongly preferred.
- Ability to obtain and maintain a valid Vermont driver's license.
-

Necessary Knowledge, Skills and Abilities:

- Demonstrated knowledge of municipal wastewater collection, pumping, and treatment, and sludge production and distribution systems.
- Ability to understand logic associated with programmable logic controllers.
- Knowledge of and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to learn City budgeting and procurement requirements, and make annual budget recommendations for the North, East and pump station programs to the Wastewater Manager.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to develop and maintain policies and standard operating procedures.
- Ability to plan, organize, assign, supervise and inspect the work of staff.
- Ability to train and instruct subordinates.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to formulate and follow written procedures and ensure conformance to City and department policies and procedures, state and federal regulations and contractual agreements.

- Ability to establish and maintain effective working relationships with staff, City officials and citizens.
- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook Email, Word and Excel programs and computerized maintenance management systems.
- Ability to enforce safety regulations and standards.
- Exposure to toxic chemicals, bacteria and noxious odors.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

☒ seeing	☒ ability to move distances
☐ color perception	☒ lifting (specify) within and between 50-75 pounds warehouses/offices
(red, green, amber)	☒ carrying (specify)
☒ hearing/listening	☒ climbing 50-75 pounds
☒ clear speech	☒ ability to mount and ☒ driving (local/over
☒ touching	dismount forklift/truck the road)
☐ dexterity	☒ pushing/pulling

Chief Operator – Wastewater Plant (North, East, Pump Stations)

Page 5 of 5

☒ hand
☐ finger
☐ reading - basic

☒ reading – complex

☐ writing - basic

☒ writing - complex
☐ shift work

☒ works alone

☒ works with others

☒ verbal contact w/others

☒ face-to-face contact

☒ inside

☐ math skills - basic

☒
analysis/comprehension
☒ math skills - complex

☒
judgment/decision
☒ clerical
making

☒ outside
☒
pressurized equipment

☒ extreme heat
☒ moving
objects

☒ extreme cold
☒ high

places
☒ noise
☒ fumes/odors
☒ mechanical equipment
☒ hazardous

materials
☒ electrical
equipment ☒
dirt/dust

Supervision:

Directly Supervises: 5

Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised 12/2/05. Revised September 2015. Revised November 2016.

Director of Drinking Water Production
Page 1 of 6

City of Burlington Job Description

Position Title: Director of Drinking Water Production(reclassified from Drinking Water Facilities Manager)

Department: Department of Public Works

Reports to: Division Director - Water Resources

Pay Grade: 24

Job Code: 401

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Under administrative direction from the Division Director, oversees, supervises and coordinates the operations, process control, regulatory compliance, maintenance and strategic planning related to the treatment, pumping, storage and adequate supply of safe, clean drinking water to Burlington's potable water taps and its wholesale customer Colchester FD #2.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

Operations Oversight

- Ensure compliance with all conditions, sampling, and reporting requirements of the State of VT Water System Permit to Operate, the Federal Safe Drinking Water Act (40 CFR), the State Water Supply Rule and the Partnership for Safe Water including coordination with the Director of Engineering and Operations on compliance items related to the distribution system.
- Oversees the organization, staffing and operations activities for the drinking water treatment plant, pumping and storage structures ("Water Production") including assuming responsibility for critical and complex decisions regarding operational changes, process control, maintenance priorities, scheduling and compliance with all applicable regulations and including distribution system water quality sampling. Includes the following facilities:
 - Water Treatment Plant
 - Raw/Finished Water Pump Station
 - 7 million gallon Water Storage Reservoir
 - High Service Water Supply System
 - High Service Pump Station and 2 elevated storage tanks (150,000 and 500,000 gallons) critical to the provision of adequate pressure and supply to the upper elevations of the City including the University of Vermont Medical Center, Vermont's only Level 1 Trauma Center.
 - Booster Pump for Colchester Fire District #2 supply

- Directs, coordinates, and review progress of the monthly, quarterly and annual work plans for operation and maintenance functions, services and activities for all aspects of the Water Production facilities; ensures the implementation of workplans through the Water Production Manager and Senior Mechanic.
- For the Water Production facilities, develops and ensures the implementation of techniques and programs for gathering data and monitoring trends; analyze plant performance and pump station performance trends, recommend and implement process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy consumption, staff resources, cost mitigation etc.) and optimized plant finished and tap water quality.
- Responsible for final review of the Plant Monthly Operation Report prior to submission by the Water Production Manager.
- Through the Senior Plant Mechanic, coordinates with maintenance personnel to correct deficiencies and minimize operational conflicts.
- In collaboration with the Water Resources Asset Manager, ensures that maintenance requirements and actions for water treatment, pumping and storage assets are recorded in the City's asset management software.
- Ensures timely development of and regular updates to the Operations and Maintenance Manual, all necessary Standard Operating Procedures and various regulatory plans (Emergency Response Plan, Source Protection Plan, annual Consumer Confidence Report etc.).
- Reads, understands and ensures compliance with the City of Burlington Safety Manual and, in conjunction with the City Safety Manager, reporting injuries, evaluating job hazards, ensuring adherence to training schedules and recommending safety equipment.
- Monitors State and Federal regulatory changes and reports on operational, budgetary, staffing and other implications to the Division Director.
- Oversee building and grounds maintenance activities for all water facilities.
- Performs all duties of subordinates as required.

Capital Improvements:

- Provides significant input into the Water Production Capital Improvement Plans, including prioritization of projects.
- In collaboration with Water Resources Engineers, Senior Plant Mechanic and Water Production Manager, responsible for ensuring that items within the Water Production Capital Plan are implemented as scheduled.
- Reviews reports and designs related to capital improvements to ensure compatibility with operations.
- Collaborates with Water Resources Engineers to provide operational oversight on the implementation of capital improvement projects.

Supervision

- Supervises the Water Production leadership team (Water Production Manager and the Senior Water Plant Mechanic) and the corrective maintenance duties of the Water Plant Mechanics and provides guidance and support to the supervision of all Water Production staff.

- Establishes proficiency and performance standards for all water plant personnel; evaluates performance of direct reports informally and formally at regular intervals and ensures regular performance evaluations of their subordinates.
- Ensures the proper supervision and training of Water Production staff including scheduling training and developing training programs to ensure staff are properly trained in water treatment, analysis for permit parameters, process control analysis, corrective and preventative maintenance of equipment, and safety requirements.
- Oversees the hiring and ensures the proper on-boarding of all Water Production personnel.
- Responsible for ensuring compliance of all work within the Water Production group with the AFSCME Collective Bargaining Agreement.
- In collaboration with Human Resources, supports a culture of professional accountability through the implementation of the disciplinary ladder as necessary.
- Meets with staff regularly to identify and resolve issues.

Administration

- Participates in the development and administration of the Production program annual operating and capital budget, in planning for the next budget period by evaluating past expenditures, estimating future costs and making determination of new budget amounts; approves and submits purchase orders to the Division Director for purchases originating in the Water Production group; recommends budget adjustments as necessary.
- Receives, investigates, and delegates or responds to a variety of requests for information or assistance associated with water production from the general public, other City departments, vendors, federal and state agencies.
- Prepare a variety of written and numerical records and reports for the Division Director, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects.
- Responsible for ensuring purchasing and contracting activities of the Water Production program, adhere to the City's Purchasing Policy.
- Responsible for procurement and contracting for water treatment chemicals, underwater inspections, on-call electrical and mechanical services.
- Coordinates with Customer Care and Water Resources Policy and Programs Advisor on public outreach and education related to drinking water quality.

Continuous Improvement

- Support the Division Director in developing and advancing continuous improvement efforts towards the effective utility management principles of operational optimization, financial viability, customer satisfaction/stakeholder understanding and support, and employee leadership and development for the Water Production work group. This includes, but is not limited to:
 - the development, measurement and tracking of appropriate key performance indicators (KPIs)
 - monitoring of industry trends and reporting on innovative ways to elevate the effectiveness of the Water Resources Utilities.
 - stays current on emerging technologies and trends within water treatment

storage and production fields.

- Together with the Division Director, participates in the identification of goals and priorities for the Water Production Facilities to ensure continuous organizational and operational improvement. Develops resultant objectives, plans, policies and procedures.
- Monitors the efficiency and workload of the organizational structure of the Water Facilities group and recommends organizational changes as necessary.
- Coordinates with the Director of Wastewater Facilities on areas of shared interest, including but not limited to safety programs, chemical and equipment procurement.
- Implements a work culture of professional accountability, curiosity and continuous learning.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

Education, Certifications and Experience:

- Bachelor of Science degree in Engineering, Chemistry, Biology or related science and six (6) years working in a water treatment plant required, Associates Degree in Engineering, Chemistry, Biology or related field with eight (8) years working in a water treatment plant OR High School Diploma or equivalent with ten (10) years working in a water treatment plant required.
- Grade 4C Vermont Water Operator Certification (or equivalent) required.
- Five (5) years of experience at the Grade 4C License level preferred.
- Minimum 4 (four) years supervisory experience in an operations environment required. Previous supervisory experience in a 24-7 staffed, Union environment preferred.
- Experience overseeing operations and preventative and correction maintenance of water equipment preferred.
- Completion of the OSHA 30 is preferred, must be completed within 1 year of hire.
- Valid driver's license required. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to the operation of any City vehicles or non-City vehicles for City business.

Necessary Knowledge, Skills and Abilities:

- Demonstrated knowledge and ability to independently perform the most complex, skilled and responsible aspects of water production and treatment work, including complex troubleshooting and problem solving to maintain and restore safe water supply.
- Ability to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Demonstrated knowledge and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Demonstrated knowledge of industry methods, materials, and tools, including standard lab practices.
- Demonstrated knowledge of and technical skill to oversee preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic

systems and instrumentation.

- Ability to update and maintain current Standard Operating Procedures, Emergency Response and Contingency Plans.
- Ability to utilize and track data related to asset management in the technological system currently in place for Water Resources.
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to delegate, direct, supervise and evaluate the work of subordinate staff and the ability to train staff in water treatment, production and storage operations.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to learn City budgeting requirements and to prepare budget estimates for area of assignment.
- Ability to formulate and follow written procedures and ensure conformance to City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to establish and maintain effective working relationships with staff, City officials and citizens.
- Ability to communicate clearly both orally and in writing.
- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook, Word and Excel programs and computerized maintenance management systems.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to understand, comply and enforce with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 50 pounds)
x	hearing/listening	x	carrying (specify 100 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex	x	shift work
	math skills – basic	x	moving objects
x	math skills – complex	x	pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: __5__

Indirectly Supervises: _5__

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised July 2015. Revised January 2019. Revised 2020. Revised December 2024

City of Burlington Job Description

Position Title: Drinking Water Facilities Manager

Department: Department of Public Works

Reports to: Division Director - Water Resources

Pay Grade: 22

Job Code: 401

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Under administrative direction from the Division Director, oversees, supervises and coordinates the operations, process control, regulatory compliance, maintenance and strategic planning related to the treatment and adequate supply of safe, clean drinking water to Burlington's potable water taps and its wholesale customer Colchester FD #2. Functions as the Operator in Responsible Charge and Chief Drinking Water Operator, designated by the City to be the certified professional who makes decisions regarding the operations of the public water system and water treatment facility that will directly impact the quality and/or quantity of drinking water.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Supervises the Senior Plant Mechanic, Plant Mechanic/Operators and Operators.
- Coordinate the organization, staffing and operations activities for the drinking water treatment plant and storage structures including assuming responsibility for critical and complex decisions regarding operational changes, process control, maintenance priorities, scheduling and compliance with all applicable regulations and including distribution system water quality sampling. Includes the following facilities:
 - Water Treatment Plant
 - Raw/Finished Water Pump Station
 - 7 million gallon Water Storage Reservoir
 - High Service Water Supply System
 - High Service Pump Station and 2 elevated storage tanks (150,000 and 500,000 gallons) critical to the provision of adequate pressure and supply to the upper elevations of the City including the University of Vermont Medical Center, Vermont's only Level 1 Trauma Center.
- Ensure compliance with all conditions, sampling, and reporting requirements of the State of VT Water System Permit to Operate, the Federal Safe Drinking Water Act (40 CFR), the State Water Supply Rule and the Partnership for Safe Water.
- Analyze plant performance, recommend and implement process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy

consumption, staff resources etc.) and optimized plant finished water quality.

- Develop, update and implement policies, standard operating procedures (SOPs) and emergency response and contingency plans for proper operation of the plant and distribution system.
- Develop, update, maintain and implement training to ensure maximum operator competency with SOPs and emergency plans.
- Manage personnel by recruiting, providing supervision, coaching, evaluation, disciplinary actions, training and scheduling.
- Participate in the development and administration of annual operating and capital budget for the Production program, in planning for the next budget period by evaluating past expenditures, estimating future costs and making determination of new budget amounts; prepare and submit purchase orders for purchases originating in Production; recommend budget amendments as necessary.
- Participate in capital planning and scheduling and implementation of capital projects.
- Responds to and resolves difficult and sensitive citizen inquiries and complaints.
- Coordinate with maintenance personnel to correct deficiencies and minimize operational conflicts.
- Coordinate closely with Water Distribution activities to ensure maximum water quality throughout the Water system.
- Perform administrative duties in compliance with all City and departmental policies and procedures, state and federal water quality regulations such as completion of reports, planning documents, performance documentation, inventory control, and supply requisition.
- Produce the annual Consumer Confidence Report.
- Reads, understands and ensures compliance with the City of Burlington Safety Manual and, in conjunction with the City Safety Manager, reporting injuries, evaluating job hazards, ensuring adherence to training schedules and recommending safety equipment.
- Oversee building and grounds maintenance activities for all water facilities.
- Perform special projects and related work as required.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor of Science degree in Engineering, Chemistry, Biology or related science and five (5) years working in a water treatment plant required. Additional experience may be substituted for a degree requirement on a two-for-one year basis.
- Grade 4C Vermont Water Operator Certification preferred. Ability to obtain Grade 4C Vermont Water Operator Certification within 1 year required.
- Previous supervisory experience required. Previous supervisory experience in a Union environment preferred.
- Demonstrated knowledge and ability to independently perform the most complex, skilled and responsible aspects of water production and treatment work, including complex troubleshooting and problem solving to maintain and restore safe water supply.
- Ability to obtain and maintain a valid State Driver's license required.

- Demonstrated knowledge and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to update and maintain current Standard Operating Procedures, Emergency Response and Contingency Plans.
- Ability to utilize and track data related to asset management in the technological system currently in place for Water Resources.
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to develop and maintain accurate maintenance records systems.
- Ability to supervise, train and instruct subordinates.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to learn City budgeting requirements and to prepare budget estimates for area of assignment.
- Ability to formulate and follow written procedures and ensure conformance to City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to establish and maintain effective working relationships with staff, City officials and citizens.
- Ability to communicate clearly both orally and in writing
- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook, Word and Excel programs and computerized maintenance management systems.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.

- Ability to understand, comply and enforce with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 50 pounds)
x	hearing/listening	x	carrying (specify 100 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex	x	shift work
	math skills – basic	x	moving objects
x	math skills – complex	x	pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 8

Indirectly Supervises:

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised July 2015. Revised January 2019. Revised 2020.

City of Burlington Job Description

Position Title: Drinking Water Production Manager (new position but somewhat derived from pre-2019 Chief Water Operator)

Department: Department of Public Works

Reports to: Director of Drinking Water Production

Pay Grade: 22

Job Code: 406

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose:

This position is responsible for the operation and maintenance of the City's drinking water production facilities, including water treatment, pumping and storage. This position is responsible for directing and evaluating the work of Plant Operators and Operator/Mechanics, for State and Federal water treatment regulatory compliance, process control, and preventative maintenance at these facilities. Serves as the Chief (Designated) Drinking Water Operator.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Plan, organize, communicate and direct the day-to-day and on-call operation of the drinking water production facilities which are staffed 24-7. Schedule work activities, making all necessary arrangements for supplies, equipment, and staff resources. Including, but not limited to:
 - Oversee, schedule and direct Plant Operators and Operator/Mechanics in the operation and preventative maintenance of treatment plant processes, pumping and storage equipment, buildings and grounds, including laboratory analysis and process control.
 - In collaboration with the Senior Plant Mechanic, schedule maintenance work, supply parts and materials for preventative maintenance of water equipment, buildings and grounds; order and maintain inventory of adequate supply of parts.
 - Maintain monthly preventative maintenance work schedule for all assets through the computerized asset management maintenance program.
 - Establish and maintain drinking water data management database.
- Analyze plant and pump station performance, recommend and, under direction of Director of Water Production, implement process control techniques or other improvements as necessary to ensure maximum operational efficiency (energy consumption, staff resources, cost mitigation etc.) and optimized plant finished and tap water quality.
- Supervise and monitor performance and proficiency of staff in the areas of water treatment, laboratory analysis for permit parameters, process control, preventative

maintenance, and safety requirements. Evaluate staff performance and document personnel performance and growth; provide coaching, training and development of staff; recommend disciplinary action to the Director of Water Production.

- Develops monthly, quarterly and annual work plans for operations and maintenance functions at all water production facilities. Responsible for implementation of operations work plans within appropriate time frames. Coordinates with the Senior Plant Mechanic to implement corrective maintenance functions.
- Assist the Director of Drinking Water Production to develop, document, implement, and maintain policies and standard procedures for proper operation of the plants and plant laboratory.
- Prepare a variety of written and numerical records and reports for the Director of Drinking Water Production, State, and Federal officials on such subjects as treatment plant status, staff scheduling, budget items, maintenance and operations activities and special projects;
- Coordinates with the Distribution Manager to schedule Distribution team staff for general plant and storage facility related work maintenance work (tank cleaning, painting, pipe laying, grounds maintenance) at the production facilities.
- In conjunction with the Water Resources Engineers, Senior Plant Mechanic and Director of Drinking Water Production, ensure that items within the Water Production Capital Plan are implemented as scheduled and provide input to the on-going updates to this plan.
- Provides technical expertise to consultants, engineers and contractors on all projects related to the Water Production facilities.
- Provide safety related information, training and procedures for staff and visitors.
- Analyze drinking water as required by federal and state agencies and ensure conformance with the Drinking Water Permit to Operate and effective plant operation as designed.
- Assists the Director of Drinking Water Production in monitoring State and Federal regulatory changes.
- Receives and responds to variety of requests within the scope of the position for information or assistance from the general public, other City departments, vendors, federal and state agencies and other treatment plants.
- Plan and schedule for vehicle maintenance as required.
- Complete Monthly Operations Report in a timely fashion for review by the Director of Water Production and subsequently submit report to the State of Vermont.
- Oversees purchasing for the water treatment plant in compliance with the City's Purchasing Policy.
- Perform special projects and related work as required.
- Fulfills job functions of water plant operator as required.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

Education, Certifications and Experience:

- Bachelor of Science in Engineering, Chemistry, Biology or related field with four (4) years working in a water treatment plant, Associates Degree in Engineering, Chemistry,

Biology or related field with six (6) years working in a water treatment plant OR High School Diploma or equivalent with eight (8) years working in a water treatment plant required Grade 4C Drinking Water License (or equivalent certification from another State) required.

- Previous supervisory or leadership experience required. Experience with 24-7 staffing and a Union environment preferred.
- Completion of the OSHA 30 is preferred, must be completed within 1 year.
- Valid driver's license required. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to the operation of any City vehicles or non-City vehicles for City business.

Necessary Knowledge, Skills and Abilities:

- Demonstrated knowledge of drinking water treatment, standard lab practices, pumping, and storage.
- Ability to understand logic associated with programmable logic controllers.
- Knowledge of and ability to navigate Supervisory Control and Data Acquisition (SCADA).
- Ability to utilize and track data related to asset management in the technological system currently in place for Water Resources.
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to understand relevant physical, chemical, electrical, and microbiological principles required.
- Demonstrated knowledge of industry methods, materials, and tools.
- Demonstrated knowledge of and technical skill to perform preventative, predictive and corrective maintenance on electromechanical pumps, motors, hydraulic and pneumatic systems and instrumentation.
- Ability to learn City budgeting and procurement requirements, use the City's financial software, and make annual budget recommendations for all plants to the Director of Water Production.
- Ability to work independently.
- Planning and organizational skills including the ability to plan and execute a schedule for short and long term projects.
- Ability to develop and maintain policies and standard operating procedures.
- Ability to plan, organize, assign, supervise and inspect the work of subordinates.
- Ability to train, coach, evaluate and discipline staff.
- Ability to read, interpret, and follow technical manuals, blueprints, and diagrammatic drawings.
- Ability to formulate and follow written procedures and ensure conformance to City and department policies and procedures, state and federal regulations and contractual agreements.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- Ability to establish and maintain effective working relationships with staff, City officials

and citizens.

- Ability to work in confined spaces.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to perform data collection processes and develop and generate the proper reports.
- Experience with computers in a Windows based environment required, including Outlook Email, Word and Excel programs and computerized maintenance management systems.
- Ability to enforce safety regulations and standards.
- May be exposed to toxic chemicals.
- Ability to work outdoors and in all weather conditions.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions. May be required to participate in shift coverage if the case of staffing shortages.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

- | | | |
|---|---|--|
| ☒ seeing | ☒ ability to move distances | ☒ lifting (specify) |
| ☒ color perception
(red, green, amber) | within and between
warehouses/offices | 50-75 pounds |
| ☒ hearing/listening | ☒ climbing | ☒ carrying (specify) |
| ☒ clear speech | ☒ ability to mount and | 50-75 pounds |
| ☒ touching | dismount forklift/truck | ☒ driving (local/over
the road) |
| ☒ dexterity | ☒ pushing/pulling | |
| ☒ hand | | |
| ☒ finger | | |
| ☐ reading - basic | ☐ math skills - basic | ☒ analysis/comprehension |
| ☒ reading – complex | ☒ math skills - complex | ☒ judgment/decision |
| ☐ writing - basic | ☐ clerical | making |
| ☒ writing - complex | | |
| ☒ shift work | ☒ outside | ☒ pressurized equipment |
| ☒ works alone | ☒ extreme heat | ☒ moving objects |
| ☒ works with others | ☒ extreme cold | ☒ high places |

- | | | |
|---|--|---|
| ☒ verbal contact w/others | ☒ noise | ☒ fumes/odors |
| ☒ face-to-face contact | ☒ mechanical equipment | ☒ hazardous materials |
| ☒ inside | ☒ electrical equipment | ☒ dirt/dust |

Supervision:

Directly Supervises: 8 Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created December 2024

City of Burlington

Job Description

Attachment B.5.a

Position Title: Utility Billing & Customer Care Manager (reclassified from Senior Customer Care Associate)

Department: DPW-Water Resources

Reports to: Director of Finance & Administration

Pay Grade: 20

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: N/A

General Purpose: This position is responsible for managing the personnel and the activities of the Billing and Customer Care teams which are responsible for Water Resources meter-to-cash processes, utility billing and customer service for water, wastewater & stormwater. This position focuses on ensuring the accuracy of billing and positive customer service outcomes for Water Resources. Additionally, the position executes specialty billings, leads customer outreach efforts on the Water Resources Affordability Program initiatives, supports a variety of Water Resources compliance programs with customer notification efforts, and provides administrative support and the execution of special tasks and projects for the Director of Finance & Administration and the Division Director.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The “Qualifications/Basic Job Requirements” and the “Physical and Mental/Reasoning Requirements and Work Environment” state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- *Utility Billing/Meter to Cash Functions*
 - Leading the Meter to Cash team in the execution of all daily functions related to accurate meter to cash and revenue assurance processes and utility billing for water, wastewater & stormwater.
 - Ensures that meter data is collected and processed to produce accurate customer bills.
 - Oversees day to day business operations for the meter to cash process using multiple software systems including Meter Data Management System (MDMS), Customer Information System (CIS) and customer communication portal collectively known as the “meter-to-cash systems”, using knowledge of the integration among all components of the meter-to-cash process.
 - Oversees the integrity of these systems and processes, including maintaining accurate billing records; identifying and helping to troubleshoot problematic meters; managing service requests, and responding to standard data requests.
 - Oversees the accurate and timely updates to meter assets including new installations, removals and meter or endpoint replacements, including review of meter inspection and installation electronic forms.
 - Required to perform all essential tasks of the Meter to Cash Analyst positions, as needed.
 - Implements QA/QC procedures to monitor the business activities of the Meter to Cash team; such as, monitors the billing system activity log to ensure account level changes are compliant with departmental policy.
 - Responsible for the accurate creation of accounts for “special” meters (bypasses, subtraction meters, etc).
 - Implements and configures new rates and rate changes; oversees work with meter to cash system vendors as necessary to test and implement.
 - Responsible for executing specialty billings and surcharges related to Field Service work, sludge, septage and leachate disposal and the industrial pretreatment program.

- Coordinate the proper distribution and posting of electronic payments received by the Cash and Banking Accountant.
 - Review active delinquencies and initiate lien procedures in accordance with departmental policy.
 - Manage and balance petty cash funds for Water Resources and ensure reimbursements adhere to departmental policy.
 - Process all bankruptcies notifications in accordance with Federal Law and ensure collection when possible.
 - Provides initial review of Water Resources billing appeals and credit requests. Recommends actions to the Director of Finance and Administration.
 - Assists the Director of Finance and Administration with system administration of billing software, including: ensuring user access is appropriate and confidential data is encrypted; monitoring the interface with meter reading software; designing needed enhancements or changes; and reviews the testing and final implementation to both software systems. Provides input to leadership on the effectiveness of current software and assists with managing the procurement and implementation of upgrades and proper training of staff.
- *Customer Care Functions*
 - Required to perform all essential tasks of the Customer Care Associate positions, as needed. Includes executing all daily functions related to the provision of excellent customer service for water, wastewater & stormwater.
 - Support the Director of Finance and Administration on achieving positive outcomes related to interactions between residents and all aspects of the Division including:
 - ensuring all technical information about water, sewer or stormwater outages and disruptions are communicated to and understood by Customer Care Associate positions and other departmental stakeholders.
 - scheduling of distribution and meter field service related activities such as service line estimates and meter installation/replacement
 - opportunities for service line and sewer lateral improvements during street revitalization projects
 - water resources infrastructure improvements
 - proper notification timelines for planned water shut-offs
 - ensuring satisfactory resolution of other requests for water-resources technical assistance
 - Maintain a high level of professionalism and works to establish a positive rapport with each customer when communicating by phone, email, in person or on social media. Oversees, trains and monitors the team for the same.
 - Provide the initial review of customer concerns and account troubleshooting issues not fully addressed by Customer Care Associates and coordinate any further needed action with the Director of Finance & Administration.
 - Responsible for activities of customer care team in liaising between residents and City's insurance company for claims reporting and assisting in the collection and reporting of facts from Water Resources employees.
 - Ensures adequate and accurate information and guidance for frequent customer issues is available via the website, newsletter, social media and other information platforms.
 - Leads the customer outreach effort on the Water Resources Assistance Program and helping customers evaluate which rebates, discounts or efficiency programs they are eligible for.
 - Supports other water resources programs in customer notification efforts related to communicating Burlington City Chapter 26 and Chapter 31 Ordinance requirements.
 - Represent Water Resources at community events to promote departmental initiatives and programs.

- *Leadership Functions*
 - Directly supervises the Customer Care Associate and Meter to Cash Analyst positions. This includes planning, directing and monitoring the work of team members as well as coaching, evaluation, provide ongoing training opportunities, and when necessary, disciplinary action to achieve departmental goals, enhance performance and fully utilize staff potential.
 - Responsible for evaluating the effectiveness of current billing and office equipment, making recommendations to the Director of Finance & Administration and then coordinating upgrades through proper procurement procedures.
 - Coordinate with the Director of Finance & Administration, then lead the development of, updates to and ongoing maintenance of administrative and workflow Standard Operating Procedures (SOPs).
 - Assist the Director of Finance & Administration in creating, updating and maintaining departmental policies related to utility billing, revenue assurance and customer care.
 - Track success rates of Customer Care & Meter to Cash key performance indicators and recommends strategies for improvement.
 - Assists in the hiring process including but not limited to screening, scheduling, interviewing and recommending applicants.
 - Completes special projects as assigned.

Non-Essential Job Functions:

- Other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's Degree business, economics, math, accounting or related field. Additional years of relevant experience may be substituted for a degree requirement on a two-for-one-year basis.
- Minimum 3 years of relevant utility operations and Meter to Cash experience is preferred.
- Minimum 3 years of demonstrated experience with customer accounts management and direct customer contact and conflict resolution is preferred.
- Minimum 2 years of team lead or supervisory experience preferred.
- Proficiency in a computer based environment including advanced skills in spreadsheet, database, word processing is required.
- Ability to develop and implement a basic understanding of SQL queries is required.
- Ability to learn, problem solve and adapt to changing technology is required.
- Ability to learn, understand and explain advanced technical/engineering concepts as related to meter technology and installation is required; ability to understand and explain intermediate water supply and subsurface water resources utilities required.
- Ability to gather, correlate and analyze data with particular attention to detail required.
- Ability to learn, understand and explain federal, state and municipal regulations, statutes, ordinances and policies.
- Ability to interact with customers and other members of the public in a courteous and professional manner at all times.
- Excellent written and verbal communication skills, a strong customer service orientation and demonstrated team building skills are essential.
- Ability to work effectively both independently and with coworkers as part of Customer Care and other teams.
- Ability to handle multiple tasks concurrently while remaining detail oriented.
- Ability to meet deadlines while working with minimal supervision.
- Ability to use the internet and social media effectively and responsibly.
- Ability to operate standard office equipment.
- Regular attendance is necessary and essential to meeting the expectations of the job functions.

- Ability to create and maintain an environment that embraces the 6 departmental operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements: Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
	color perception (red, green, amber)	x	lifting (specify 20 pounds)
x	hearing/listening	x	carrying (specify 20 pounds)
x	clear speech		climbing
x	touching		driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic		pushing/pulling
X	reading – complex		shift work
	math skills – basic		moving objects
X	math skills – complex		pressurized equipment
	writing – basic		extreme heat
X	writing – complex		extreme cold
x	analysis/comprehension		high places
x	judgment/decision making		noise
x	clerical		fumes/odors
x	inside		dirt/dust
	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	X	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 4

Indirectly Supervises: 0

Disclaimer:

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Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Senior Customer Care Associate
Page 1 of 4

City of Burlington Job Description

Position Title: Senior Customer Care Associate– Water Resources

Department: Department of Public Works

Reports to: Customer Care and Finance Manager

Pay Grade: 16

Job Code: TBD

Exempt/Non-Exempt: Non- Exempt

Union: AFSCME

General Purpose: The Senior Customer Care Associate for Water Resources is responsible for leading all daily functions related to utility billing and the provision of excellent customer service for water, wastewater & stormwater, including but not limited to troubleshooting account issues and providing technical assistance to customers. This position executes specialty billings, account maintenance and projects, in addition to directing and monitoring the work of the Customer Care Associate I positions. In collaboration with division technical and planning staff, the position leads customer education and outreach and provides administrative support on Chapter 26 and 31 ordinance compliance activities. Additionally, the position is responsible for administrative support and the execution of special tasks and projects for the Customer Care and Finance Manager and executive support for the Division Director.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The “Qualifications/Basic Job Requirements” and the “Physical and Mental/Reasoning Requirements and Work Environment” state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- *Team Lead Functions*
 - Direct, coordinate and monitor the work of the Customer Care Associate I positions.
 - Assist the Customer Care and Finance Manager with planning and arranging of training opportunities for the Customer Care Associate I positions.
 - Assist in the hiring processes for the Customer Care and Metering Teams including but not limited to screening, scheduling, interviewing and recommending applicants.
 - Responsible for evaluating the effectiveness of current billing and office equipment, making recommendations to the Customer Care & Finance Manager and then coordinating upgrades through proper procurement procedures.
 - Track success rates of Customer Care & Meter Management key performance indicators and recommends strategies for improvement.
 - Coordinate with the Customer Care and Finance Manager, then lead the development of, updates to and ongoing maintenance of administrative and workflow Standard Operating Procedures (SOPs).
 - Assist the Customer Care and Finance Manager in creating, updating and maintaining departmental policies related to utility billing, revenue assurance and customer care.
 - Responsible for ensuring all technical information about water, sewer or stormwater outages and disruptions is communicated to and understood by Customer Care Associate I positions and other departmental stakeholders.

- *Billing and Customer Care Functions*
 - Required to perform all essential tasks of the Customer Care Associate I position, as needed. Include executing all daily functions related to utility billing and the provision of excellent customer service for water, wastewater & stormwater.
 - Maintain a high level of professionalism and works to establish a positive rapport with each customer when communicating by phone, email, in person or on social media.
 - Provide the initial review of customer concerns and account troubleshooting issues not fully addressed by Customer Care Associates and coordinate any further needed action with the Customer Care and Finance Manager.
 - Responsible for executing specialty billings and surcharges related to Field Service work, sludge, septage and leachate disposal and the industrial pretreatment program.
 - Responsible for making accurate and timely updates to meter assets including new installations, removals and meter or endpoint replacements, including review of meter inspection and installation electronic forms.
 - Coordinate the proper distribution and posting of electronic payments received by the Cash and Banking Accountant.
 - Review active delinquencies and initiate lien procedures in accordance with departmental policy.
 - Manage and balance petty cash funds for Water Resources and ensure reimbursements adhere to departmental policy.
 - Review and approve all register voids processed by subordinates.
 - Process all bankruptcies notifications in accordance with Federal Law and ensure collection when possible.
- *Public Outreach and Ordinance Compliance Administrative Support*
 - Collaborate with the Water Resources Policy and Program Manager, then lead development and maintenance of general water, wastewater and stormwater public outreach and customer technical assistance content for City's website and social media platforms.
 - Collaborate with Engineering staff and Customer Care and Finance Manager and then lead the outreach and education efforts for ongoing capital improvements.
 - Represent Water Resources at community events to promote departmental initiatives and programs.
 - Collaborate with Water Resources Technical and Planning Team, then lead Customer notification and compliance tracking support for annual backflow testing requirements, Fats, Rags, Oils and Grease (FROG) issues, industrial pollution prevention and other Burlington City Chapter 26 and Chapter 31 Ordinance requirements.
- *Executive Support and Execution of Special Tasks*
 - Provide executive support to the Division Director as requested (e.g., meeting logistics, phone & email response, document organization).
 - Provide administrative support and manage special projects as assigned by the Customer Care and Finance Manager.
 - Evaluate and void parking meter violations submitted by Water Resources employees according to departmental policy for offsite meetings.
 - Update employee vehicle database as necessary and arranges for the issuance of new parking passes and return of existing passes.
 - Monitor and re-order office and billing supply inventory.

Non-Essential Job Functions:

- Other duties as required.

Qualifications/Basic Job Requirements:

- Associates Degree in accounting, business administration or other relevant area and three (3) years of customer service and billing or accounting experience required. Additional years of customer service, billing or accounting experience may be substituted for the degree requirement on a two (2) years for one (1) basis.
- One year of team lead or supervisory experience required.
- Demonstrated experience with customer accounts management and direct customer contact is required.
- Prior experience with utility billing functions is strongly preferred.
- Proven ability to learn, understand and explain intermediate technical/engineering concepts as related to meter technology and installation, water supply and subsurface water resources utilities.
- Proven ability to learn, understand and explain federal, state and municipal regulations, statutes, ordinances and policies.
- Ability to interact with customers and other members of the public in a courteous and professional manner at all times.
- Ability to be proficient in a Windows based computer environment with database, spreadsheet and word processing software.
- Excellent written and verbal communication skills, a strong customer service orientation and demonstrated team building skills are essential.
- Ability to work effectively both independently and with coworkers as part of Customer Care and other teams.
- Ability to handle multiple tasks concurrently while remaining detail oriented.
- Ability to meet deadlines while working with minimal supervision.
- Ability to post data and make rapid, accurate mathematical calculations.
- Ability to use the internet and social media effectively and responsibly.
- Ability to operate standard office equipment.
- Regular attendance is necessary and essential to meeting the expectations of the job functions.
- Ability to create and maintain an environment that embraces the 6 departmental operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

x	seeing	x	ability to move distances within warehouses and offices
	color perception (red, green, amber)	x	lifting (specify 20 pounds)
x	hearing/listening	x	carrying (specify 20 pounds)

x	clear speech		climbing
x	touching		driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic		pushing/pulling
X	reading – complex		shift work
	math skills – basic		moving objects
X	math skills – complex		pressurized equipment
	writing – basic		extreme heat
X	writing – complex		extreme cold
x	analysis/comprehension		high places
x	judgment/decision making		noise
x	clerical		fumes/odors
x	inside		dirt/dust
	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	X	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: __0__

Indirectly Supervises: __2__

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

This position description is provided to AFSCME for information only. The City has no obligation to negotiate with AFSCME regarding changes in position descriptions. The City's provision of revised position descriptions is in no way an admission of any obligation to negotiate or voluntary commitment to negotiate changes in position descriptions

Created March 2019. Revised January 2020. Revised January 2022.

Board of Finance and City Council Submission ChecklistDepartment: DPW-Water Resources Submitter: Megan MoirTitle/Subject: FY25 Water Resources Personnel Reorganization Items

	Approval:	Meeting Date:
☐	Board of Finance	
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/16/2024

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	12/10/24	Chapin Spencer
Mayor's Office informed and approved memo	Yes	12/11/24	Erin Jacobsen
Board/Commission, if required			
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/10/24	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	12/10/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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	Yes	Org Charts and Job Description
Draft Resolution or Motion?	Yes	Motions reviewed by CA
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMO

Date: December 16, 2024

To: License Committee

From: Cindi Wight, Director, Department of Parks, Recreation & Waterfront

Re: License agreement with Battery Park, LLC (DBA Beansie's Bus)

I. Purpose

The Department of Parks, Recreation and Waterfront (BPRW) seeks approval and authorization from City Council that it grant a license to Beansie's Bus for continued use of the concession area they have been using for decades next to Battery Park, and authorize the Mayor to enter into a license agreement memorializing the terms and conditions of use.

II. Background

Beansie's Bus recently celebrated their 80th anniversary with the ownership currently with Tammy Carron. The City has had no issues with the current owner and supports the license request. The most recent agreement with the Carron's was done under a different city agreement. The attorney's office determined that it was most appropriate to use the license agreement process for Beansie's Bus as the location is a long-term occupation of City owned property and involves a vehicle occupying the Right of Way.

Beansie's Bus will pay the Clerk/Treasurer's office the annual peddlers' license fee in one lump sum of \$500 to cover the five years of the agreement. In addition, they remit 5% of gross revenue monthly to Burlington Parks, Recreation and Waterfront, which we would accept in replacement to the vehicle license endorsement fee. In 2024, the department received \$4,502.

The City Council License Committee approved and recommended the City Council approve the granting of the license at their 12/11/24 meeting.

DEPARTMENT RECOMMENDATION

City Council License Committee Motion:

To approve and recommend that the City Council approve and authorize the granting of a license to Battery Park, LLC (DBA Beansie's Bus) to occupy space in the Sherman Street extension from April 1, 2025 – December 31, 2029 for the purpose of carrying on food concession operations; and, to further authorize the Mayor to execute a license agreement with Battery Park, LLC (DBA Beansie's Bus) and all documents necessary to effect the license, subject to the final review and approval of the City Attorney's Office.



City Council Motion:

To approve and authorize the granting of a license to Battery Park, LLC (DBA Beansie's Bus) to occupy space in the Sherman Street extension from April 1, 2025 – December 31, 2029 for the purpose of carrying on food concession operations; and, to further authorize the Mayor to execute a license agreement with Battery Park, LLC (DBA Beansie's Bus) and all documents necessary to effect the license, subject to the final review and approval of the City Attorney's Office.

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

Battery Park LLC, DBA Beansies Bus
PO Box 255, Williston VT 05495

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and Battery Park LLC a Vermont limited liability company with a registered agent address located at PO Box 255, Williston, VT 05495 Vermont (“Licensee”). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 23-6. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to One North Ave on Sherman Street. The Licensee is seeking access to a parking spot for Beansie’s Bus, a food truck.
- D. Purpose.** This Agreement sets forth the terms and conditions for the requested use of the public right-of way.

2. EFFECTIVE DATE AND TERM

- A. Effective Date.** Once executed by both parties this Agreement shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement.
- B. Term.** This Agreement shall commence on the Effective Date and expire on 12/31/2029, unless sooner terminated by the City as provided for herein.
- C. Termination.** This Agreement may be terminated as set forth in this §2.C. Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.
 - i. Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
 - ii. Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
 - iii. Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide 7 days written notice in advance of the termination date.

- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the curbing and greenbelt adjacent to the property.

3. DEFINITIONS

- A. **“Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. **“License Fee”** means the gross receipts remittance as further described in Section 6.
- C. **“Party”** means the City or Licensee and **“Parties”** means both the City and Licensee.
- D. **“Premises”** means the parking area set licensed to Battery Park LLC dba Beansie’s Bus located on Sherman Street between Battery Park and One North Ave that is the subject of this Agreement and is further depicted on Attachment A.
- E. **“Property”** means the area of Sherman Street extension that is commonly used for parking and as the queuing area for service from Beansies bus and surrounds the Premises.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to use the parking space designated for Beansie’s bus on Sherman Street between Battery Park and One North Ave for the term set forth in **§2.B** of this Agreement for the exclusive purpose of carrying on food sales and services. Licensee may use and maintain the parking space and surrounding area existing in the City’s right-of-way and must be maintained and placed exactly as described in the plan approved by the Department of Parks, Recreation & Waterfront, which is attached hereto as Attachment A.

5. LICENSE CONDITIONS

- A. **Vehicle Parking.** Only one vehicle shall park in the existing driveway apron parking space. All vehicles parked on the premise must be contained inside the existing parking area footprint, and shall not cross or overhang onto neighboring property boundary lines, or encroach upon city infrastructure or street right of way.
- B. **License Purpose.** The License is for the exclusive purpose of carrying on a food concession business from a food truck/vehicle. Any modification to the activities undertaken at the site must be approved in writing by the City.
- C. **Licenses and Endorsements required.** Licensee shall obtain all licenses and endorsements necessary for lawful food service and sales and occupation of the right-of-way as required by Burlington City Ordinance 23-6 and Vermont State law. Such requirements include but may not be limited to a City of Burlington peddlers’ license and vehicle endorsement; and State of Vermont Department of Health retail food license. A copy of all endorsements is attached as Attachment B.
- D. **Maintenance.** Licensee shall maintain the cleanliness of the Premises and surrounding Property customarily utilized by its customers for consuming food and beverages that are purchased. Licensee shall provide receptacles for trash, recycling and compost and regularly inspect to make sure litter is not deposited on the Park property in the immediate vicinity. The use of compostable food service products is highly encouraged. Licensee shall be responsible for all waste disposal.

- E. City Infrastructure and Right of Way Improvements.** If a City project has right of way of infrastructure improvements planned on North Ave or Sherman Street in the vicinity of the premise, which would alter or adjust current right of way existing conditions, or directly impact the driveway apron, the driveway apron and curb cut shall be restored to full curb and greenbelt in coordination with whichever city department is in charge of the work.

6. PAYMENT FOR LICENSE

- A. License Fee.** Licensee shall pay the City 5% of gross sales with a minimum of \$3,500 annually. The licensee shall make payments in full by December 1 of each year of the contract. The licensee will submit monthly financial reports to the City with payment.
- B. Submission of Payments.** Licensee shall remit payment and accompanying financial reports described in Section 6.A., as follows:

Joanne Putzier
BPRW Financial and Administrative Assistant
645 Pine Street, Burlington VT 05401

- C. Inspection of Business Records.** Licensee shall make business records, books, accounting documents, and any and all associated materials necessary for the City to verify proper payment as contemplated herein available for inspection upon the City's request and without unreasonable delay as may be required to verify amounts due under this Agreement.
- D. Peddlers' License Fee.** By signing this Agreement, the Parties acknowledge that Licensee has paid the City the Peddler's license and vehicle endorsement fees for the period beginning April 1, 2025 and ending December 31, 2029 for a total cost of \$500 to cover the five years of the permit.

7. INSURANCE AND INDEMNIFICATION

The insurance and indemnification provisions set forth in Attachment C are incorporated by this reference as though fully set forth. Any provisions of this Contract for indemnification, defense, release of liability, or warranty, shall survive termination hereof.

8. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the rights granted to Licensee under this Agreement.

9. PUBLIC RELATIONS:

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

10. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

11. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

12. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

13. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the rights granted herein to the new owner of the Property for a period of 60 days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the 60 day period. Failure to comply with this §14 shall constitute a discontinued use under §2.C.i of this Agreement.

14. LIMITATION OF RIGHTS

Licensee acknowledges that no property interest or other right is created other than that specifically defined and limited by this Agreement.

15. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

16. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

17. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

18. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

19. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

Attachment A: Photographs and Sketches of Encroachment

Attachment B: Licensee's Licenses and Endorsements

Attachment C: Insurance and Indemnification Standard Conditions

Attachment D: Licensee's Certificate of Insurance

20. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —



Tammy Corron <tlcinv3@me.com>

Cindi Wight

Screenshot 2024-11-15 at 11:32.49 AM

11:32



Beansies ENCUMBRAN...



Done

21. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect.

The Parties hereto have executed this Agreement

LICENSEE
Battery Park LLC
PO Box 255, Williston VT 05495

By: Tammy Corron
Tammy Carron

Date: April 15, 2025

CITY OF BURLINGTON
Mayor Emma Mulvaney-Stanak

By: _____
Mayor Emma Mulvaney-Stanak
Duly Authorized

Date: _____

Attachment A

Location of Beansie's Bus



Attachment B
Licensee's Licenses and Endorsements

Attachment C:
Insurance and Indemnification Standard Conditions

Attachment C

Insurance & Indemnification

INSURANCE: Prior to beginning any work, the Contractor shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required.

The Contractor is responsible to verify and confirm in writing to the City that: (i) all subcontractors must comply with the same insurance requirements as the Contractor; (ii) all work activities related to the Contract shall meet minimum coverage and limits; and (iii) all coverage shall include adequate protection for activities involving hazardous materials.

No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor's operations. These are solely minimums that have been developed and must be met to protect the interests of the City.

- A. Commercial General Liability:** With respect to all operations performed by the Contractor, subcontractors, agents or workers, it is the Contractor's responsibility to ensure that commercial general liability insurance coverage, covering bodily injury and property damage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

1. Premises Operations
2. Independent Contractors' Protective
3. Products and Completed Operations
4. Personal Injury Liability
5. Medical Expenses

Coverage limits shall not be less than:

- | | |
|----------------------------------|-------------|
| 1. General Aggregate | \$2,000,000 |
| 2. Products-Completed/Operations | \$2,000,000 |
| 3. Personal & Advertising Injury | \$1,000,000 |
| 4. Each Occurrence | \$1,000,000 |
| 5. Damage to Rented Premises | \$ 250,000 |
| 6. Med. Expense (Any one person) | \$ 5,000 |

- B. Workers' Compensation/Employer Liability:** With respect to all operations performed, the Contractor shall carry workers' compensation insurance in accordance with the laws of the State of Vermont and ensure that all subcontractors carry the same workers' compensation

insurance for all work performed by them under this contract. Minimum limits for Employer's Liability:

1. Bodily Injury by Accident: \$500,000 each accident
2. Bodily Injury by Disease: \$500,000 policy limit,
\$500,000 each employee

For contracts involving work of any kind or nature on Lake Champlain, Workers' Compensation/Employer's Liability policy shall include a Maritime Endorsement (USL&H).

- C. Automobile Liability: The Contractor shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: \$1,000,000 - Combined Single Limit for each occurrence.

D. Umbrella/Excess Liability:

1. \$1,000,000 Each Event Limit
2. \$1,000,000 General Aggregate Limit
3. Umbrella/Excess Liability is excess above Commercial General Liability, Automobile Liability, and Workers' Compensation/Employer Liability.

All policies shall be endorsed to provide the City thirty (30) days' notice of cancellation. Each policy (except workers compensation/employers' liability) shall be endorsed to name the City and its officers, employees, agents, successors, and assigns as additional insureds on a primary, non-contributory basis. Each policy shall be endorsed to waive subrogation against the City.

INDEMNIFICATION: Contractor shall hold harmless, indemnify, and defend the City and its officers, employees, agents, successors, and assigns (collectively, the "Indemnitees") from and against all claims, causes of action, lawsuits, damages, liabilities, liens, penalties, fines, and costs (including attorneys' fees and costs) of every kind and nature whatsoever (collectively, "Claims") arising from or relating to this Contract or Contractor's operations hereunder, excepting any Claims arising from the City's own gross negligence or willful misconduct. Contractor's indemnification and defense obligations shall survive termination of this Contract, and Contractor shall ensure that any subcontract for work under this Contract requires the subcontractor to satisfy the same indemnification and defense obligations in favor of the Indemnitees.

Attachment D:
Licensee's Certificate of Insurance

Board of Finance and City Council Submission ChecklistDepartment: BPRW Submitter: Cindi WightTitle/Subject: Beansies License Approval

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/16/2024
☐	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	12/2/2024	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	12//2024	Joe Magee
Board/Commission, if required	N/A	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	N/A	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	12/5/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/12/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	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?	No	Click or tap here to enter text.
Additional Materials, if necessary	No	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

Board of Finance and City Council Submission ChecklistDepartment: Arts Submitter: Sara KatzTitle/Subject: City Council Initiative Fund Support of Highlight

	Approval:	Meeting Date:
☐	Board of Finance	
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/16/2024

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	12/8/2024	Doreen Kraft
Mayor's Office informed and approved memo	Yes	12/12/2024	Erin Jacobson
Board/Commission, if required	No		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/12/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	12/12/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	BCA Director, Includes Resolutions
Contract Attached, if applicable?	N/A	Subject to City Attorney Review and Approval
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

BCA

To: Board of Finance
From: Doreen Kraft, BCA Director
Date: December 12, 2024
Subject: City Council Initiative Fund Support of Free 2024 Highlight Buttons

Burlington City Arts respectfully requests approval for the use of \$5000 from the City Council Initiative Fund to underwrite low and moderate families and small community organizations to attend Highlight 2024 for free.

Highlight 2024 welcomes revelers to celebrate New Year's Eve in Burlington's downtown and Waterfront. Vermont artists, food vendors, musicians, and everyone in between come together to create a one-of-a-kind event that Highlights the best of Vermont.

Approval of this request will help BCA and the City ensure that financial hardship is not a barrier for any citizen to participate in this special community experience. Though BCA works to keep fees affordable through fundraising and sponsorship support, we have increased pricing across a number programs this year to meet the FY25 budget gap. This included Highlight tickets, which increased from \$15 in FY24 to \$18 this year.

We know that increased fees coupled with the increased cost of living have resulted in unprecedented demand for scholarships in our education programs already this year. We are beginning to experience this in Highlight ticket requests as well, with over \$1500 in requests already made. BCA is committed to the outreach and promotion required to connect this opportunity with our most vulnerable citizens. With funding support from City Council, we will be able to ensure that everyone in our community can experience the joy and wonder of Highlight on New Year's Eve.

Thank you for your consideration.

Warmly, Doreen

Doreen Kraft
Executive Director
Burlington City Arts

Motions

Board of Finance Motion:

To recommend that City Council approve the use of \$5,000 from the City Council Initiative Fund to subsidize Highlight tickets.

City Council Motion:

To approve the use of \$5,000 from the City Council Initiative Fund to subsidize Highlight tickets.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

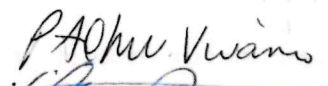
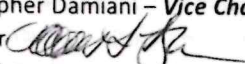
645 Pine Street, Suite A
Burlington, VT 05401
802 863 9094 VOICE
802 863 0466 FAX
802 863 0450 TTY
www.burlingtonvt.gov/dpw

To: Burlington City Council
Fr: Public Works Commission
Re: FY'24 DPW Commission Annual Report
Date: July 17, 2024

Burlington Public Works Mission Statement

- To steward Burlington's infrastructure and environment by delivering efficient, effective and equitable public services

FY 24 Public Works Commissioners

- Peggy O'Neill-Vivanco – *Chair* 
- Christopher Damiani – *Vice Chair* 
- Jim Barr 
- Eliana Fox
- Brendan Hogan
- Daniel Munteanu 
- Justine Sears

Overview of the Commission: The Public Works Commission represents the citizens of Burlington in reviewing departmental performance. The seven Commissioners are appointed jointly by the Mayor and the City Council, and serve for three-year terms. With departmental support and recommendation, the Commission is responsible for reviewing and changing ordinances that are contained within Appendix C of the Burlington Code of Ordinances ('Rules and Regulations of the Traffic Commission').

More info: The Commission typically meets regularly on the third Wednesday of each month at 6:30 pm at 645 Pine Street. Visit <https://www.burlingtonvt.gov/DPW/Commission/Agendas> for more.

Year In Review:

The Commission provided guidance on many timely Public Works matters and considered regulatory changes to advance municipal projects. The DPW Commission continues its focus on increased transportation safety, traffic calming and youth engagement. Highlights of FY 24 included:

- **Youth Engagement:** The DPW Commission has placed an emphasis on meaningfully engaging the younger generation in our work after the Council's passage of the "Expanding Youth Representation on City Boards" resolution in May 2021. For the

second year in a row we reached out to the Burlington City and Lake Program at Burlington High School. This included:

- **Battery St Scoping Study:** Burlington City and Lake students participated in a review of the Battery St Corridor Scoping Study
- **Great Streets Main Street Kickoff:** On February 5th, DPW Commission Chair O'Neill-Vivanco was joined by students from the Burlington City and Lake Program to celebrate the construction start of the Main Street Great Streets project – along with Mayor Miro Weinberger, and other community stakeholders.
- **Commission Oversight and Feedback** – As stewards of the public's interest in DPW work, the Commission receives regular updates on timely and critical projects, even when no specific action needs to be taken by the body.
 - August, September: The Commission was presented with updates to the July 2023 sewer siphon break under the Winooski River. They gave feedback on the Department's swift responsiveness, and timely communications to stakeholders and the public
 - March, April: The Commission heard feedback and offered comments on the City's plans to manage the Eclipse. They offered feedback on the effective management of Route 127 parking, efficient shuttle service, and pausing ongoing construction projects to help manage the inflow of visitors.
- **Individual Parking Ordinance Changes** – The Commission reviewed and acted on a wide variety of traffic requests that were separate and in addition to traffic requests that were part of large capital projects.
 - July, September, October, November, December, January, February, March, April, May and June meetings
 - Outcome: The Commission acted on each request.
- **BHS Partnership** – The Commission reviewed a proposal to extend the ongoing parking partnership with the temporary high school location – allowing an extension of the discounted rates and offering the discounted rates to students beyond the allocation to BHS directly.
 - July 2023, February 2024
 - Outcome: The Commission approved the requests to extend the parking partnership and adjust rates.
- **Wastewater Treatment Plants** – The Commission received a presentation from staff on the recent Tertiary Treatment technology pilot project at Main Wastewater Plant.
 - October meeting
 - Outcome: Input provided, no formal action taken.
- **Great Streets Main Street** – As an important step to bring this project to construction, The Commission considered parking regulation changes to revise and accommodate

time limited, police and accessible parking on Main Street and South Champlain St. They also considered an encumbrance of the Main/Winooski lot to provide the contractor a staging location.

- July 2023 meeting
 - Outcome: The Commission approved ordinance changes for the generational project.
- **Great Streets Bank & Cherry** – The Commission reviewed the current project designs for renewing and reconnecting Bank and Cherry. The Commission discussed whether to recommend approval of the current designs to the City Council.
 - June 2024 meeting
 - Outcome: The Commission expressed support for the concept and unanimously recommended that City Council advance the project.
- **Traffic Calming** – The Commission has reiterated its interest and support for traffic calming and traffic safety.
 - July, September, June
 - Outcome: The Commission approved ordinance changes to prohibit some parking on Chase St as part of a future traffic calming installation and ordinance changes to initiate a sidewalk/traffic calming project on Stanbury Rd. We reviewed a presentation on traffic safety/crash trends over time provided by staff. Lastly, the Commission encourage staff to bring forward a more tactical traffic calming approach to more quickly serve neighborhoods with outstanding traffic calming requests. Staff presented their approach in June 2024 for initial implementation later this summer.
- **GMT Fare Policy** – With its focus on transportation, the Commission gave a forum to GMT to provide an overview of the future return of GMT fares.
 - September
 - Outcome: Input provided, no formal action taken.
- **Asset Management & Service Line Inventory Project** – The Commission has given opportunities for the City to share updates and progress on important ongoing citywide initiatives.
 - November
 - Outcome: Input provided, no formal action taken.
- **Public Garage Parking Policy Review** – The Commission received reports on various public parking policies and fees including: Holiday parking, Eclipse parking rate, Courthouse Plaza parking, Fines for Food performance, various potential rate adjustments and more.
 - October, November, December, February, April

- Outcome: The Commission approved a holiday parking rate, a special Eclipse parking rate, Courthouse Plaza parking rates, as well as an increase in garage maximum daily rates, hotel rates and monthly permit rates.
- **Director Review** – The Commission reviewed the performance of the DPW Director. The City Engineer at the time was departing City employment so no review was performed.
 - May meeting
 - Outcome: The Commission provided their feedback to the Mayor's Office for their consideration of reappointment.
- **FY'24 DPW Goals and Objectives** – The Commission reviewed the annual goals and objectives developed by DPW leadership
 - May meeting
 - Outcome: Input provided. DPW leadership updated annual goals and objectives to be used in FY'24 reviews.

FY'24 DPW Commissioner Attendance:

	Barr	Damiani	Fox	Hogan	Munteanu	O'Neill	Sears
July	Present		Present	Present	Present	Present	
August – NO MEETING	--	--	--	--	--	--	--
September	Present	Present	Present	Present		Present	Present
October	Present	Present	Present	Present		Present	
November	Present	Present	Present	Present	Present	Present	
December	Present		Present	Present	Present	Present	Present
January – NO MEETING	--	--	--	--	--	--	--
February	Present		Present	Present	Present	Present	Present
March	Present	Present	Present	Present	Present	Present	Present
April	Present	Present	Present	Present	Present	Present	Present
May	Present	Present	Present	Present	Present	Present	Present
June	Present	Present	Present		Present	Present	

FY'24 DPW Commission Leadership:

At the first meeting in FY'24, the Commission elected the following officers:

- Chair: Peggy O'Neill-Vivanco, PONeill-Vivanco@burlingtonvt.gov
- Vice Chair: Chris Damiani, cdamiani@burlingtonvt.gov

We hope this report is helpful. Please reach out with any questions.

- Outcome: The Commission approved a holiday parking rate, a special Eclipse parking rate, Courthouse Plaza parking rates, as well as an increase in garage maximum daily rates, hotel rates and monthly permit rates.
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FY'24 DPW Commissioner Attendance:

	Barr	Damiani	Fox	Hogan	Munteanu	O'Neill	Sears
July	Present		Present	Present	Present	Present	
August – NO MEETING	--	--	--	--	--	--	--
September	Present	Present	Present	Present		Present	Present
October	Present	Present	Present	Present		Present	
November	Present	Present	Present	Present	Present	Present	
December	Present		Present	Present	Present	Present	Present
January – NO MEETING	--	--	--	--	--	--	--
February	Present		Present	Present	Present	Present	Present
March	Present	Present	Present	Present	Present	Present	Present
April	Present	Present	Present	Present	Present	Present	Present
May	Present	Present	Present	Present	Present	Present	Present
June	Present	Present	Present		Present	Present	

FY'24 DPW Commission Leadership:

At the first meeting in FY'24, the Commission elected the following officers:

- Chair: Peggy O'Neill-Vivanco, PONeill-Vivanco@burlingtonvt.gov
- Vice Chair: Chris Damiani, cdamiani@burlingtonvt.gov

We hope this report is helpful. Please reach out with any questions.

Lori Olberg

From: Sarah Montgomery
Sent: Tuesday, December 10, 2024 11:58 AM
To: Lori Olberg
Subject: Inspector resignation

Do you want this?

From: Alan Matson <amatson@gmail.com>
Sent: Tuesday, December 10, 2024 10:48 AM
To: Sarah Montgomery <smontgomery@burlingtonvt.gov>
Cc: Greg EplerWood <gregew2@burlingtontelecom.net>
Subject: Re: Potential Vacancy?

[WARNING]: This email was sent from someone outside of the City of Burlington.

Sarah--Thank you for pinging me on this.

Please consider this to be formal notification that I am stepping down as Inspector of Elections effective immediately. I am stepping down at this point because I plan on running for Ward Clerk in March and that by resigning now, we can put a 2nd Inspector position on the ballot in March. I think my term runs through the City Election in 2026.

Thank you and I hope that I'll be able to continue to serve Burlington and Ward Six.

Alan

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION_____

Sponsor(s): Councilor Traverse
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests List as appropriate for release in the future—for example, because outstanding issues are resolved,—those properties should be brought forward to the Council and the Retained Interests List should be updated; and WHEREAS, City staff have identified a number of properties that are appropriate for release since the last release in September, 2024; NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401 and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:

- 2 Cherry Street (Tax ID 044-2-004-000)
- 23 Loaldo Drive (Tax ID 024-2-079-000)
- 1555 North Avenue (Tax ID 024-2-103-000)

R: Glebe or Lease Lands/City Council Action-Resolutions/Resolution re Release of Certain Glebe Lands 12/16/24
12/11/24

CITY OF BURLINGTON RETAINED F PERPETUAL LEASE LAND INTERESTS

LIST Last Revised 12/11/24

PropertyRSN	PIN	TaxID	Property Type	Assessor Use	Address	Address Numeric	Street	Street Type	Owner List
	313278722004	044-4-033-000	Land and Building	C	130	130	Bank	ST	BTC Mall Associates, LLC
536	301961736648	024-1-002-000	Land and Building	R1	36	36	Barley	RD	Matthew J. Bombard Emily K Bombard
768	302140736242	024-2-009-000	Land and Building	R1	77	77	Barley	RD	Ugljesa Vujanovic Draginja Vujanovic
7156	312422721841	049-1-143-001	Land and Building	C	60	60	Battery	ST	Diamond Rock Burlington Owner LLC
809	303377735322	024-2-052-000	Land and Building	R1	41	41	Birch	CT	Huy Vo
806	303452735586	024-2-049-000	Land and Building	R1	64	64	Birch	CT	Phet Sayamouangkhuha Bouavanh Sayamouangkhuha
1067	303515735610	024-4-001-000	Land and Building	R1	70	70	Birch	CT	Janice L Lovejoy
12228	303595735701	024-4-003-000	Land	RL	82	82	Birch	CT	Champlain Housing Trust Inc.
1073	303811735694	024-4-009-000	Land and Building	R1	99	99	Birch	CT	Joseph R. Guay Wendy M. Guay
1186	303921735755	024-4-133-000	Land and Building	R1	111	111	Birch	CT	Michael F. McGarghan Kelly J McGarghan
1174	304108736082	024-4-120-000	Land and Building	R1	128	128	Birch	CT	Robert J Larue Marjorie W Larue
1175	304175736141	024-4-121-000	Land and Building	R1	132	132	Birch	CT	Ganja S. Pradhan Leela K. Pradhan
1178	304397736312	024-4-124-000	Land and Building	R1	144	144	Birch	CT	Nadia A. Mitchell Alexander V Mitchell
8554	314400717640	053-3-195-000	Land and Building	R1	20	20	Caroline	ST	Carolyn Lamoreaux Bates Revocable Trust
8500	314463717393	053-3-140-000	Land and Building	R2	65	65	Catherine	ST	Ruby L. Thibault Jed H Thibault Aurelien G. Thibault
8498	314560717370	053-3-138-000	Land and Building	R1	75-77	75	Catherine	ST	Bruce W. Bierbaum Karl Lynn Bierbaum
8497	314614717427	053-3-137-000	Land and Building	R3	83	83	Catherine	ST	Hugo Martinez-Cazon Keith S Levenson
818	303247735059	024-2-063-000	Land and Building	R1	14	14	Cayuga	CT	Cynthia B. Button Jon B. Button
826	303382734959	024-2-071-000	Land and Building	R1	17	17	Cayuga	CT	Scott S. Smith Stacey R. Smith
821	303375735162	024-2-066-000	Land and Building	R1	30	30	Cayuga	CT	Mary Logan Lockwood
823	303452735227	024-2-068-000	Land and Building	R1	40	40	Cayuga	CT	Mark P. Moye and Joyce Ann Howard Trust
1083	303587735324	024-4-019-000	Land and Building	R1	56	56	Cayuga	CT	Theresa M. Lacroix
1109	303757735252	024-4-050-000	Land and Building	R1	65	65	Cayuga	CT	Kevin Healy Arlene Healy
1107	303858735329	024-4-048-000	Land and Building	R1	75	75	Cayuga	CT	Burns Wilson Dartt III Francoise Magdalena Dartt
1105	303936735400	024-4-046-000	Land and Building	R1	81	81	Cayuga	CT	Jeffrey S Clements Lynne C. Clements
1103	304024735477	024-4-044-000	Land and Building	R1	101	101	Cayuga	CT	James F. Burt Vera Burt
1092	304083735699	024-4-028-000	Land and Building	R1	120	120	Cayuga	CT	Charles Eric Nichols Anne Williams
1098	304336735722	024-4-038-000	Land and Building	R1	129	129	Cayuga	CT	Jeffrey Desautels Tina Desautels
5329	313344722058	044-4-033-000	Land and Building	CL	75	75	Cherry	ST	BTC Mall Associates, LLC
762	302209736468	024-2-003-000	Land and Building	R1	9	9	Clover	LN	Thanh Dang Son Tran
543	302189736725	024-1-009-000	Land and Building	R1	37	37	Clover	LN	Christine M. Thompson
542	302183736792	024-1-008-000	Land and Building	R1	45	45	Clover	LN	Timothy D. Thayer Debra Anne Thayer
4424	311724721578	043-4-001-000	Land	E	2-Jan	2	College	ST	City of Burlington - Parks Dept.
2361	302490731951	028-2-220-000	Composite	EL	8	8	College	ST	City Of Burlington - Department of Public Works
6994	311877721538	049-1-085-000	Land	EL	10	10	College	ST	City of Burlington
838	302344735027	024-2-088-000	Land and Building	R1	50	50	Cottage	GRV	Griffin Wert Joanna Wert
1936	302075734844	028-1-007-000	Land and Building	R1	80	80	Cottage	GRV	Marc Valin
1934	301926734747	028-1-004-000	Land and Building	R2	98	98	Cottage	GRV	Elmira Aliyev
1675	301706734578	027-3-058-000	Land and Building	R1	128	128	Cottage	GRV	Susan Flanders Hoxie
1674	301656734537	027-3-057-000	Land and Building	R1	134	134	Cottage	GRV	Raymond F Benoit Jr
1668	301388734295	027-3-051-000	Land and Building	R1	170	170	Cottage	GRV	James Douglas Daigle
2050	303032734650	028-1-126-000	Land and Building	R1	22	22	Cross	PKWY	Roberta P. Proulx Kelli P. LaPlant Jennifer P. Tremblay Joanne P. Ihlefeld
2048	302922734562	028-1-124-000	Land and Building	R1	38	38	Cross	PKWY	Patrica A. Heavner Christine A. Heavner Vicki L Cody
2039	302426734175	028-1-115-000	Land and Building	R1	102	102	Cross	PKWY	S. Brown Richardson Jane D. Richardson
2038	302400734124	028-1-114-000	Land and Building	R1	108	108	Cross	PKWY	Elizabeth H. Burns Alan Gladstone
2037	302315734089	028-1-113-000	Land and Building	R1	116	116	Cross	PKWY	Jasmin Pobric Gordana Pobric
2035	302197734005	028-1-111-000	Land and Building	R1	130	130	Cross	PKWY	Paul Held Susan Held
1457	300018734177	027-1-010-000	Land and Building	R1	34	34	Curtis	AVE	Tara Sullivan Brian J. Sullivan
1468	299891734057	027-1-021-000	Land and Building	R1	35	35	Curtis	AVE	George W. Buker Laurie A Buker
1467	299928734018	027-1-020-000	Land and Building	R1	43	43	Curtis	AVE	Paul E Sumner Jr Laura L. Sumner
1799	300335733791	027-3-164-000	Land and Building	R1	86	86	Curtis	AVE	Fred C Forehand Cynthia J Forehand
1800	300214733553	027-3-172-000	Land and Building	R1	121	121	Curtis	AVE	Debra Holonitch
1485	300308733403	027-3-170-000	Land and Building	R1	124	124	Curtis	AVE	Hans H. Heikel Kathryn W. Heikel
1486	300245733355	027-3-171-000	Land and Building	R1	130	130	Curtis	AVE	Travis M. Clairmont Gregory P. Clairmont
1487	300144733512	027-1-038-000	Land and Building	R1	135	135	Curtis	AVE	Jacqueline A. Dame Firley David S. Firley, Jr.
1480	300013733408	027-1-040-000	Land and Building	R1	156	156	Curtis	AVE	Joshua Perrin
1479	299950733765	027-1-034-000	Land and Building	R1	187	187	Curtis	AVE	Kendrick J. Forguites
1497	299865733875	027-1-032-000	Land and Building	R2	201	201	Curtis	AVE	BPAWG, LLC
1498	299708733787	027-1-047-000	Land and Building	R1	206	206	Curtis	AVE	John P Gipson Carolyn R Gipson
147	299532734008	027-1-051-000	Land and Building	R2	232-234	232	Curtis	AVE	Francois Nsibienakou Nyame Nti A. Nsibienakou-Fawoho
12335	299647739370	021-2-046-000	Land and Building	R1	4	4	Derway	DR	Elizabeth V. O'Kane Kelly J Boudreau
1095	299541739169	021-2-080-000	Land and Building	R2	21-23	21	Derway	DR	Casey J. D. Lyon Maho Takahashi

34	299096739540	021-2-061-000	Condo Land	RA	95	95	Derway	DR	Larkin Realty
35	304264735867	024-4-034-000	Land and Building	R1	14	14	Dorset	LN	Mary E. Barr
13	298394739590	020-4-002-000	Land and Building	R1	93	93	Elbow	ST	2751 North Miami Avenue LLC
372	298411739635	020-4-003-000	Land and Building	R1	95	95	Elbow	ST	2751 North Miami Avenue LLC
376	298305739917	020-3-004-000	Land	RL	107	107	Elbow	ST	Anthony Pellegrino Eva M. Pellegrino
4975	300926737766	023-3-068-000	Land and Building	R1	32	32	Forest	ST	Elizabeth S. Wood
1968	301176737941	023-3-072-000	Land and Building	R1	66	66	Forest	ST	Raul Perez Kathleen Perez
1999	313148722869	044-2-117-000	Land and Building	R1	23	23	George	ST	Rachel Green
1989	302740734591	028-1-041-000	Land and Building	R1	45	45	Green Acres	DR	Rebecca Marie Roy Mark Edward Montalban
1980	302613734726	028-1-073-000	Land and Building	R1	46	46	Green Acres	DR	Lauren Weiner
1982	302067734294	028-1-063-000	Land and Building	R1	116	116	Green Acres	DR	Francis Bourgeois
1659	302075734077	028-1-053-000	Land and Building	R1	129	129	Green Acres	DR	Allison Curran
1707	301791734404	027-3-042-000	Land and Building	R1	176	176	Green Acres	DR	Antonia W Simpson Robert V Simpson
1711	301467735094	027-3-104-005	Land and Building	R1	5	5	Grey Meadow	DR	Jeffrey P Gendron Kathleen B Gendron
1706	301314735234	027-3-104-002	Land and Building	R1	6	6	Grey Meadow	DR	Tyce C. Foltz Kara S. Foltz
1713	301405735041	027-3-104-006	Land and Building	R1	7	7	Grey Meadow	DR	Nelson R Vargas Susan E Beil
1739	301294734953	027-3-104-008	Land and Building	R1	15	15	Grey Meadow	DR	Scott T Fusare Dagmar Zentrichova
1737	301235734904	027-3-104-009	Land and Building	R1	21	21	Grey Meadow	DR	James J. Chagnon Lita M Chagnon
1735	301064735046	027-3-104-034	Land and Building	R1	24	24	Grey Meadow	DR	Arthur J. Dusablon Barbara Dusablon
1720	300940734955	027-3-104-032	Land and Building	R1	32	32	Grey Meadow	DR	Nathan S. Strules
1731	300815734862	027-3-104-030	Land and Building	R1	38	38	Grey Meadow	DR	Bernard V. Bora Denise C Bora
1724	300572734602	027-3-104-026	Land and Building	R1	56	56	Grey Meadow	DR	Sanford W. Phillips Stephanie L. Phillips
1722	300742734398	027-3-104-023	Land and Building	R1	62	62	Grey Meadow	DR	Victor Menard Tami Menard
67	301064734018	027-3-104-017	Land and Building	R1	74	74	Grey Meadow	DR	Catherine C. Wheeler Trust
73	299876738164	023-1-014-000	Land and Building	R1	21	21	Hardy	AVE	Lawrence A. Tulkop Lisa M. Tulkop
74	299829738223	021-2-001-000	Land and Building	R1	29	29	Hardy	AVE	Patra S Vail
75	299647738606	021-2-007-000	Land and Building	R1	71	71	Hardy	AVE	Richard E. Dion Faith B. Dion
77	299622738667	021-2-008-000	Land and Building	R1	77	77	Hardy	AVE	Philip Hinckley Rosalie A. Covey
79	299594738740	021-2-009-000	Land and Building	R1	85	85	Hardy	AVE	Katherine Schumpf Douglas J Schumpf
8426	299530738887	021-2-011-000	Land and Building	R1	101	101	Hardy	AVE	Robert K Young Janice Young
8425	299630739037	021-2-013-000	Land and Building	R1	112	112	Hardy	AVE	Lawrence L. Blanchard Judie A. Kreamer
8383	314404717736	053-3-067-000	Land and Building	R3	117-119	117	Howard	ST	117-119 Howard Street LLC
3617	314463717730	053-3-066-000	Land and Building	R1	121	121	Howard	ST	Jeffrey G. Schneider Michelle C. Keegan
9016	307471727364	037-3-005-000	Land and Building	E	60	60	Institute	RD	City of Burlington - Parks Dept.
4948	308628728125	034-2-001-000	Land and Building	EL	75	75	Institute	RD	City of Burlington School Dept.
12168	315714716402	054-2-087-000	Land and Building	R1	9	9	Iranistan	RD	Karl W. Doerner Judith M. Doerner
4859	312926723089	044-2-090-000	Land and Building	RA	7-Jan	1	Johnson	ST	Beverly O'Free Rooney Richard A. Rooney
7196	312027721599	049-1-086-000	Land and Building	C	60	60	Lake	ST	Lake And College LLC
9011	311913721837	044-2-003-000	Land and Building	C	86	86	Lake	ST	Lake Street Associates Inc
9013	312327719230	049-2-039-000	Land and Building	E	101	101	Lavalley	LN	State of Vermont Building & General Services Dept. Vermont State Agency of Transportation Rail Unit
9014	315258716371	054-2-082-000	Land and Building	R1	16	16	Ledge	RD	L. Josette Noll
8579	315639716371	054-2-085-000	Land and Building	R1	56-58	56	Ledge	RD	Catherine A. C. MacLachlan Trust
8575	314728717088	053-3-221-000	Land and Building	R1	38	38	Ledgemere	ST	Ila A. Abramson Joseph A. Bluestein
8576	314724717147	053-3-220-000	Land and Building	R1	44	44	Ledgemere	ST	Margaret E Joyal
8577	314578717211	053-3-216-000	Land and Building	R1	49	49	Ledgemere	ST	Austin D. Sumner Jennifer C. Sumner
832	314576717268	053-3-217-000	Land and Building	R1	55	55	Ledgemere	ST	Kevin S Cundiff Charles D. Kopplin
842	314723717268	053-3-218-000	Land and Building	R1	56	56	Ledgemere	ST	Gretchen E. Hogan Brendan P. Hogan
833	302688735119	024-2-078-000	Land and Building	R1	17	17	Loaldo	DR	Eric Gulfield
841	302581735213	024-2-096-000	Land and Building	R1	18	18	Loaldo	DR	Richard H. Yee, Jr. Mary B. Harkin
1963	302484735139	024-2-094-000	Land and Building	R1	32	32	Loaldo	DR	Gabriel Courage Holly Courage
1962	302377735178	024-2-092-000	Land and Building	R1	36	36	Loaldo	DR	Kenneth A Hebert Christine A. Hebert
1960	302527734886	028-1-036-000	Land and Building	R1	51	51	Loaldo	DR	Leo P. Campbell M. Eileen Campbell
1959	302521734809	028-1-035-000	Land and Building	R1	57	57	Loaldo	DR	Martha J Ledoux Robert E. Ledoux
1958	302425734726	028-1-033-000	Land and Building	R2	69	69	Loaldo	DR	Patricia Anne Hollinger
1943	302376734687	028-1-032-000	Land and Building	R1	75	75	Loaldo	DR	Harvey Family Revocable Trust
1954	302333734649	028-1-031-000	Land and Building	R1	81	81	Loaldo	DR	William A. Carlson
1953	302203734748	028-1-014-000	Land and Building	R1	84	84	Loaldo	DR	Alan LeBlanc
1950	302142734498	028-1-027-000	Land and Building	R1	105	105	Loaldo	DR	Sherri L McCoy
7198	302097734461	028-1-026-000	Land and Building	R1	111	111	Loaldo	DR	Kathryn A. Newton
8583	312070720020	049-2-041-000	Land and Building	E	1	1	Maple	ST	City of Burlington - Parks Dept.
693	313297720085	049-2-001-000	Land and Building	RA	113	113	Maple	ST	Maple Street Properties, LLC
967	314811716959	053-3-224-000	Land and Building	R1	16	16	Marian	ST	Jane Merola McKenzie
964	303439736520	024-1-116-000	Land and Building	R1	4	4	Meridian	ST	Darby Shaw Joseph Shaw
4920	303607736669	024-3-026-000	Land and Building	R1	28	28	Meridian	ST	Mustafa Jusupovic Amira Jusupovic
4928	303790736812	024-3-023-000	Land and Building	R1	50	50	Meridian	ST	O'Dell Walker

3619	312865723126	044-2-062-000	Land and Building	RA	58-64	58	Monroe	ST	Marijos Properties
2004	312876722913	044-2-070-000	Land and Building	R4	61-63	61	Monroe	ST	Carl F. Albarelli
827	308917726980	038-1-002-000	Cemetery	E	455	455	North	AVE	Burlington City Cemetery Dept. Lake View Cemetery
814	303250734902	028-1-078-000	Land and Building	R1	1464	1464	North	AVE	Migmar Dolma
830	303068734920	024-2-072-000	Land and Building	R2	1477	1477	North	AVE	John Whitehouse Revocable Trust
899	303097735140	024-2-058-000	Land and Building	R1	1490	1490	North	AVE	Sharon L. Fosbrook
831	302757734982	024-2-075-000	Land and Building	RA	1501	1501	North	AVE	Salamin Handy Mountaha Handy
848	302760735193	024-2-077-000	Land and Building	R1	1519	1519	North	AVE	Elizabeth Jane Fitzpatrick
792	302609735366	024-2-100-000	Land and Building	C	1541	1541	North	AVE	Thunderbolt Garage LLC
791	302538735400	024-2-102-000	Land	RL	1547	1547	North	AVE	Jolley Associates
789	303094735926	024-2-033-000	Rental Land	E	1554	1554	North	AVE	BHA Franklin Square
870	302612735734	024-2-030-000	Rental Land	E	1562	1562	North	AVE	Burlington Housing Authority
786	302372735591	024-2-127-000	Land and Building	C	1563	1563	North	AVE	Sisters & Brothers Investment Group, LLP
885	302280735657	024-2-128-000	Land and Building	R2	1571	1571	North	AVE	Lisa McLamb
783	302362735872	024-2-027-000	Land and Building	R1	1586	1586	North	AVE	Pauline R. Grogan Wanda L. Grogan Kevin L. Grogan
12273	302163735806	024-2-143-000	Land and Building	R1	1595	1595	North	AVE	John R Fisher Kathleen C. Fisher
779	302235735997	024-2-024-000	Land and Building	R1	1604	1604	North	AVE	Ginger J. Santor
778	302193736040	024-2-023-000	Land	RL	1610	1610	North	AVE	Champlain Housing Trust Inc.
511	302070736171	024-2-020-000	Land and Building	R1	1628	1628	North	AVE	Mary Lariviere
775	302029736215	024-2-019-000	Land and Building	R1	1634	1634	North	AVE	Simone M. Felty
529	301474736078	023-4-038-000	Land and Building	E	1645	1645	North	AVE	City of Burlington School Dept.
528	301904736343	024-2-016-000	Land and Building	R1	1652	1652	North	AVE	Hien Nguyen Phuong Chung
369	301761736459	023-4-056-000	Land and Building	R1	1670	1670	North	AVE	Francis J Fagga Jr Anne G Fagga
354	301722736500	023-4-055-000	Land and Building	R1	1676	1676	North	AVE	Terrence G. Moore Carol J. Moore
368	300740737598	023-3-065-000	Land and Building	R1	1922	1922	North	AVE	Elizabeth S. Lewis
353	300361737619	023-3-049-000	Land and Building	RA	1925	1925	North	AVE	New Northgate Housing, LLC
366	300696737649	023-3-064-000	Land and Building	R1	1928	1928	North	AVE	Kenneth Gokey
362	300549737529	023-3-048-000	Land and Building	R1	1929	1929	North	AVE	Leah A. Oklan Ezra Oklan
360	300604737753	023-3-062-000	Land and Building	R1	1942	1942	North	AVE	Denny Lee Johnson Christine H. Johnson
359	300537737842	023-3-057-000	Land and Building	R1	1954	1954	North	AVE	Brent Huff Nicole Huff
123	300432738027	023-3-054-000	Land and Building	R1	1976	1976	North	AVE	Jeannine Kneeland
99	300168738517	021-2-058-000	Land and Building	R1	2040	2040	North	AVE	Amylynn Streeter David H. Streeter
121	300154738592	021-2-057-000	Land and Building	R1	2044	2044	North	AVE	Rama Lakshmi Courcy Charles P. Courcy
101	299972738571	021-2-033-000	Land and Building	R1	2047	2047	North	AVE	Thomas M Leclair Jody A Leclair
118	300132738657	021-2-056-000	Land and Building	R1	2048	2048	North	AVE	Robert Lapointe
103	299905738701	021-2-035-000	Land and Building	R1	2061	2061	North	AVE	Gary D. Dion Linda D. Dion
114	300064738860	021-2-053-000	Land and Building	R1	2070	2070	North	AVE	Alfred Cyr III Cherie K Cyr
64	299852738831	021-2-037-000	Land and Building	R1	2075	2075	North	AVE	Tory-Ann Torres Luis Torres
143	298505739683	021-2-067-000	Land	RL	3127	3127	North	AVE	Thomas Furland Karen Furland
11	298595739779	021-2-065-000	Land and Building	R1	3130	3130	North	AVE	P Maria Spadanuda
41	298501739747	021-2-066-000	Land	RL	3135	3135	North	AVE	2751 North Miami Avenue LLC
25	298438739892	020-3-001-000	Land and Building	R1	3139	3139	North	AVE	Sandra A Labombard Todd M Labombard
22	298528739922	021-1-002-000	Land and Building	ML	3140	3140	North	AVE	Todd M Labombard Tina M. Tofani Irena H Labombard
4702	298469740063	020-3-019-000	Land and Building	R1	3152	3152	North	AVE	Tor D. Bortz Lorena K. Bortz
4701	298378740302	020-3-015-000	Land and Building	R1	3174	3174	North	AVE	Treehouse Garage LLC
4700	312299724080	044-1-255-000	Land and Building	R2	87	87	North	ST	PHE, INC
4699	312335724076	044-1-254-000	Land and Building	E	89	89	North	ST	Burlington Emergency Shelter Inc
32	312380724053	044-1-253-000	Land and Building	CR	93-97	93	North	ST	Melissa B. Lafayette
4877	312464724115	044-1-252-000	Land and Building	R4	101-103	101	North	ST	J. Stuart McGowan Joan H. Watson
4776	298293740997	020-3-029-000	Land	EL	0	0	North Avenue	EXT	City of Burlington - Parks Dept.
4782	312713722677	044-2-019-000	Rental Land and Building	E	20-Oct	10	North Champlain	ST	Burlington Housing Authority
59	312439723683	044-1-310-000	Land and Building	CR	99	99	North Champlain	ST	Erkson Real Estate LLC
60	312478723958	044-1-316-000	Land and Building	R1	125	125	North Champlain	ST	Martha J. Caswell Seth Wolcott-MacCausland
61	298854740073	021-1-027-000	Land and Building	R1	40	40	North Cove	RD	Robert Bristow-Johnson Phyllis Bristow-Johnson
12123	298848740167	021-1-030-000	Land and Building	R2	50	50	North Cove	RD	Chad E Dewyea
53	298852740449	021-1-031-000	Land	RL	52	52	North Cove	RD	Timothy A. Muir Frances D. Muir
50	298633740466	021-1-019-000	Land and Building	ML	94	94	North Cove	RD	Edward R. Peters Jr. Theresa Leona Peters Kathy Peters Cindy Hamel Sandra Nunn John Peters Rebecca Peters
461	298509740501	000-0-000-000	Land	X	99	99	North Cove	RD	Guy L. Southwell
2085	300949737976	023-3-160-001	Land and Building	R1	67	67	North View	DR	David C Francis Donna Powell
1656	301769733600	027-3-001-000	Land and Building	R1	49	49	Oakland	TER	Dagnija Neimane
4900	301950733803	028-1-165-000	Land and Building	R1	50	50	Oakland	TER	George H Cootey Gail M Cootey
4753	301788733928	027-3-039-000	Land and Building	R1	74	74	Oakland	TER	Joanne Kalisz
4747	312264723375	044-2-043-000	Land and Building	R1	66	66	Park	ST	Malcolm M. Sanders
4745	312288723481	044-1-307-000	Land and Building	R2	76	76	Park	ST	James Design Build (John J. Burns)
4744	312278723743	044-1-301-000	Land and Building	RA	102	102	Park	ST	102 Park Street LLC

12282	312268723841	044-1-299-000	Land and Building	R1	112	112	Park	ST	Stephen Smith Carmen Smith
12283	312265723882	044-1-298-000	Land and Building	R2	116	116	Park	ST	Adam H. Holmes
4878	312267723949	044-1-296-000	Land	RL	124	124	Park	ST	Champlain Housing Trust Inc.
4879	312262723992	044-1-295-000	Land	RL	128	128	Park	ST	Champlain Housing Trust Inc.
4881	312963722733	044-2-021-000	Land and Building	CR	68	68	Pearl	ST	68 Pearl Street LLC
4942	313046722741	044-2-022-000	Land	EL	70	70	Pearl	ST	City Of Burlington - Department of Public Works
12732	313106722710	044-2-023-000	Rental Land and Building	CR	80-90	80	Pearl	ST	Josephine Bernardini Bove Richard J. Bove Jr.
7166	312857723305	044-2-084-000	Land and Building	R2	21	21	Peru	ST	BPJS Management LLC
7168	313163721587	049-1-125-000	Condo Land and Building	CC	84	84	Pine	ST	84 Pine Street Association
7169	313229719975	049-2-007-000	Land and Building	R2	220	220	Pine	ST	Nicholas S. Papaserafym Deanna Papaserafym
7171	313222719880	049-2-009-000	Land and Building	R3	230	230	Pine	ST	Chris Khamnei
892	313233719823	049-2-010-000	Land and Building	R1	234	234	Pine	ST	Diana L Doll
893	313253719593	049-2-013-000	Land and Building	C	266	266	Pine	ST	Pine Properties LLC
546	302324736305	024-2-150-000	Land and Building	R1	68	68	Plattsburg	AVE	Mariah Ogden
547	302314736369	024-2-151-000	Land and Building	R1	76	76	Plattsburg	AVE	Abi N. Chamlagi Mon M. Chamlagai
548	302301736570	024-1-012-000	Land and Building	R1	94	94	Plattsburg	AVE	Katherine B. Janson
1788	302293736626	024-1-013-000	Land and Building	R1	100	100	Plattsburg	AVE	Michael E. Cornell Mary E. Cornell
1744	302288736683	024-1-014-000	Land and Building	R1	104	104	Plattsburg	AVE	Kristina Wood Tyler Rouille
1787	300280734501	027-3-159-000	Land and Building	R1	21	21	Pleasant	AVE	Merima Elkaz
1784	300386734578	027-3-109-000	Land and Building	R1	22	22	Pleasant	AVE	Maureen K. Linsenmeier
1781	300336734438	027-3-158-000	Land and Building	R1	29	29	Pleasant	AVE	Margaret B Bombard Stephen Hadeka
1751	300502734240	027-3-154-000	Land and Building	R1	55	55	Pleasant	AVE	Boris Katsnelson Marina Katsnelson
1778	300762734134	027-3-117-000	Land and Building	R1	80	80	Pleasant	AVE	David P Devoid Jacqueline C. Devoid
1761	300699733692	027-3-124-000	Land and Building	R1	134	134	Pleasant	AVE	Cynthia A Warwick Jason F. Seiler
1766	300523733869	027-3-127-000	Land and Building	R1	156	156	Pleasant	AVE	Thomas O. Ross Mary M. Ross
1771	300389734256	027-3-140-000	Land and Building	R1	195	195	Pleasant	AVE	Meghan Fay-Mccaffrey Liam P Mccaffrey
288	300267734171	027-3-133-000	Land and Building	R1	198	198	Pleasant	AVE	Deborah L. Clemons
7227	300334734323	027-3-139-000	Land and Building	R1	203	203	Pleasant	AVE	Richard W. Hanzel Trust (Richard W. Hanzel)
7563	300444738520	021-4-001-000	Land and Building	R1	40	40	River View	DR	Karen J Anderson
7562	313396721479	049-3-017-000	Land and Building	C	95	95	Saint Paul	ST	Investors Corporation of Vermont
8403	313439719772	049-4-045-000	Land	RL	237-241	237	Saint Paul	ST	Stephen W. Conant Margaret C. Conant
8401	313497719645	049-4-044-000	Land and Building	C	249	249	Saint Paul	ST	Carrie Ann Rockwood Todd M. Rockwood
8400	314532717779	053-3-044-000	Land and Building	CR	463-465	463	Saint Paul	ST	Alan R. Longe Pamela B. Longe
8386	314572717680	053-3-042-000	Land and Building	RA	469	469	Saint Paul	ST	Gisele J. Fontaine Family Trust (Gisele J. Fontaine)
8397	314606717643	053-3-041-000	Land and Building	R3	475-477	475	Saint Paul	ST	Yee Properties LLC
8391	314805717706	053-3-027-000	Land and Building	R4	484-486	484	Saint Paul	ST	Four Eighty Four St Paul St, LLC
8395	314700717391	053-3-038-000	Land and Building	R3	507	507	Saint Paul	ST	Amanda H. Goossen Daniel Goossen
8755	314973717440	053-3-032-000	Land and Building	R1	516	516	Saint Paul	ST	Mathew Viens Johnnie McLaughlin
8392	314811717342	053-3-036-000	Land and Building	R1	517	517	Saint Paul	ST	Bryan A. Mihok
8754	314880717150	053-3-033-000	Land and Building	R1	539	539	Saint Paul	ST	David M. Buffington Meredith A. Coeyman
8841	315081717216	054-1-004-000	Land and Building	R3	540	540	Saint Paul	ST	LBC 515 & 540, LLC
8843	314915717029	054-1-001-000	Land and Building	RA	567	567	Saint Paul	ST	Sisters & Brothers Investment Group, LLP
8844	315211717046	054-1-077-000	Land and Building	R1	4	4	Shelburne	ST	Terrance A. McGrath Timothy L. McGrath
4892	315224716923	054-1-080-000	Land and Building	R1	14	14	Shelburne	ST	Kevin F. Quirino James J. Elias
675	315177716626	054-2-014-000	Land and Building	C	44	44	Shelburne	ST	Mary S. Burns Trust
10100	303097737144	024-1-098-000	Land and Building	R1	12	12	Sky	DR	Earl J. Babcock, Jr.
8768	303251737123	024-1-100-000	Land and Building	R1	24	24	Sky	DR	Sylvia J. Bernardina
8763	318700717168	058-3-001-000	Land and Building	C	568	568	South Prospect	ST	Burlington Country Club Corp.
8762	314984717720	054-1-015-000	Land and Building	R1	467	467	South Union	ST	Rachel L. Morton Trust
8835	315058717420	054-1-010-000	Land and Building	R1	493	493	South Union	ST	Peter Keating Kathleen Keating
8760	315072717368	054-1-009-000	Land and Building	R1	499	499	South Union	ST	George L. Shelley IV Rachel W. Shelley
8836	315281717323	054-1-071-000	Land and Building	R3	508-510	508	South Union	ST	Marc L. Jacobs
8837	315226717276	054-1-072-000	Land and Building	R2	512	512	South Union	ST	Mary B. Hennessy
8758	315094717225	054-1-006-000	Land and Building	R1	515	515	South Union	ST	515 South Union Street-540 Saint Paul Street, LLC
7935	315220717219	054-1-073-000	Land and Building	R2	516-518	516	South Union	ST	William T. McGrath Jr. Mcgrath Income Only Trust
8865	315108717174	054-1-005-000	Land and Building	RA	525-527	525	South Union	ST	Alain W. Brunet
8862	315665718448	054-1-102-000	Land and Building	R1	405	405	South Willard	ST	Northeastern Family Institute Of Vermont Inc.
8869	315581718256	054-1-100-000	Land and Building	R1	425	425	South Willard	ST	Mark A. Stoler Diane A. Gabriel
8871	315540718188	054-1-099-000	Land and Building	R1	429	429	South Willard	ST	William Mares Christine Hadsel
8850	315795718100	054-1-106-000	Land and Building	R1	436	436	South Willard	ST	Jane A. Smith 2011 Revocable Trust
8848	315726717952	054-1-108-000	Land and Building	R1	452	452	South Willard	ST	Guido Mase Anne Kathleen Dougherty
8946	315291717084	054-1-084-000	Land and Building	R2	543	543	South Willard	ST	Michael L. Richards
1507	315300716530	054-2-015-000	Land and Building	E	600	600	South Willard	ST	Greek Orthodox Church
1535	297948733336	027-1-061-035	Land and Building	S1	2	2	Starr Farm	BC	Daniel M. Boardman Trust
1534	298064733663	027-1-061-050	Land and Building	S1	5	5	Starr Farm	BC	Edward H. Starr Robin Robertson Starr

1503	298679733994	027-1-061-175	Land and Building	S1	9	9	Starr Farm	BC	Thomas W Dowe Jr Leslie E. Twitchell Elizabeth A. Dowe Kelly Dowe Engelman
1518	298928734405	027-1-056-000	Land and Building	S1	13	13	Starr Farm	BC	W. Philip Wagner Revocable Trust Barbara E. Wagner Revocable Trust
1520	298245734244	027-1-061-065	Land and Building	S1	15	15	Starr Farm	BC	Katherine P. Pond Patrick S. Robins
1523	298537734316	027-1-061-090	Land and Building	S1	19	19	Starr Farm	BC	Gerald L. Curley Laura C. Curley
1522	298786734414	027-1-061-100	Land and Building	S1	21	21	Starr Farm	BC	Paul R. Sisson
1526	298981734539	027-1-061-115	Land and Building	S1	23	23	Starr Farm	BC	Richard H. Wiemann
1536	298899734639	027-1-061-110	Land and Building	S1	24	24	Starr Farm	BC	Kenneth R. Lee Kathleen P. Lee
498	299041734748	027-1-061-130	Land and Building	S1	27	27	Starr Farm	BC	Carmela Monaco
501	299373735397	027-1-061-180	Land and Building	S1	34	34	Starr Farm	BC	Denis O'Brien Isela M O'Brien
502	301479735575	023-4-026-000	Land	CL	43	43	Starr Farm	RD	John J. Flynn Estate
506	300858735154	023-4-029-000	Land and Building	R1	151	151	Starr Farm	RD	Marina C. Collins
507	300777735004	023-4-032-000	Land and Building	R1	167	167	Starr Farm	RD	Allen L. Barr Jr. Mary E. Barr
508	300679735022	023-4-033-000	Land and Building	R1	173	173	Starr Farm	RD	Daniel Elliott Joanna Elliott
1705	300625734986	023-4-034-000	Land and Building	R1	179	179	Starr Farm	RD	Neal Bernard Hayes Jr Nikki Lee Hayes
1741	300562734939	023-4-035-000	Land and Building	R1	187	187	Starr Farm	RD	Caroline M. Rudd
595	300477734780	027-3-103-000	Land and Building	R1	201	201	Starr Farm	RD	Ted Jacobites
592	300430734716	027-3-105-000	Land and Building	R1	207	207	Starr Farm	RD	Maurice A. Paquette Karen M Paquette
589	302949736960	024-1-063-000	Land and Building	R1	87	87	Sunset	DR	Norma C. Brunelle
689	303070736795	024-1-061-000	Land and Building	R1	109	109	Sunset	DR	Thaddeus Zabiegalski Frances Zabiegalski
898	303109736727	024-1-060-000	Land and Building	R1	117	117	Sunset	DR	Andrew E. Potter Meagan G. Potter
850	303315736735	024-1-112-000	Land and Building	R1	126	126	Sunset	DR	Mary A. Perry Joan G. Perry Judith B. Bailey
851	303299736401	024-2-157-000	Land and Building	R1	151	151	Sunset	DR	Yolanda Flores
853	302428735423	024-2-104-000	Land and Building	R1	13	13	Tracy	DR	Neil Guilmette Michelle Guilmette
1681	302371735380	024-2-105-000	Land and Building	R1	19	19	Tracy	DR	Michelle Valiquette John J. Valiquette Jr.
1683	301514734657	027-3-069-000	Land and Building	R1	131	131	Tracy	DR	Hue Thi Nguyen Tuan Nguyen
1684	301438734640	027-3-071-000	Land and Building	R1	139	139	Tracy	DR	Liam N. Page
1688	301386734597	027-3-073-000	Land and Building	R1	145	145	Tracy	DR	Debra A. LeBlanc
553	301107734379	027-3-083-000	Land and Building	R1	181	181	Tracy	DR	Margaret Poulin Kirk Poulin Robin A. Smith Laura J. Blaise Rebecca L. Richardson
12655	302040736842	024-1-020-000	Land and Building	R1	37	37	Turf	RD	Jay P. Bessette Diem T. Ha
661	302210736963	024-1-019-000	Land and Building	R2	57	57	Turf	RD	BPAWG, LLC
662	303063737772	024-1-078-000	Condo Land	RC	1	1	Valade	ST	Valade Park Condo Association
663	303195737405	024-1-084-000	Land and Building	R1	42	42	Venus	AVE	Harvey C. Allard Jr. Margaret M Allard
665	303276737383	024-1-085-000	Land and Building	R1	46	46	Venus	AVE	Ziyu Fang
953	303360737360	024-1-086-000	Land and Building	R1	54	54	Venus	AVE	Anthony M Mazza Elizabeth A Mazza
950	303507737147	024-3-012-000	Land and Building	R1	77	77	Venus	AVE	Angelina Fitzpatrick James J. Fitzpatrick
873	303733737206	024-3-016-000	Land and Building	R1	94	94	Venus	AVE	John F K Rouille Mary R Rouille
881	303700737029	024-3-009-000	Land and Building	R1	101	101	Venus	AVE	Muaz Omanovic Kija Omanovic
492	302132735650	024-2-131-000	Land and Building	R1	19	19	West	RD	Richard Sener Karen J. Sener
491	301910735636	024-2-139-000	Land and Building	R1	38	38	West	RD	Gina A. Scafa
1631	301501735308	023-4-018-000	Land and Building	R1	90	90	West	RD	Joshua Farley Andrea Farley
12221	301575735164	023-4-015-000	Land and Building	R1	95	95	West	RD	Heinrich Savelberg Christina T. Savelberg Casandra C. Savelberg
12222	301521733604	027-3-014-000	Land and Building	R1	66	66	Western	AVE	Kimberly Ann Hunt Alexander T. Messinger
463	300746737816	023-3-061-000	Land	RL	19	19	Woods	ST	Champlain Housing Trust Inc.
1626	300686738042	023-3-164-000	Land and Building	R1	40	40	Woods	ST	First United Methodist Church of Burlington VT
1625	301216733969	027-3-031-000	Land and Building	R1	10	10	York	DR	Roland A Dion Gail A Dion
1650	301364733886	027-3-009-000	Land and Building	R1	15	15	York	DR	Kim M. Palasits
	301438733948	027-3-008-000	Land and Building	R1	29	29	York	DR	Steven R. Benoit Jean M. Benoit
*Properties on	301447734149	027-3-033-000	Land and Building	R1	38	38	York	DR	Robert Hart Dorcas Hart

LEGEND:	
	Department of Permitting & Inspections--Trades Division
	Department of Permitting & Inspections--Housing Division
	Department of Permitting & Inspections--Zoning Division
	Burlington Public Works--Water Resources
	Burlington Electric Department
	Department of Public Works

Board of Finance and City Council Submission Checklist

Department: City Attorney Submitter: Lisa Jones

Title/Subject: Release of certain properties from glebe

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/16/2024
☐	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	Click or tap to enter a date.	Click or tap here to enter text.
Mayor's Office informed and approved memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Board/Commission, if required	N/A	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	N/A	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	12/11/2024	Kim
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Choose an item.	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Updated list of retained properties
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Ben Traverse

Board of Finance and City Council Submission Checklist

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION 6.28
Sponsor(s): Councilor Traverse
Introduced: 12/16/24
Referred to: _____
Action: adopted
Date: 12/16/24
Signed by Mayor 12/18/24

CITY OF BURLINGTON

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

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

That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and

WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests List as appropriate for release in the future—for example, because outstanding issues are resolved,—those properties should be brought forward to the Council and the Retained Interests List should be updated; and

WHEREAS, City staff have identified a number of properties that are appropriate for release since the last release in September, 2024;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401 and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:

- 2 Cherry Street (Tax ID 044-2-004-000)
- 23 Loaldo Drive (Tax ID 024-2-079-000)
- 1555 North Avenue (Tax ID 024-2-103-000)

R: Glebe or Lease Lands/City Council Action-Resolutions/Resolution re Release of Certain Glebe Lands 12/16/24
12/11/24

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

Lisa Jones, City Attorney's Office

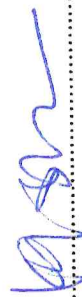
ORIGINAL

RESOLUTION RELATING TO

Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City
Of Burlington Perpetual Lease Land Interests List

Adopted by the City Council

December 16....., 20 24.....

 Clerk

Approved..... Dec 18....., 20 24.....

 Mayor

Vol. Page

Attest:


Lori Olberg
Licensing and Records Coordinator

* * * * *

Resolution Relating to

AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET
CONCESSION GRANT OF \$1 MILLION FOR SOUTH END
COORDINATED REDEVELOPMENT

RESOLUTION_____

Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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, the city’s South End has evolved from an active industrial and manufacturing hub,
2 through a period of high vacancy rates in the 1970s, and into a creative district that is still the geographic and
3 economic hub of industry and manufacturing in Burlington; and
- 4 WHEREAS, the South End represents just 4% of the city’s total land area, and is home to nearly half
5 of the city’s office and industrial space – employing over 6,000 people in ~500 businesses, from artists and
6 makers to companies large and small; and
- 7 WHEREAS, Burlington residents and the greater community called for zoning amendments that
8 continue to support arts and artists, light manufacturing, and innovation sector start-ups, while allowing
9 residential use and limit heavy manufacturing (planBTV South End, 2019); and
- 10 WHEREAS, in July 2023, the City Council unanimously approved the South End Innovation District
11 (SEID) Zoning Amendment, which was intended to promote a vibrant urban district with a mix of uses,
12 including hundreds of new homes and neighbors coexisting with new spaces for the arts, light manufacturing,
13 higher education and other commercial uses; and
- 14 WHEREAS, Burlington Community Development Corporation, a nonprofit affiliate of the City, owns
15 68 Sears Lane; Ride Your Bike, LLC owns 125 Lakeside Avenue; and Champlain College owns 175 Lakeside
16 Avenue, and collectively these parties (the “Parties”) own contiguous parcels totaling 13.3 acres in the core of
17 the new SEID; and
- 18 WHEREAS, on January 31, 2023, the Parties entered into a Memorandum of Understanding to
19 facilitate a conceptual design framework and infrastructure assessments for the coordinated redevelopment of
20 these parcels resulting in a vibrant, sustainable and accessible mixed-use neighborhood; and
- 21 WHEREAS, the Parties view this is a unique opportunity to develop a new sustainable, walkable, bike-
22 friendly, mixed-income neighborhood with public open spaces and resilient green infrastructure, and that
23 coordinated redevelopment will result in a sum that is far greater than its parts; and

AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET CONCESSION
GRANT OF \$1 MILLION FOR SOUTH END COORDINATED
REDEVELOPMENT

24 WHEREAS, the Parties acknowledge the ongoing conceptual design must be informed by the overall
25 water, wastewater, stormwater, traffic and parking projections – which in turn will enable the Parties to better
26 understand the magnitude of infrastructure constraints and develop strategies to address such constraints; and

27 WHEREAS, the Parties have been working together for nearly 2 years to develop a shared
28 understanding of the infrastructure opportunities and constraints for a transit-oriented-development with
29 funding from the Chittenden County Regional Planning Commission and the Vermont Agency of Commerce
30 and Community Development; and

31 WHEREAS, on March 11, 2024, the City Council approved a Pre-Development Agreement among the
32 Parties to engage in joint planning for the “South End Coordinated Redevelopment (SECORD)” of the subject
33 parcels noted above in a coordinated fashion with a mixed-use development project; and

34 WHEREAS, in May 2024, the Community & Economic Development (CEDO) in conjunction with the
35 Clerk/Treasurer’s Office Grant Team submitted an application for funding to the US Department of
36 Transportation under the Innovative Finance and Asset Concession Grant Program to assist the city and its
37 partners in delivering the desired Transit-Oriented Development (TOD) neighborhood by procuring additional
38 technical expertise to complete financial modeling, legal negotiations, civil engineering, environmental site
39 assessments, landscape architecture, feasibility studies, and engagement activities; and

40 WHEREAS, the City’s application was successful and the U.S. Department of Transportation awarded
41 \$1 million in grant funding to be used for the purposes detailed in the above paragraph over a three-year
42 period with no local match requirements; and

43 WHEREAS, on December 16, 2024, the Board of Finance recommended to the City Council that the
44 Director of CEDO be authorized to execute a U.S. Department of Transportation Innovative Finance and
45 Asset Concession Grant Program Cooperative Agreement for \$1,000,000 to enable the City to procure
46 additional technical expertise as detailed in the following paragraph;

47 NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of CEDO to
48 execute a U.S. Department of Transportation Innovative Finance and Asset Concession Grant Program
49 Cooperative Agreement for \$1,000,000 to enable the City to procure additional technical expertise to complete
50 financial modeling, legal negotiations, civil engineering, environmental site assessments, landscape
51 architecture, feasibility studies, and engagement activities as further detailed in the City’s May 2024
52 application to the U.S. DOT; and

AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET CONCESSION
GRANT OF \$1 MILLION FOR SOUTH END COORDINATED
REDEVELOPMENT

53 BE IT FURTHER RESOLVED that the City Council authorizes the Director of CEDO to take such
54 further actions, and to execute such further instruments approved as to form by the City Attorney, as may be
55 necessary or convenient to facilitate the transactions contemplated hereby; and

56 BE IT FURTHER RESOLVED that the Director of CEDO may execute amendments to the
57 cooperative agreement, provided that any City match associated with such an amendment is within staff's
58 approval authority pursuant to the City's purchasing policy.

59

60 *BTP/Resolutions 2024/Authorization To Accept U.S. Department Of Transportation Innovative Finance And Asset Concession Grant Of \$1 Million*
61 *For South End Coordinated Redevelopment*
62 *12/06/2024*



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

TO: Board of Finance and City Council
FROM: Brian Pine, CEDO Director
DATE: December 9, 2024
RE: Acceptance of \$1M grant under the USDOT innovative Finance and Asset Concession Grant Program

The memo accompanies the resolution for your consideration at the concurrent meetings to be held on December 16, 2024. Specifically, we are seeking BoF and Council authorization for the City accept the grant award that is described in this memo.

As you may recall, the City Council approved a Pre-Development Agreement among the Parties in March 2024 to engage in joint planning for the “South End Coordinated Redevelopment (SECORD)” of parcels owned by the Burlington Community Development Corporation, Ride Your Bike, LLC and Champlain College in a coordinated fashion with a mixed-use development project.

Faced with constrained staff capacity across the participating City departments, CEDO developed a grant application in conjunction with the Clerk/Treasurer’s Office Grant Team for funding to the US Department of Transportation under the Innovative Finance and Asset Concession Grant Program. This new program was created under the Infrastructure Investment and Jobs Act (Pub. L. 117-58) (also referred to as the Bipartisan Infrastructure Law or BIL) to provide grants to enhance the technical capacity of eligible public entities to facilitate and evaluate public-private partnerships. The USDOT prioritized projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation consistent with the USDOT Strategic Plan.

A grant of \$1M was sought to assist the city and its partners in delivering the desired Transit-Oriented Development (TOD) neighborhood. Fortunately, the City’s application was successful and the USDOT awarded \$1 million to fund pre-development activities over a three-year period with no local match requirements. The funding will enable the City to procure additional technical expertise to complete financial modeling, legal negotiations, project management, civil engineering, environmental site assessments, landscape architecture, feasibility studies, and engagement activities as further detailed in the City’s May 2024 application to the USDOT.

As always, please reach out if you wish to discuss this request.

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Brian PineTitle/Subject: Authorization to Accept USDOT Grant for South End Coordinated Redevelopment

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	12/16/2024

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	12/6/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	12/12/2024	Erin Jacobsen
Board/Commission, if required	N/A	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	Yes	12/9/2024	IFACGP Cooperative Agreement
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/9/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	12/12/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo attached
Contract Attached, if applicable?	No	Contract available upon request
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Resolution contains required authorization
If for submission to Council, are sponsors identified?	Yes	Board of Finance

Resolution Relating to

**AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET
CONCESSION GRANT OF \$1 MILLION FOR SOUTH END
COORDINATED REDEVELOPMENT**

RESOLUTION 6.29

Sponsor(s): Bd. of Finance
Introduced: 12/16/24
Referred to: _____
Action: adopted
Date: 12/16/24
Signed by Mayor: 12/18/24

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, the city’s South End has evolved from an active industrial and manufacturing hub,
2 through a period of high vacancy rates in the 1970s, and into a creative district that is still the geographic and
3 economic hub of industry and manufacturing in Burlington; and

4 WHEREAS, the South End represents just 4% of the city’s total land area, and is home to nearly half
5 of the city’s office and industrial space – employing over 6,000 people in ~500 businesses, from artists and
6 makers to companies large and small; and

7 WHEREAS, Burlington residents and the greater community called for zoning amendments that
8 continue to support arts and artists, light manufacturing, and innovation sector start-ups, while allowing
9 residential use and limit heavy manufacturing (planBTV South End, 2019); and

10 WHEREAS, in July 2023, the City Council unanimously approved the South End Innovation District
11 (SEID) Zoning Amendment, which was intended to promote a vibrant urban district with a mix of uses,
12 including hundreds of new homes and neighbors coexisting with new spaces for the arts, light manufacturing,
13 higher education and other commercial uses; and

14 WHEREAS, Burlington Community Development Corporation, a nonprofit affiliate of the City, owns
15 68 Sears Lane; Ride Your Bike, LLC owns 125 Lakeside Avenue; and Champlain College owns 175 Lakeside
16 Avenue, and collectively these parties (the “Parties”) own contiguous parcels totaling 13.3 acres in the core of
17 the new SEID; and

18 WHEREAS, on January 31, 2023, the Parties entered into a Memorandum of Understanding to
19 facilitate a conceptual design framework and infrastructure assessments for the coordinated redevelopment of
20 these parcels resulting in a vibrant, sustainable and accessible mixed-use neighborhood; and

21 WHEREAS, the Parties view this is a unique opportunity to develop a new sustainable, walkable, bike-
22 friendly, mixed-income neighborhood with public open spaces and resilient green infrastructure, and that
23 coordinated redevelopment will result in a sum that is far greater than its parts; and

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

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.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET CONCESSION
GRANT OF \$1 MILLION FOR SOUTH END COORDINATED
REDEVELOPMENT

WHEREAS, the Parties acknowledge the ongoing conceptual design must be informed by the overall water, wastewater, stormwater, traffic and parking projections – which in turn will enable the Parties to better understand the magnitude of infrastructure constraints and develop strategies to address such constraints; and

WHEREAS, the Parties have been working together for nearly 2 years to develop a shared understanding of the infrastructure opportunities and constraints for a transit-oriented-development with funding from the Chittenden County Regional Planning Commission and the Vermont Agency of Commerce and Community Development; and

WHEREAS, on March 11, 2024, the City Council approved a Pre-Development Agreement among the Parties to engage in joint planning for the “South End Coordinated Redevelopment (SECORD)” of the subject parcels noted above in a coordinated fashion with a mixed-use development project; and

WHEREAS, in May 2024, the Community & Economic Development (CEDO) in conjunction with the Clerk/Treasurer’s Office Grant Team submitted an application for funding to the US Department of Transportation under the Innovative Finance and Asset Concession Grant Program to assist the city and its partners in delivering the desired Transit-Oriented Development (TOD) neighborhood by procuring additional technical expertise to complete financial modeling, legal negotiations, civil engineering, environmental site assessments, landscape architecture, feasibility studies, and engagement activities; and

WHEREAS, the City’s application was successful and the U.S. Department of Transportation awarded \$1 million in grant funding to be used for the purposes detailed in the above paragraph over a three-year period with no local match requirements; and

WHEREAS, on December 16, 2024, the Board of Finance recommended to the City Council that the Director of CEDO be authorized to execute a U.S. Department of Transportation Innovative Finance and Asset Concession Grant Program Cooperative Agreement for \$1,000,000 to enable the City to procure additional technical expertise as detailed in the following paragraph;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of CEDO to execute a U.S. Department of Transportation Innovative Finance and Asset Concession Grant Program Cooperative Agreement for \$1,000,000 to enable the City to procure additional technical expertise to complete financial modeling, legal negotiations, civil engineering, environmental site assessments, landscape architecture, feasibility studies, and engagement activities as further detailed in the City’s May 2024 application to the U.S. DOT; and

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

AUTHORIZATION TO ACCEPT U.S. DEPARTMENT OF
TRANSPORTATION INNOVATIVE FINANCE AND ASSET CONCESSION
GRANT OF \$1 MILLION FOR SOUTH END COORDINATED
REDEVELOPMENT

BE IT FURTHER RESOLVED that the City Council authorizes the Director of CEDO to take such further actions, and to execute such further instruments approved as to form by the City Attorney, as may be necessary or convenient to facilitate the transactions contemplated hereby; and

BE IT FURTHER RESOLVED that the Director of CEDO may execute amendments to the cooperative agreement, provided that any City match associated with such an amendment is within staff's approval authority pursuant to the City's purchasing policy.

*BTP/Resolutions 2024/Authorization To Accept U.S. Department Of Transportation Innovative Finance And Asset Concession Grant Of \$1 Million
For South End Coordinated Redevelopment
12/06/2024*

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on
Brian Pine, CEDO Director

ORIGINAL

RESOLUTION RELATING TO

Authorization To Accept U.S. Department Of Transportation Innovative Finance And
Asset Concession Grant Of \$1 Million For South End Coordinated Redevelopment

Adopted by the City Council

December 16, 2024

[Signature] Clerk

Approved..... Dec 18, 2024

[Signature] Mayor

Vol. Page

Attest:

Lori Olberg

Licensing and Records Coordinator

* * * * *

VLCT Policy Regarding Filing of Amicus Briefs

While VLCT generally does not intervene in specific lawsuits, the League occasionally submits or joins in *amicus curiae* (friend of the court) briefs with the approval of the VLCT Board of Directors. Submitting or joining in an amicus brief will only be considered at the appellate (supreme court) level when the case involves an important issue of municipal law, policy, or administration and/or has the potential to affect a significant portion of the VLCT membership. This policy is intended to clarify the process for determining whether a case warrants submission of an amicus brief. To this end, the following principles and practices shall apply:

1. The VLCT Board will consider submission of an amicus brief when requested to do so by the legislative body of a member municipality or when recommended by VLCT staff with concurrence of the legislative body of the member municipality and where there are no major conflicts between or among VLCT members.
2. VLCT members who wish to request consideration by the Board of Directors for an amicus filing shall submit a request in writing to the Executive Director.
3. Upon receipt of a written request for consideration, the Executive Director shall consult with the staff attorneys in the Municipal Assistance Center (MAC) and may assign the preparation of a written case analysis to one of those attorneys which will include a recommendation for the Board on whether the League should file an amicus.
4. Such attorney may present the recommendation to the Board in person and participate in any discussion of the matter. The Board may also receive any additional recommendation as may be provided by the Executive Director or his/her designee, and shall determine whether to approve the filing of an amicus brief.
5. In determining whether to recommend that an amicus be filed, the Board shall consider all of the following factors:
 - Whether the case involves an important issue of municipal law, policy, or administration;
 - Whether VLCT will be able to provide a unique perspective on the issues and its participation will bring to the court's attention law or arguments that might not otherwise be presented;
 - If the brief is to be prepared by MAC attorneys, those attorneys have the substantive knowledge of and expertise on the issues and the current workload permits adequate time for competent and thorough preparation of the brief;
 - The attorney representing the municipality agrees to cooperate with the MAC attorneys through timely notification of deadlines and sharing of background materials and information regarding the case;
 - The recommendation(s) and analysis of VLCT staff members; and
 - Any additional information that is determined to be relevant.

VLCT Board Reviewed and Approved March 17, 2016

VLCT AMICUS SUPPORT REQUEST FORM

While VLCT generally does not intervene in specific lawsuits, the League occasionally submits or joins in amicus curiae (friend of the court) briefs with the approval of the VLCT Board of Directors. Submitting or joining in an amicus brief will only be considered at the appellate (supreme court) level when the case involves an important issue of municipal law, policy, or administration and/or has the potential to affect a significant portion of the VLCT membership.

Due to staff limitations given other work responsibilities, members are encouraged to complete and submit this request form as soon as possible after its legislative body votes to approve appealing a lower court's decision to the VT Supreme Court.

Contact Information

Name of municipality:

Name of person submitting request:

Job title:

Email:

Phone:

Date of request:

Case Information

Case name:

Name of lower court and presiding judge:

Include docket number, if known:

Date of decision:

Type of case (e.g. property tax, Open Meeting Law, employment, other):

Brief summary of facts:

Statement of issue(s):

Statewide significance of case to municipalities (i.e. why is this case important?):

Suggested role/focus of amicus:

Amicus brief due date:

Name and contact information of attorney representing municipality in appeal:

Name and contact information of any other organizations invited to participate as an amicus on the municipality's behalf:

Please provide any other information you believe will be relevant to VLCT's review of your request:

Please attach lower court's decision:

Resolution Relating to

MARCH 4, 2025 ANNUAL CITY MEETING – ADVISORY
BALLOT QUESTION RE: PLEDGE OF MAYOR AND
CITY COUNCIL

RESOLUTION_____

Sponsor(s): Traverse
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, a group of citizens has submitted a petition asking that the following question be placed on the ballot of the annual town meeting on March 4, 2025: “Shall the voters of the City of Burlington advise the Mayor and City Council to adopt the following pledge? WE AFFIRM our commitment to freedom, justice, and equality for the Palestinian people and all people; and WE OPPOSE all forms of racism, bigotry, discrimination, and oppression; and WE DECLARE ourselves an apartheid-free community, and to that end, WE PLEDGE to join others in working to end all support to Israel’s apartheid regime, settler colonialism, and military occupation.”; and

WHEREAS, the City has verified that the petition contains a sufficient number of signatures to meet the requirements of 17 VSA § 2642 and Burlington City Charter § 6 (5% of the registered voters of the City); and

WHEREAS, the petition concerns advising the Mayor and City Council to adopt a pledge related to matters of international relations; and

WHEREAS, the City has discretion to include advisory questions on the ballot, and exercising such discretion “.... furthers the Council’s ability to balance the efficient transaction of city business with the provisions of a local forum for discussing state and national issues”¹;

NOW, THEREFORE, BE IT RESOLVED that the City Council directs that the following question be placed on the ballot of the annual City meeting to be held on March 4, 2025:

Shall the voters of the City of Burlington advise the Mayor and the City Council to adopt the following pledge?:

¹ Clift v. City of South Burlington 181 Vt. 571 (2007).

19 *WE AFFIRM our commitment to freedom, justice, and equality for the Palestinian*
20 *people and all people; and*
21 *WE OPPOSE all forms of racism, bigotry, discrimination, and oppression; and*
22 *WE DECLARE ourselves an apartheid-free community, and to that end,*
23 *WE PLEDGE to join others in working to end all support to Israel’s apartheid regime, settler*
24 *colonialism, and military occupation.*

25 *BT/Resolutions 2024/March 4, 2025 City Annual Meeting – Advisory Ballot Question re: Pledge of Mayor & Council*
26 *December 16, 2024*

Petition of Legal Voters of the City of Burlington to the City Council and Mayor

We, the undersigned legal voters of the City of Burlington, hereby petition the mayor and the City Council of the City of Burlington to add the following article to the warning for the annual meeting of the City of Burlington to be held on March 4, 2025.

1. Shall the voters of the City of Burlington advise the Mayor and the City Council to adopt the following pledge?

WE AFFIRM our commitment to freedom, justice, and equality for the Palestinian people and all people; and
WE OPPOSE all forms of racism, bigotry, discrimination, and oppression; and
WE DECLARE ourselves an apartheid-free community, and to that end,
WE PLEDGE to join others in working to end all support to Israel's apartheid regime, settler colonialism, and military occupation.

Witness Full Name Wafic Faour Signature [Signature] Initials WF

Printed Name	Signature	Street Address	Witness
Zachary Motovidlak	[Signature]		WF
David Boni	[Signature]		WF
Michelle Sagachik	[Signature]		WF
Michael Harrigan	[Signature]		WF
Alyssa Bredd	[Signature]		WF
ROBYN LLOYD	[Signature]		WF
Sadie Firman	[Signature]		WF
PATRICK SCHEEN	[Signature]		WF
Sean Selby	[Signature]		WF
Phil Morin	[Signature]		WF
CHARLES DELANEY	[Signature]		WF
Donald Brown	Donald Brown		WF
Thomas Sutton	Thomas Sutton		WF
Edin Kelly	Edin Kelly		WF
Gil Selman	[Signature]		WF



Memorandum

Date: December 16, 2024
To: City Council
From: Madeline Suender, Public Works Engineer
Laura Wheelock P.E., Division Director of Tech Services/City Engineer
CC: Chapin Spencer, Director Public Works
Subject: Burlington - Winooski Bridge Project and Colchester/Barrett/Riverside Base
Technical Concept Approval

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Request

The Department of Public Works (DPW) is seeking 12/16/24 City Council approval of the Burlington - Winooski Bridge and Colchester/Barrett/Riverside Intersection (COBRI) Base Technical Concept (BTC). In doing this, the City Council would reaffirm prior approval (5/15/23) of the COBRI Intersection alignment. This approval is not a change, but a third and final reaffirmation of the City's project preferred alternative from the Scoping Study completed by the Chittenden County Regional Planning Commission (CCRPC) and Stantec for the Intersection. This action is necessary to provide DPW Director Spencer authorization to send the City's final approval letter – a draft of which is Attachment 3 in this packet.

What you need to know

- Tonight, DPW is seeking approval of the Base Technical Concept of both the Bridge & Intersection from Council. Impacts are summarized in Attachment 6. This approval would

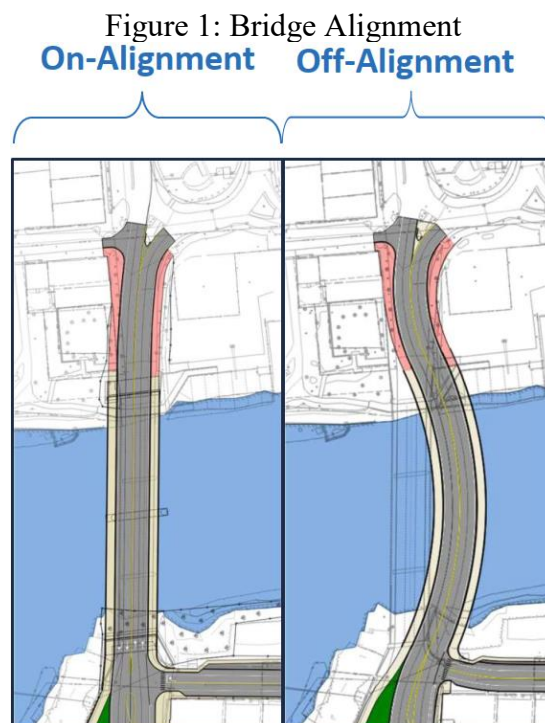
reaffirm past Council decisions which supported a signalized intersection. Recent Council actions which affirmed this decision came in April 2024 and May 2023.

- The Bridge is funded via 80% federal, 10% state, 5% Burlington, 5% Winooski funds. The Intersection is funded 100% by federal funds. Any non-participating costs like contaminated soils will be an additional municipal responsibility.
- While the bridge and intersection are separate projects, advancing them together saves time and money and will be less disruptive than separately staged projects.
- This project is cross-municipal and managed by the state with various federal and state requirements. Projects of this magnitude and with this many government partners are complex. This project has proceeded at each stage with feedback from municipal leaders, stakeholders and past Council direction. There are real consequences of significant delay or loss of funding if we deviate from prior direction and do not stay on a tight timeline.
- A roundabout was evaluated, determined infeasible and ruled out. The geometry does not work, and the smallest feasible roundabout would impact a property that contributes to the historic character of the surrounding area. Impacts to this property would disqualify us from federal funding. See Attachment 4-5 for more info.

Design Revisions

The project team has worked to gain continual public input throughout the project. Since 2023, when the design work progressed, the project team has had meetings with various stakeholders, property owners, advocacy groups, City of Burlington and Winooski commissions and councils, and community meetings/events. As a result, the design team has worked to vet and incorporate feedback into the concept design wherever possible.

The decision for the recommended off-alignment (Figure 1) Base Technical Concept (BTC) was informed by feedback from various meetings with the stakeholders, including emergency services and business/property owners. This feedback also helped create future design flexibility to change the lane allocation by moving barriers.



Advocacy from groups, like the Burlington Walk Bike Committee and Local Motion, resulted in the design team evaluating and incorporating the following:

- Widened Shared-Use Path from 12' to 15' downstream and maintained 12' upstream.
- Better bike/pedestrian connectivity through the intersection via extension of the shared-use path
 - o While it is not possible to fully create a protected bike facility on Colchester Ave through this project's funding source, the undergrounding of utilities through this project will help to support future bike facilities of this nature being connected here.
- 10.5' lanes for an on-alignment bridge
 - o While this is not possible to the off-alignment bridge due to the curvature causing geometric constraints for large vehicles, this will be considered for an on-alignment bridge.
 - o Widened line striping is also under consideration for either bridge alignment
- Possibility of an under-bridge shared-use path on the Burlington side of the bridge

Meetings with abutters resulted in the following recommendations:

- Geometry updates on Barrett St. to ensure successful vehicle loading zones.

Feedback from Councilors as well as the public prompted the project team to independently reevaluate past work from the scoping efforts for the intersection. This included things such as:

- Left turn out of Mill St
 - o The project team continues to advance this review and reevaluate other creative solutions to potentially alter this design from what is currently shown in conceptual plans.
- Roundabout
 - o The project team independently re-evaluated this intersection type after hearing strong community input. This was once again ruled out for various reasons, see Attachments 4-5.
- Truck aprons
 - o The design-build team will evaluate size and geometric configurations to incorporate as the designs advance to 60% and 85% plans. The exact geometry and lane widths that result will be shared with the public once determined.

All of these revisions help support and improve the BTC, allowing for a design that greatly improves safety for all modes of transportation through the intersection and across the bridge.

Background

The Burlington-Winooski Bridge is nearing the end of its service life and is functionally deficient for bikes and pedestrians. As such, the State is progressing this replacement timeframe to allow thoughtful design to be incorporated into construction. The COBRI intersection was separately determined to be in need of replacement and upgrades due to its crash history and lack of supporting infrastructure for bikes and pedestrians.

The Bridge is being funded through a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant, and State of Vermont Infrastructure budget with the following funding split: 80% Federal, 10% State, 5% City of Burlington, 5% City of Winooski. The Intersection was selected through the Vermont Project Selection and Prioritization (VPSP2) and is 100% Federally

funded. City Council approved the project's Finance and Maintenance Agreements on April 15, 2024, thereby committing the City financially to the completion and future maintenance of the project. The City's local match is estimated to be \$3,855,000 with an additional \$1,000,000 for non-participating costs of soil disposal. The cost estimate for the bridge is currently \$77,100,000 and the current estimate for the intersection is roughly \$9,000,000; a detailed break out of the bridge estimate can be found in Attachment 1.

Though the Bridge and Intersection are separate projects with unique funding sources and criteria, they are being progressed together as the design of the bridge directly impacts the design of the intersection. Doing the projects together also allows for efficiency with contracting, traffic control, and design. This coordinated approach will therefore reduce the overall construction-related impacts for the general public.

VTrans is managing both of these projects with input from the Cities of Burlington and Winooski as well as the Chittenden Regional Planning Commission (CCRPC). VTrans has contracted HNTB for the design and outreach on the project. More info on the projects can be found here: <https://www.burlingtonwinooskibridge.vtransprojects.vermont.gov/>

Bid Process – Design-Build

The Bridge and Intersection projects will be bid through a design-build contract. VTrans defines design-build as a project delivery method that combines two, usually separate services into a single contract. With design-build procurements, owners execute a single, fixed-fee contract for both engineering services and construction. The design-build entity - also known as a constructor - may be a single firm, a consortium, joint venture or other organization assembled for a particular project.

The VTrans design consultant, HNTB, will work to get to 30% plans that will then be put out for procurement in 2025 through this process. In doing this, HNTB will choose one bridge/intersection alignment and formalize the design documents. They will also need to add criteria to the procurement that must be met and incorporated into the design of the constructor. This is known as the Base Technical Concept (BTC). This process will allow constructors to creatively and efficiently propose design/construction methods that best suit them.

HNTB has worked through various design alternatives for both the bridge and the intersection that are likely to arise from the design-build process. The curved alignment, which is what is proposed as the BTC by the project team, is one likely outcome that the entire project team is supportive of. Plans can be found in Attachment 2. This is being recommended as the BTC for the reasons outlined in the BTC Design Considerations section below. This has allowed the project team to start the permitting, design, and right-of-way processes for the more impactful scenario. If an on-alignment bridge is proposed, it will fall into the approvals already received for the off-alignment option.

The BTC approval is comparable to approving a conceptual design under a typical bid process. The notable difference with design-build procurement is the constructor may propose a different layout. So, as we ask for BTC concept approval we do so while providing conditions or provisions that should be included as information/guidance to a bidding team to incorporate into any proposal. These conditions come from the design team, HNTB, as well as the state and municipal partners with consideration for comments received during our public outreach and permit process.

BTC Design Considerations

DPW is looking for City Council to inform and ultimately approve the BTC for the Burlington-Winooski Bridge Project. To help inform this BTC approval, staff has put together the following pros/cons list for consideration.

- BTC Pros:
 - Cost reduction for structure and surrounding improvements
 - Maintenance of traffic throughout project
 - Further away from dam to allow for balanced widening and buffer space
 - Possible future under bridge path opportunities
- BTC Cons:
 - Significant aesthetic change
 - While the curved bridge is visually interesting, it is a different experience than what exists currently which could be perceived as a con

While the intersection type (i.e. signalized) was already approved by CC, the bridge alignment will impact the intersection geometry. The following list is compiled for the intersection geometry that would result from the curved bridge BTC:

BTC Curved Bridge Intersection:

- Greenspace on both sides with better gateway and landscaping opportunities
- Roadway is further away from east side properties which provides activation space and separation
- Shorter pedestrian crossings (compared to on-alignment geometry) ranging from 2' to 22' shorter.
- Better for predominant vehicle movement US Route 7 - Riverside.
- Traffic calming with visual changes. Reduce the current ~0.5 mile site line
- Construction will not require full vehicular closure.

On-Alignment Bridge Intersection

- Intersection crossings are longer than BTC
 - Colchester is 10' wider
 - Riverside is 20' wider
- Barrett crosswalk same
- Largest crosswalk would be 80' in on alignment (similar to Shelburne and Farrell St)
- Intersection geometry similar to existing and creates traditional 4 way geometry.
- Concept similar to the scoping study.
- Construction will require full closure to vehicular traffic.

DPW is recommending selection of the curved bridge alignment option for the replacement of Burlington-Winooski Bridge as the Base Technical Concept, and corresponding intersection geometry. The Agreements we have executed with the Vermont Agency of Transportation require the City of Burlington formally acknowledge the BTC with a Letter of Agreement for the Burlington-Winooski Bridge Project as well as the Colchester/Barrett/Riverside Intersection Reconfiguration (Attachment 3).

As noted under the Bid Process, procurement of the contractor and the final design will include conditions for which will need to be considered in their proposal/bid. Some of these prescriptive requirements include the bridge cross section which from downstream to upstream is a 15' shared-use path, 2' shoulder, four 11' travel lanes, 2' shoulder, and a 12' shared-use path.

Staff propose the following conditions to be included in the BTC Letter Agreement as part of our approval of the BTC plans. Technical staff reserve the right to amend and adjust this list based on the ongoing public comment and engineering judgement specifically regarding safety best practices.

Bridge Conditions:

- Maintains traffic in a capacity that will not result in a failure of the transportation grid within the surrounding area.
- Ensures the construction phase does not increase emergency vehicle response by more than 5 minutes.
- Shall promote slow vehicle speeds with narrow travel lanes, and features that visually narrow the travel way.
- Drainage will be managed to avoid pass through of the travel lane water in concentrated paths that will impact the shared-use space.

Intersection Conditions:

- Incorporates the shortest crosswalks possible.
- Further review the location of bike and pedestrian facilities within the corridor relative to side of street and property line alignment.
- Parking spaces on Mill Street and Barrett Street that will support vehicle loading and unrestricted parking opportunities for at least one side of the street with parking oriented closest to active uses.
- Further review of the stop-controlled intersection at Mill Street and Colchester Ave with specific review of the westbound left and ability to maintain this maneuver full time or with time restrictions if necessary.
- Includes a robust gateway design.
- Provides adequate space for large tree species within green belt/amenity zones.
- Signal timing with an exclusive pedestrian phase.
- Promotes slow vehicle speeds with narrow travel lanes, and features that visually narrow the travel way.
- Include truck aprons where safe and geometrically allowed.
- Allows for proposals that include a protected bike facility on Colchester Ave at the southern limit of the project.
- Undergrounding of aerial utilities in such a way that protected bike lanes can be constructed on Colchester Ave without relocation of them.
- Ensure inroad bike markings and features are provided.
- Provides seamless and safe bike access between roadway and shared-use facilities.
- Utilize design features to ensure downhill bicycle trips travel at safe speeds while alongside pedestrians.
- Focus on design elements at high conflict points on the shared-use path facilities to ensure safety for both user types.
- Proximate transit is accommodated with enhanced transit facilities that include seating, shelters, platforms, that meet Green Mountain Transit standards.

Timeline

The project is currently still in the Conceptual Design phase and entering the Permitting phase. Solicitation of Constructors will begin this time next year. Construction will occur fall of 2027 and is anticipated to last for two years.

Previous Public Meetings:

- ***TEUC 5/3/23 – Letter of Support – Signalized Intersection**
- ***CC 5/15/23 – Letter of Support – Signalized Intersection**
- Public Meeting 9/19/23 – Project overview
- ***Winooski CC 10/6/23 – Finance and Maintenance Agreement**
- TEUC 12/19/23 – Project overview
- Burlington Walk Bike Council 1/3/24 – Project overview
- Design Advisory Board 1/9/24 – Project overview
- CC 1/16/24 – Project overview
- Public Meeting 1/23/24 – Project overview
- ***CC 4/15/24 – Finance and Maintenance Agreement**
- TEUC 4/23/24 – Written communication with CC follow up Q/A.
- ***Winooski CC 10/21/24 – Base Technical Concept Approval**
- TEUC 10/29/24 – Informational, BTC overview
 - o Follow-up Councilor Q/A posted here:
<https://burlingtonvt.portal.civicclerk.com/event/7658/files/agenda/12272CC>
11/18/24 – Informational, BTC overview
 - o Follow-up Councilor Q/A in Attachment 5
- DPW Commission 11/20/24 – Project overview
- BWBC 12/4/24 – Project overview
- Public Meeting 12/11/24 – Open House, project overview
- ***CC 12/16/24 – Approval of BTC**

*** Indicates action/approval.**

Moving forward, the project team will continue to provide regular project updates in advance of/following major milestones to keep the council apprised of progress and obtain input/approval when needed. This could be done through the TEUC and attending full Council meetings as needed/requested.

Motions

Actions for City Council:

1. To authorize the Director of Public Works to execute the Burlington-Winooski BF RAIZ(2), Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River and Burlington STP 5000(29) - Colchester Avenue, Riverside Avenue, and Barrett Street Intersection Base Technical Concept forms from the Vermont Agency of Transportation for design and construction of the Bridge and Intersection, and to take such other actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to implement the transactions contemplated hereby.

Attachments

1. **BTC Estimate**
2. **BTC Plans**
3. **BTC Approval Letter**
 - a. **Burlington – Winooski Bridge BF .Burlington – Winooski Bridge BF RAIZ(2)**
 - b. **Colchester/Barrett/Riverside Intersection STP5000(29)**

- 4. Project FAQ Sheet**
- 5. Question Responses**
 - a. 11/18/24 City Council**
 - b. Councilor Emails**
 - c. Solveig Overby Email**
- 6. Decision Points**

BURLINGTON-WINOOSKI

BF RAIZ(2)

Draft Base Technical Concept - Engineer's Estimate

Last Revised: October 17, 2024

DESCRIPTION	Estimated Cost
Roadway Cost Estimate Subtotal	\$1,100,000
Burlington Path Cost Estimate Subtotal	\$1,275,000
Structures Cost Estimate Subtotal	\$33,210,000
Traffic Control and Off-Site Improvements	\$5,658,500
Mobilization	\$3,663,500
Misc. Items, Contingency, Escalation	\$12,721,898
Utility Relocation	\$500,000
ROW	\$2,500,000
Preliminary Engineering	\$6,000,000
Designer-Builder Design Fee	\$4,616,000
Construction Engineering	\$5,770,000
Estimated Total \$ 77,100,000	

REVIEWER NOTES:

1. THIS COMBINED PROJECT (BURLINGTON-WINOOSKI BF RAIZ(2) AND BURLINGTON STP 5000(29)) WILL USE A DESIGN-BUILD CONTRACTING APPROACH.
2. THIS PLAN SUBMISSION IS INTENDED TO SUPPORT THE BASE TECHNICAL CONCEPT (BTC) MUNICIPAL COORDINATION AND APPROVAL PROCESS. THESE PLANS DO NOT REFLECT A FINAL DESIGN, WHICH WILL BE COMPLETED BY OTHERS UPON CONTRACT AWARD IN COMPLIANCE WITH THE REQUIREMENTS OF THE DESIGN BUILD CONTRACT DOCUMENT.
3. PAVEMENT STRUCTURE SHOWN ON TYPICAL SECTIONS IS ASSUMED BASED ON SIMILAR ROADWAYS, AND SUBJECT TO CHANGE PRIOR TO RFP RELEASE.
4. RESTORATION DETAILS OF IMPACTED AREAS ARE NOT SHOWN ON THESE PLANS.
5. FINAL DETERMINATION ON INCLUSION OF THE UNDER-BRIDGE PATH SHOWN ON THE BURLINGTON SIDE WILL BE MADE AT A LATER DATE.
6. THE LAYOUT FOR THE PROPOSED PATH CONNECTING THE MAIN STREET SIDEWALK TO THE UNDER-BRIDGE PATH IN WINOOSKI IS CONCEPTUAL. THE FINAL LOCATION AND TYPICAL SECTION WILL BE DETERMINED AT A LATER DATE.

STATE OF VERMONT

AGENCY OF TRANSPORTATION



PROPOSED IMPROVEMENT

CITIES OF BURLINGTON AND WINOOSKI

COUNTY OF CHITTENDEN

COLCHESTER AVE & RIVERSIDE AVE

(US ROUTE 2 & 7) - PRINCIPAL ARTERIAL

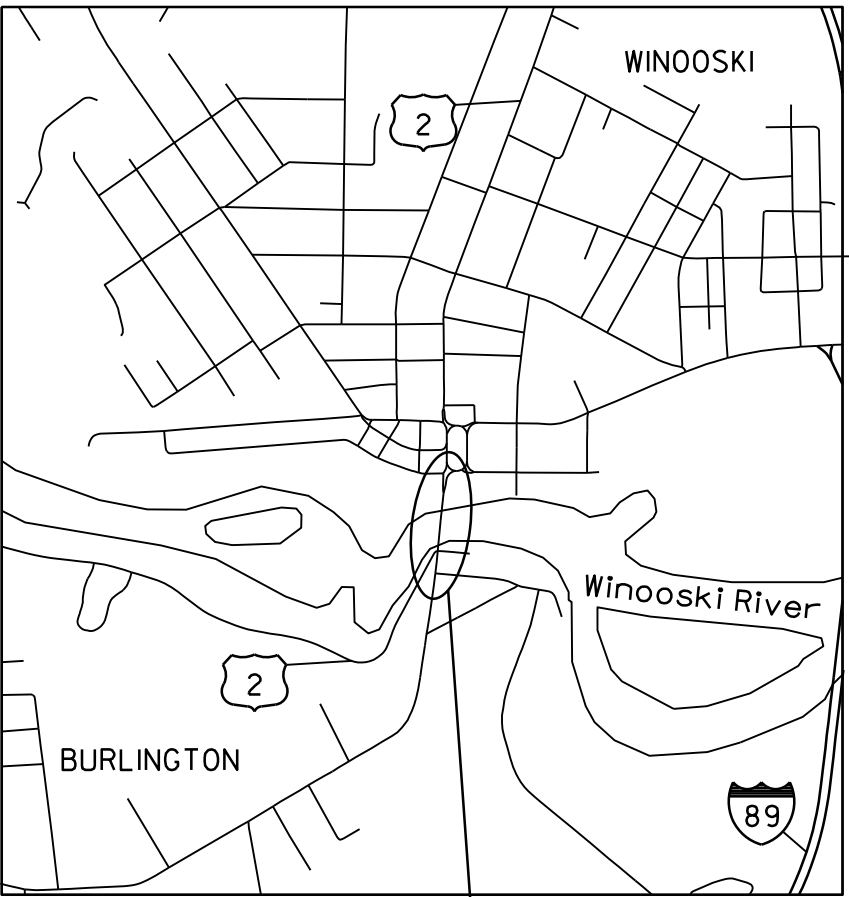
- PROJECT LOCATION:

LOCATED IN THE COUNTY OF CHITTENDEN, IN THE CITIES OF BURLINGTON AND WINOOSKI, ON COLCHESTER AVE AND RIVERSIDE AVE (US ROUTES 2 AND 7). THE INTERSECTION AND THE BRIDGE ARE LOCATED APPROXIMATELY 1.2 MILES SOUTH OF THE JUNCTION WITH INTERSTATE 89, EXIT 16.
- PROJECT DESCRIPTION:

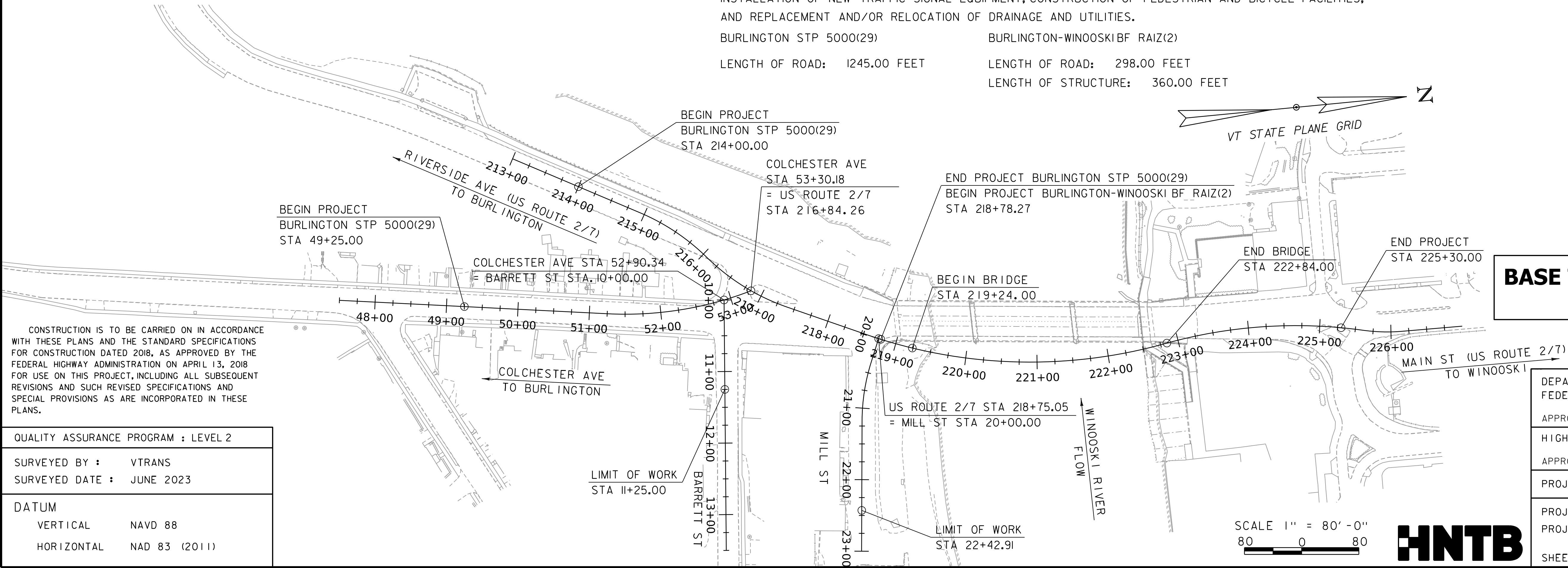
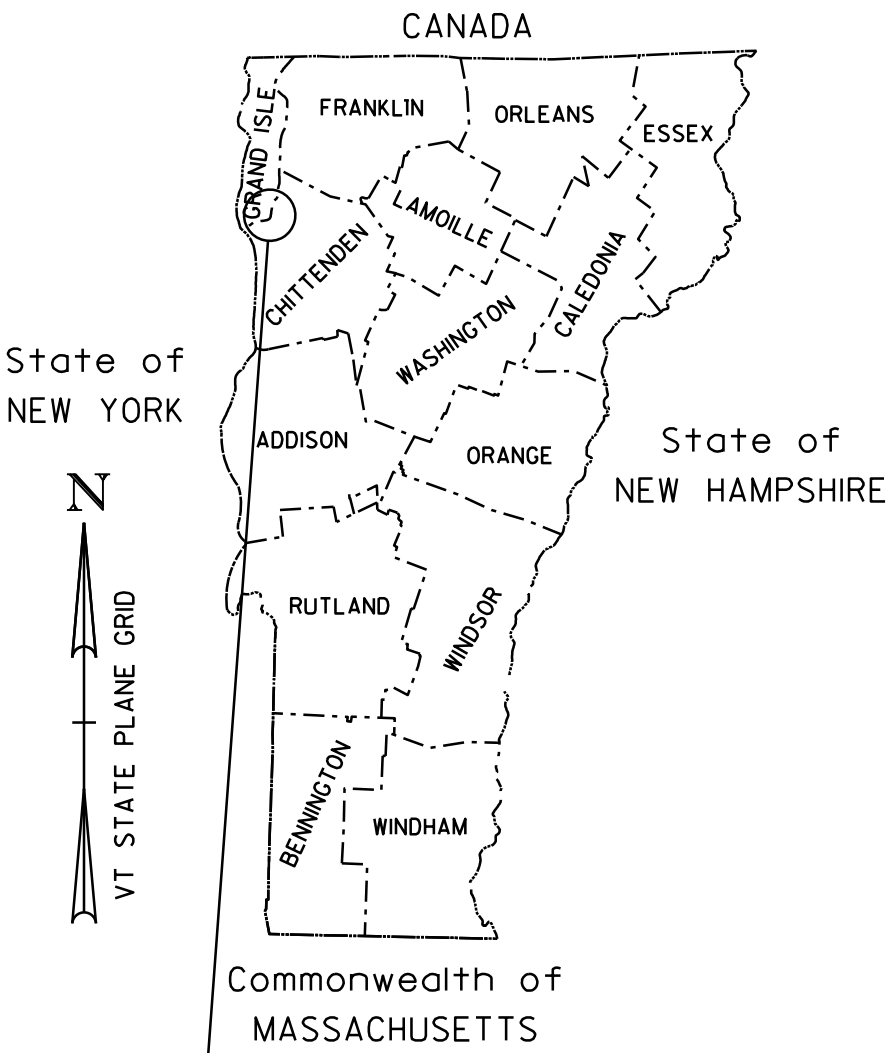
FULL REPLACEMENT OF THE EXISTING BRIDGE WITH ASSOCIATED ROADWAY AND CHANNEL WORK, RECONSTRUCTION OF THE INTERSECTION INCLUDING REALIGNMENT OF THE RIVERSIDE AVE APPROACH, INSTALLATION OF NEW TRAFFIC SIGNAL EQUIPMENT, CONSTRUCTION OF PEDESTRIAN AND BICYCLE FACILITIES, AND REPLACEMENT AND/OR RELOCATION OF DRAINAGE AND UTILITIES.
- BURLINGTON STP 5000(29)

BURLINGTON-WINOOSKI BF RAIZ(2)
- LENGTH OF ROAD: 1245.00 FEET

LENGTH OF ROAD: 298.00 FEET
- LENGTH OF STRUCTURE: 360.00 FEET



BURLINGTON-WINOOSKI BF RAIZ(2) &
BURLINGTON STP 5000(29)



CONSTRUCTION IS TO BE CARRIED ON IN ACCORDANCE WITH THESE PLANS AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION DATED 2018, AS APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION ON APRIL 13, 2018 FOR USE ON THIS PROJECT, INCLUDING ALL SUBSEQUENT REVISIONS AND SUCH REVISED SPECIFICATIONS AND SPECIAL PROVISIONS AS ARE INCORPORATED IN THESE PLANS.

QUALITY ASSURANCE PROGRAM : LEVEL 2

SURVEYED BY : VTRANS
SURVEYED DATE : JUNE 2023

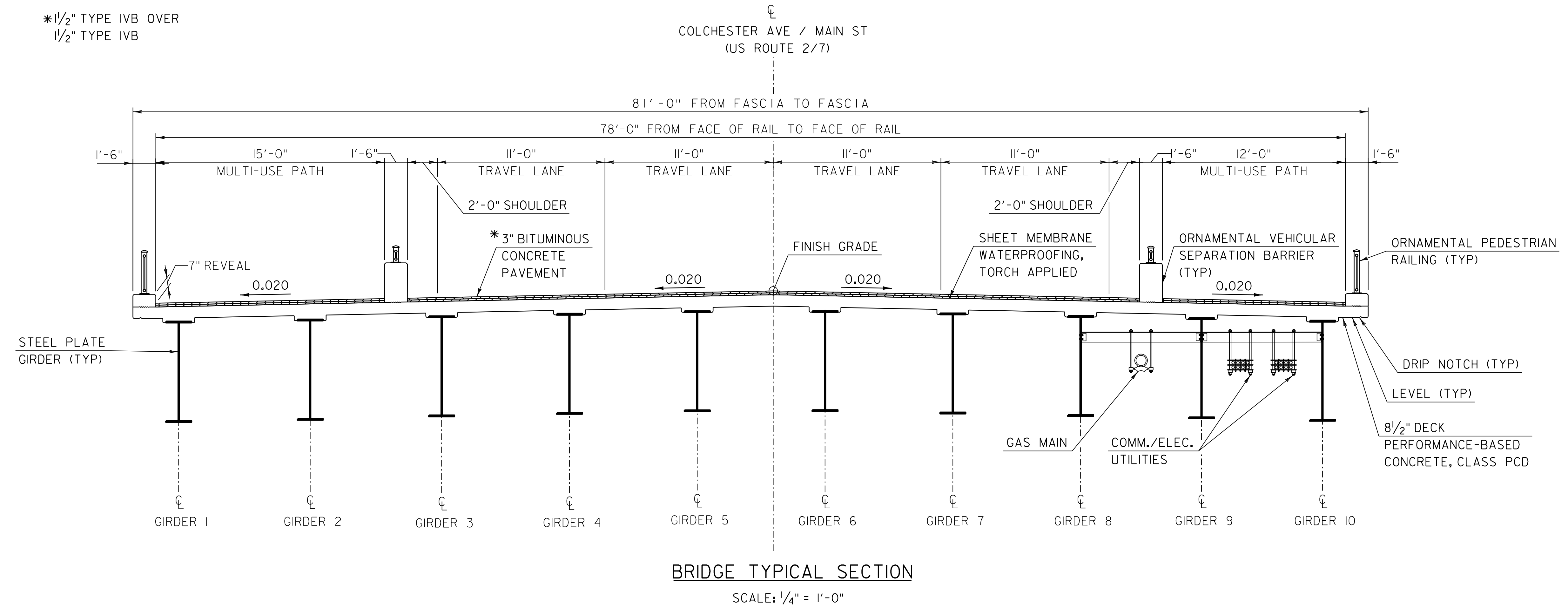
DATUM
VERTICAL NAVD 88
HORIZONTAL NAD 83 (2011)

BASE TECHNICAL CONCEPT
17-OCT-2024

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATOR
APPROVED _____ DATE _____
HIGHWAY DIVISION, CHIEF ENGINEER
APPROVED _____ DATE _____
PROJECT MANAGER : ROBERT KLINEFELTER, P.E.
MICHAEL LACROIX
PROJECT NAME : BURLINGTON-WINOOSKI
PROJECT NUMBER : STP 5000 (29) & BF RAIZ (2)
SHEET 1 OF 11 SHEETS

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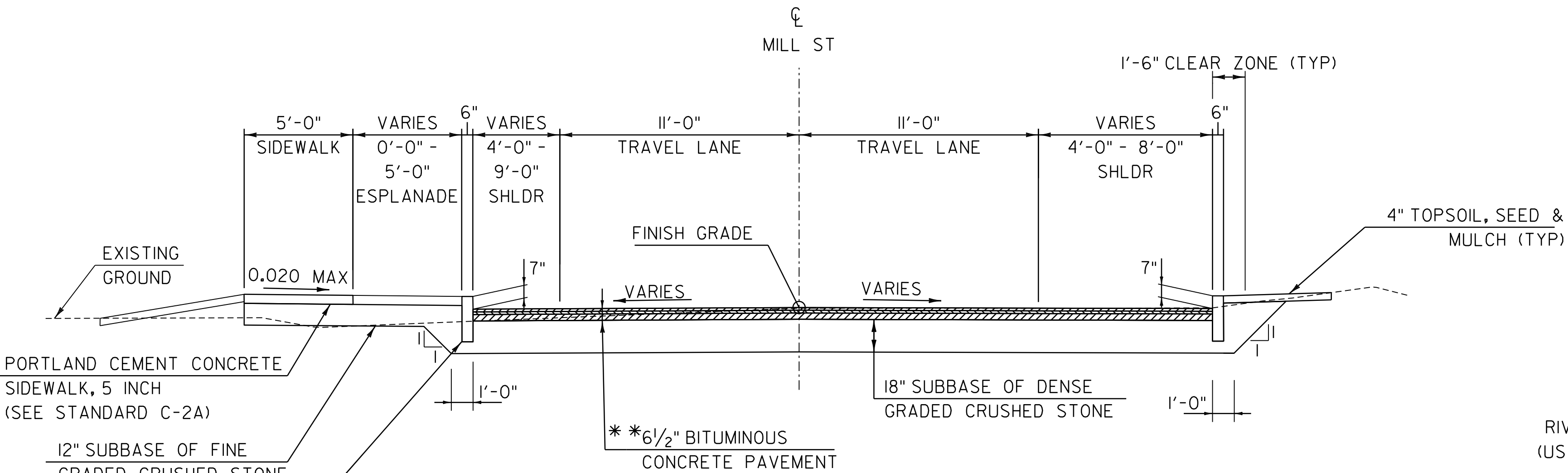




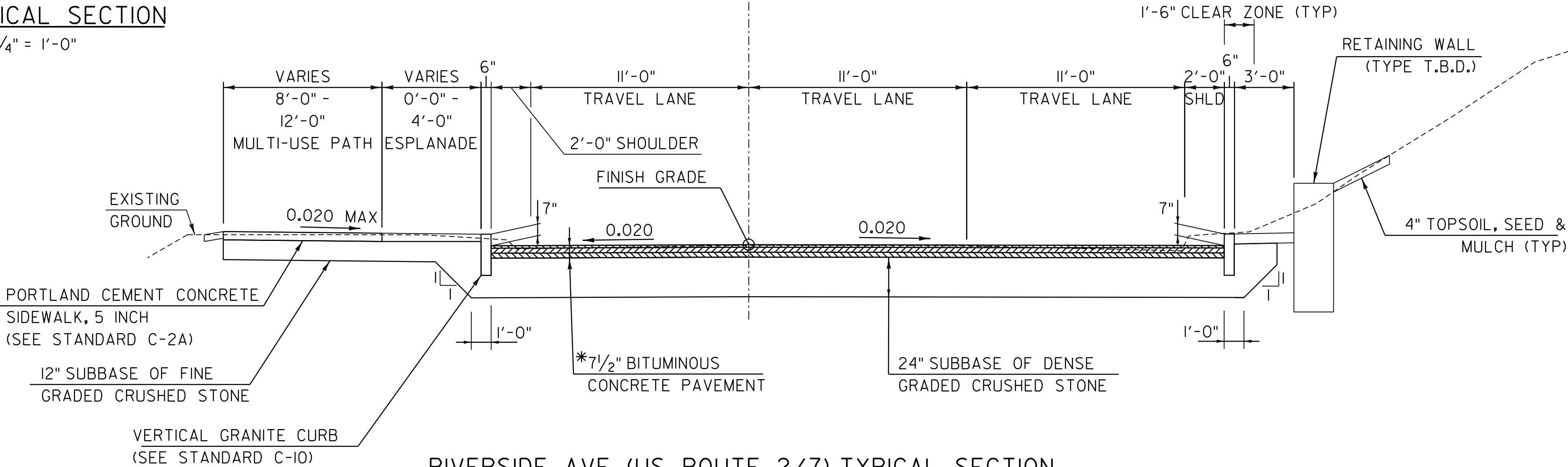
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PROJECT NUMBER: STP 5000(29) & BF RAIZ(2)	
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PROJECT LEADER: J. OLUND	DRAWN BY: K. BELISLE
DESIGNED BY: T. POULIN	CHECKED BY: D. GOBEIL
BRIDGE TYPICAL SECTION	SHEET 2 OF 11

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3" TYPE IVB OVER
3" TYPE IIS
(PG 70-28) (N=65 GYRATIONS)

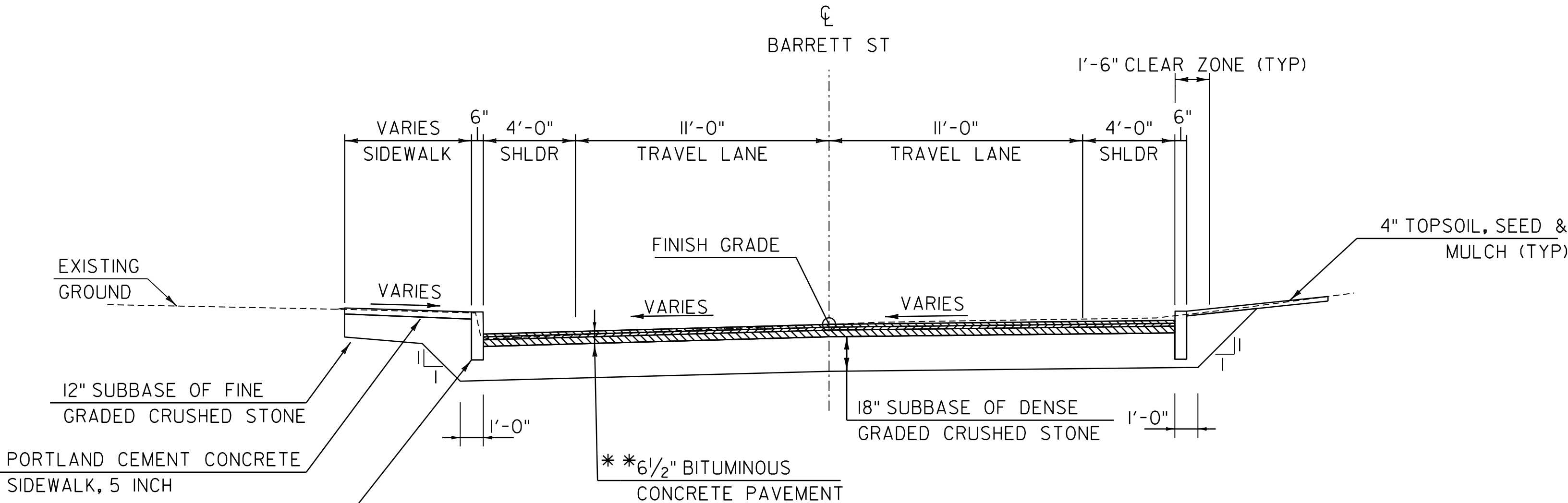
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1 1/2" TYPE IVB OVER
3 1/2" TYPE IIS
(PG 70-28) (N=65 GYRATIONS)



MILL ST TYPICAL SECTION
SCALE: 1/4" = 1'-0"



RIVERSIDE AVE (US ROUTE 2/7) TYPICAL SECTION
SCALE: 1/4" = 1'-0"



BARRETT ST TYPICAL SECTION
SCALE: 1/4" = 1'-0"

PROJECT NAME: BURLINGTON-WINOOSKI
PROJECT NUMBER: STP 5000(29) & BF RAIZ(2)

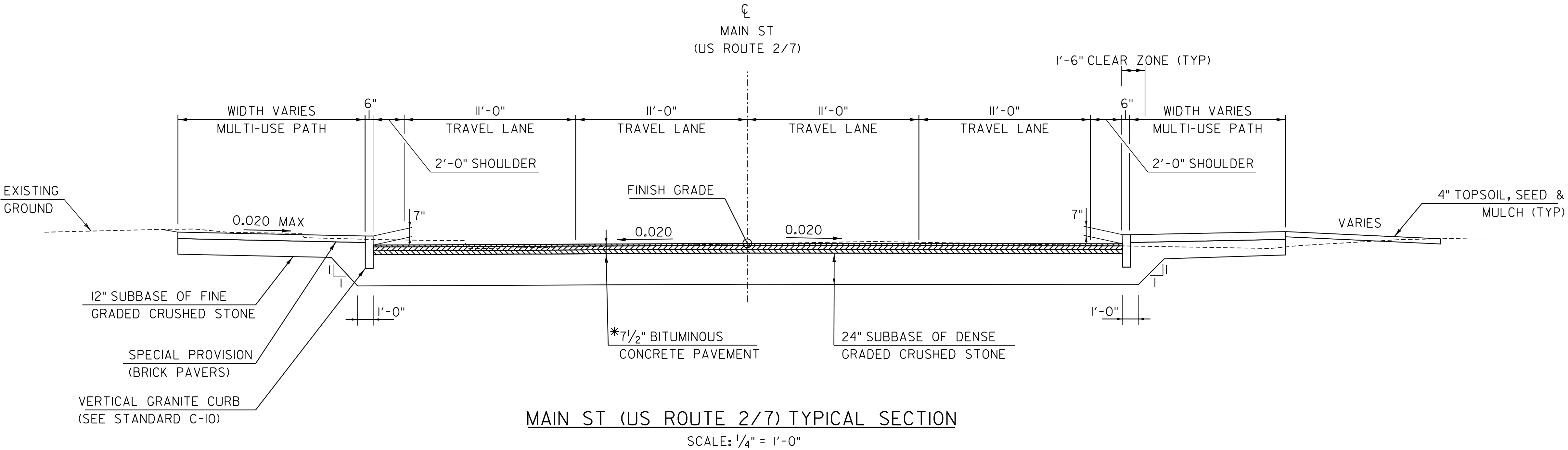
FILE NAME: z22j35ltyp.dgn
PROJECT LEADER: J. OLUND
DESIGNED BY: C. TOBIN
TYPICAL SECTIONS 2

PLOT DATE: 17-OCT-2024
DRAWN BY: C. TOBIN
CHECKED BY: S. SPEAR
SHEET 4 OF 11



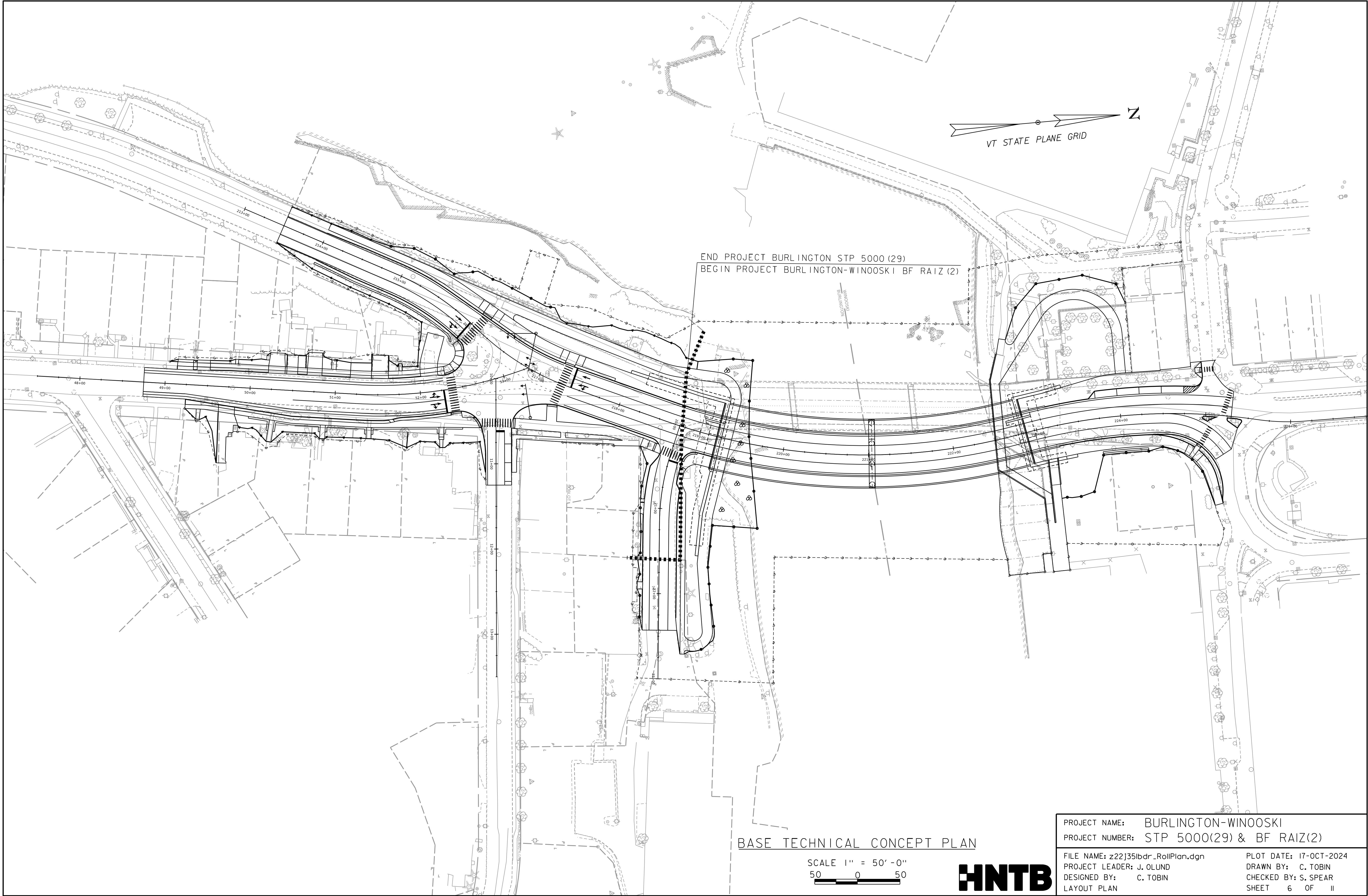
MATERIAL TOLERANCES	
(IF USED ON PROJECT)	
SURFACE	
- PAVEMENT (TOTAL THICKNESS)	+/- 1/4"
- AGGREGATE SURFACE COURSE	+/- 1/2"
SUBBASE	+/- 1"
SAND BORROW	+/- 1"

*1 1/2" TYPE IVB OVER
3" TYPE IVB OVER
3" TYPE IIS
(PG 70-28) (N=65 GYRATIONS)



PROJECT NAME:	BURLINGTON-WINOOSKI
PROJECT NUMBER:	STP 5000(29) & BF RAIZ(2)
FILE NAME:	z22j35l+yp.dgn
PROJECT LEADER:	J. OLUND
DESIGNED BY:	C. TOBIN
TYPICAL SECTIONS	3
PLOT DATE:	17-OCT-2024
DRAWN BY:	C. TOBIN
CHECKED BY:	S. SPEAR
SHEET	5 OF 11



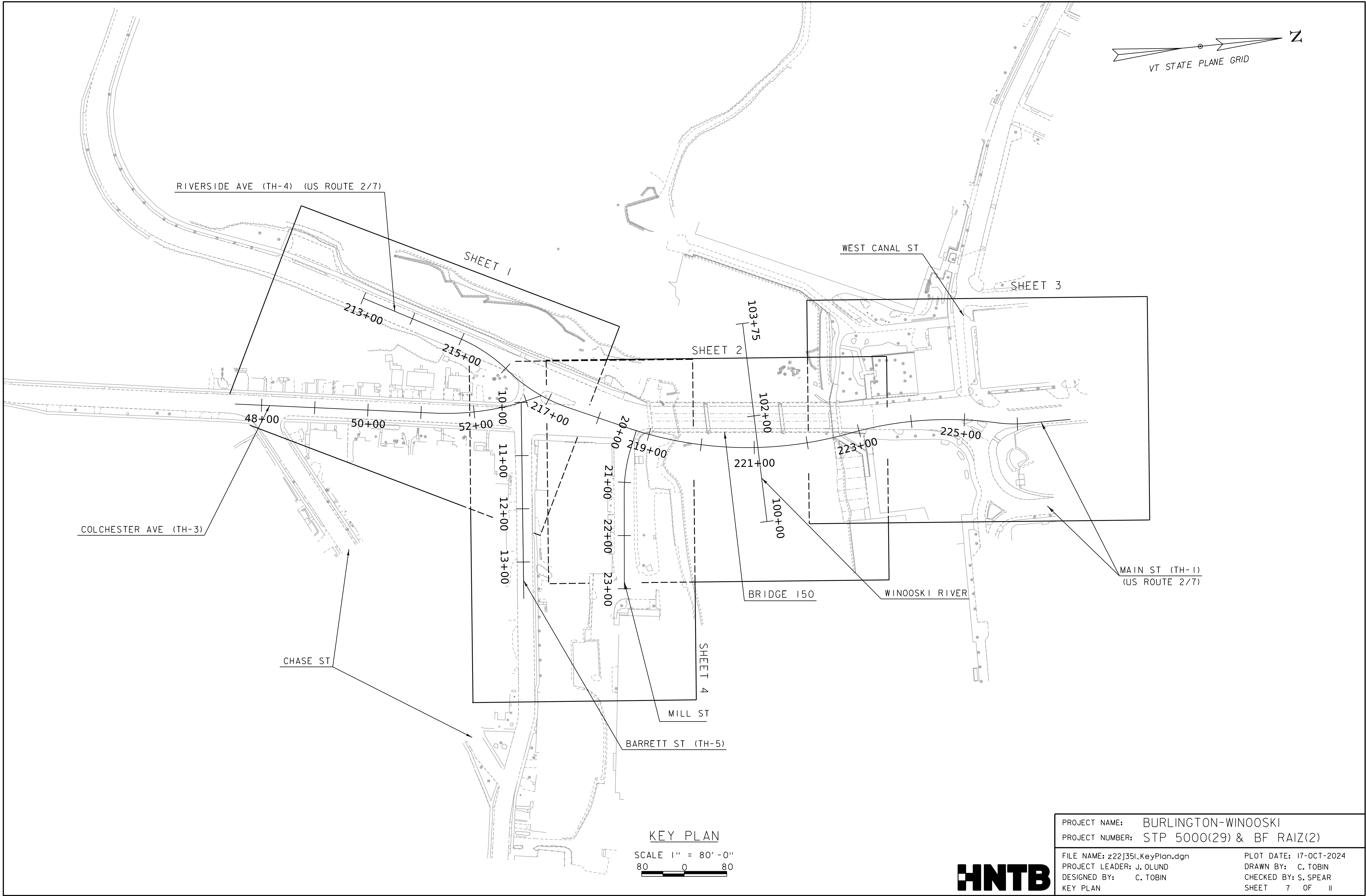


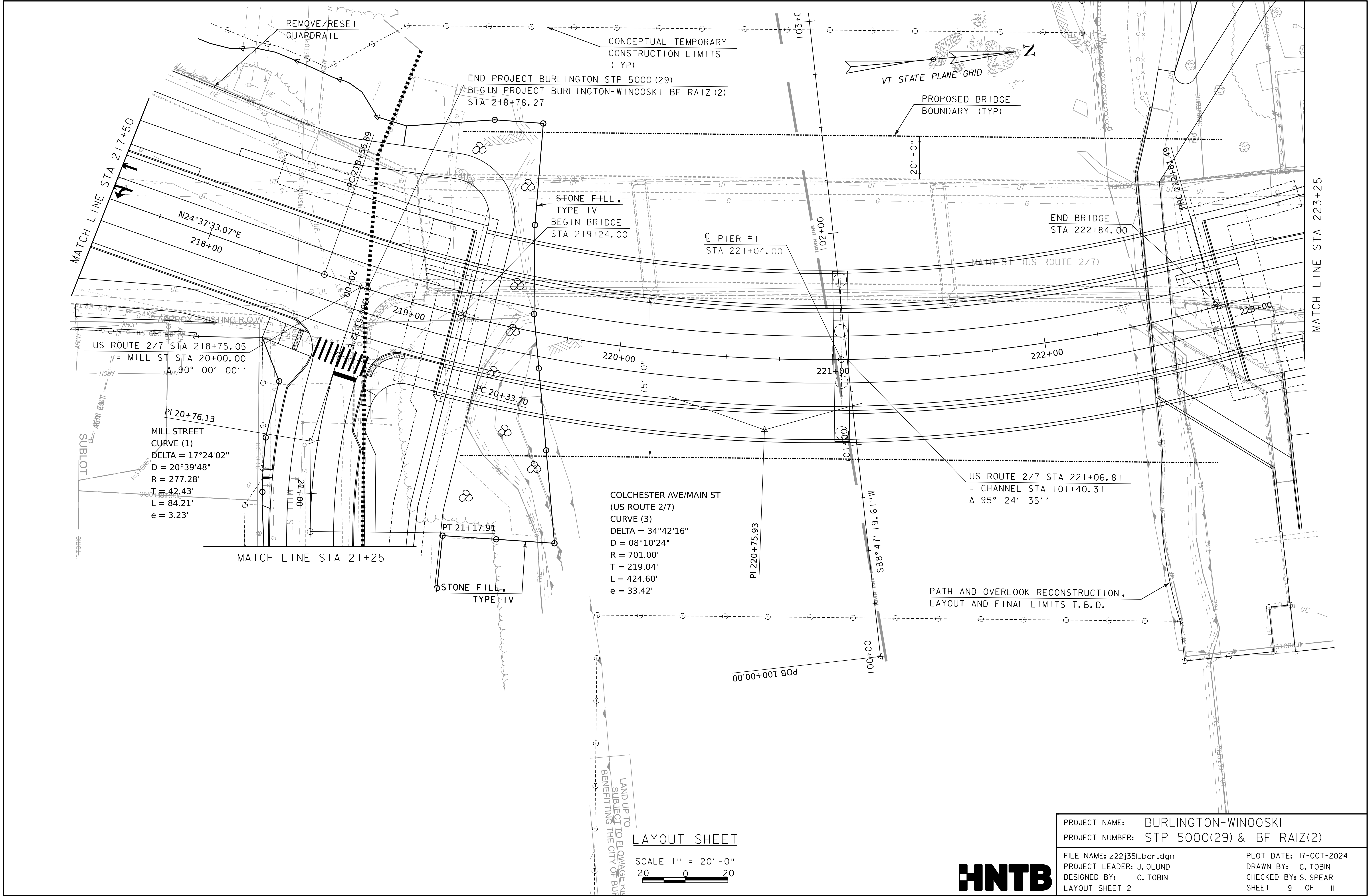
BASE TECHNICAL CONCEPT PLAN

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PROJECT NUMBER: STP 5000(29) & BF RAIZ(2)	
FILE NAME: z22j35lbr_RollPlan.dgn	PLOT DATE: 17-OCT-2024
PROJECT LEADER: J. OLUND	DRAWN BY: C. TOBIN
DESIGNED BY: C. TOBIN	CHECKED BY: S. SPEAR
LAYOUT PLAN	SHEET 6 OF 11



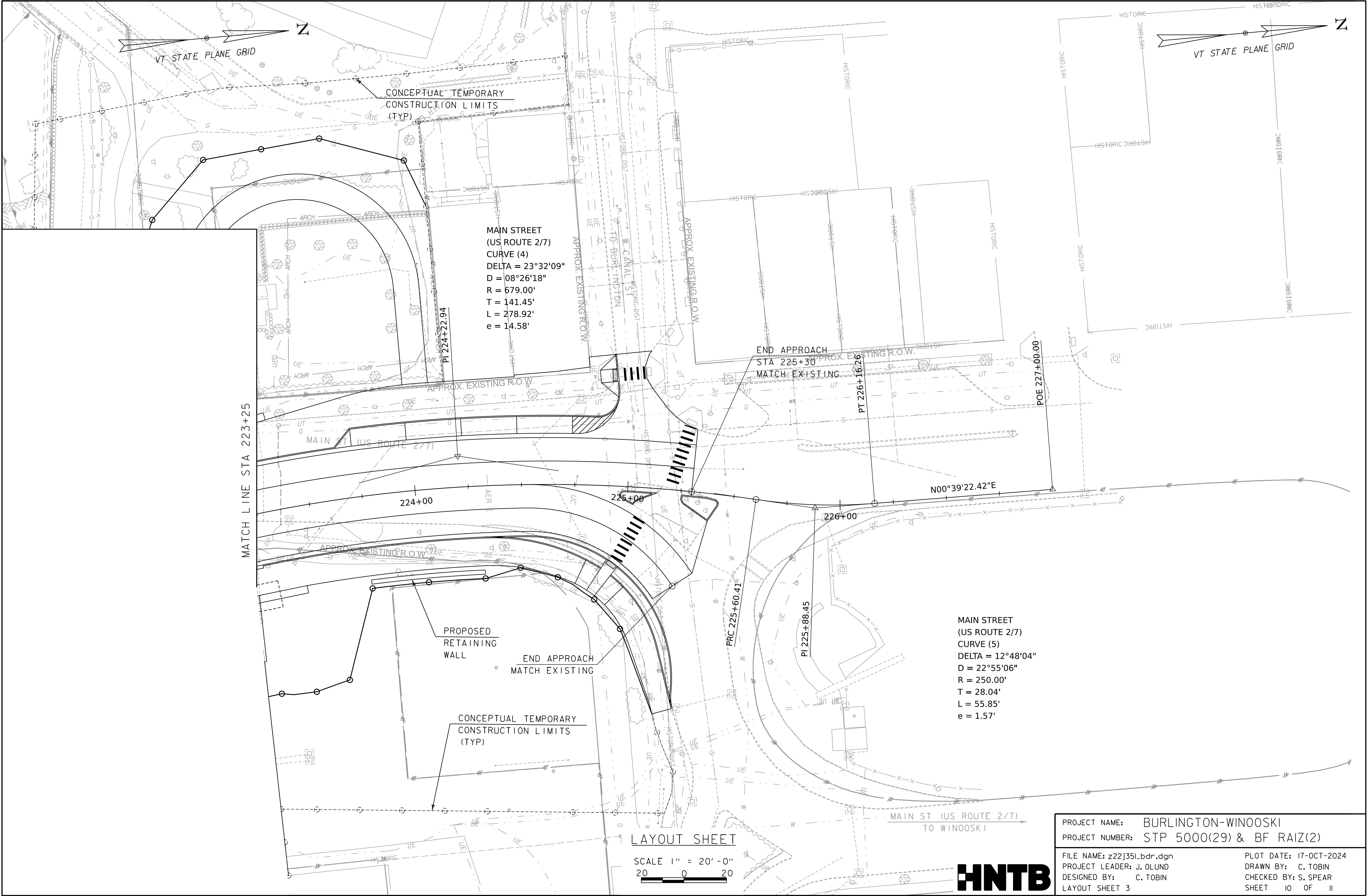


LAYOUT SHEET

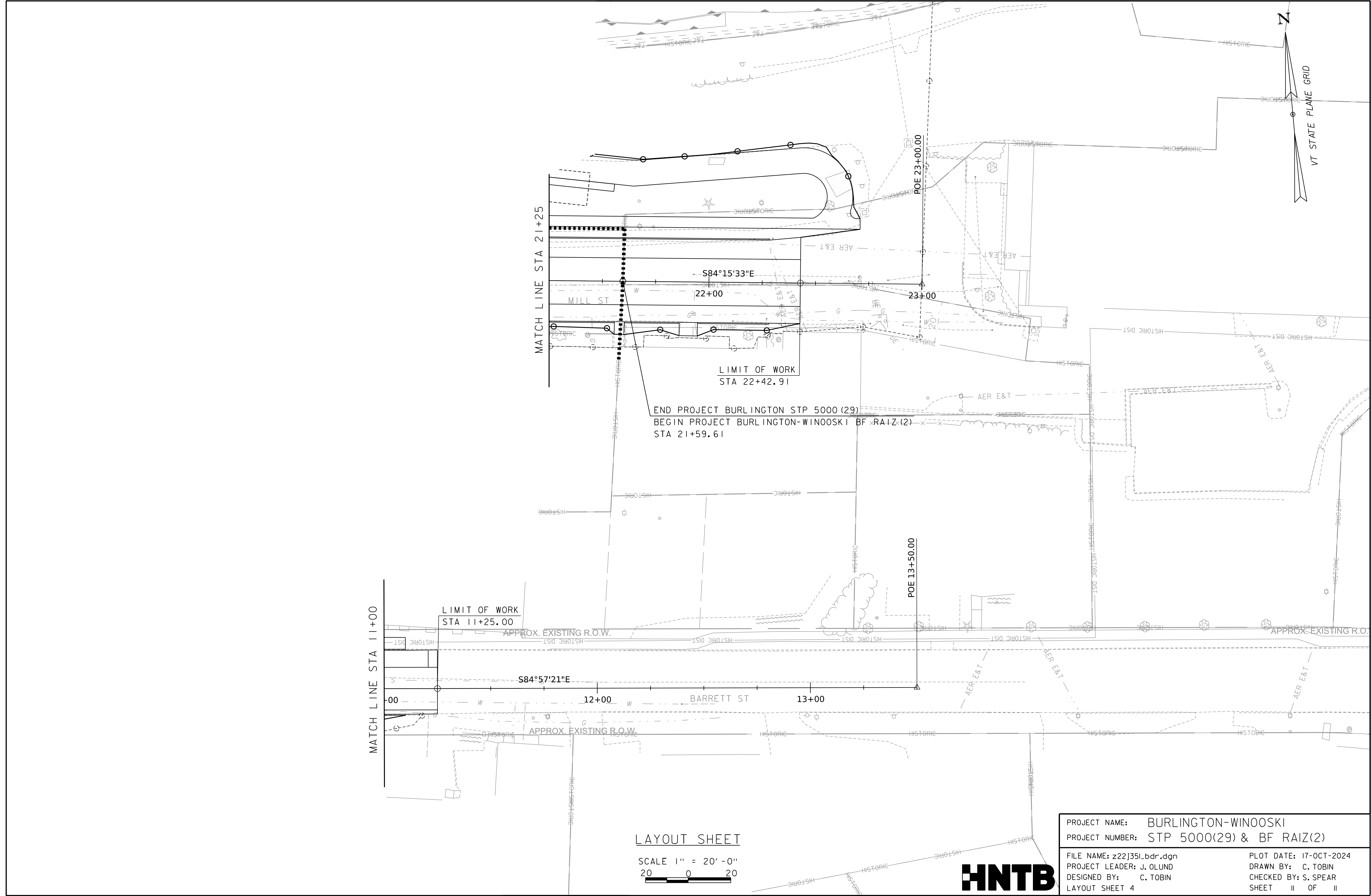
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PROJECT NAME: BURLINGTON-WINOOSKI	
PROJECT NUMBER: STP 5000(29) & BF RAIZ(2)	
FILE NAME: z22j35l.bdr.dgn	PLOT DATE: 17-OCT-2024
PROJECT LEADER: J. OLUND	DRAWN BY: C. TOBIN
DESIGNED BY: C. TOBIN	CHECKED BY: S. SPEAR
LAYOUT SHEET 2	SHEET 9 OF 11



PROJECT NAME: BURLINGTON-WINOOSKI	
PROJECT NUMBER: STP 5000(29) & BF RAIZ(2)	
FILE NAME: z22j35l.bdr.dgn	PLOT DATE: 17-OCT-2024
PROJECT LEADER: J. OLUND	DRAWN BY: C. TOBIN
DESIGNED BY: C. TOBIN	CHECKED BY: S. SPEAR
LAYOUT SHEET 3	SHEET 10 OF 11



LAYOUT SHEET

SCALE 1" = 20' - 0"
20 0 20



To: Michael LaCroix, VTrans Traffic Project Manager

From: Chapin Spencer, Burlington Director of Public Works

Subject: **Burlington STP 5000(29) - Colchester Avenue, Riverside Avenue and Barrett Street Intersection**

Date: _____

A meeting for the subject project was held on Monday, December 9, 2024, as part of the Burlington City Council meeting, to present and discuss the Base Technical Concept (BTC) Plans and cost estimates. A summary of the project development, including public input, design iterations, and traffic management were presented to the Council at this meeting. The presentation included details on the design-build contracting method, and how the Request for Proposals (RFP) will contain both prescriptive and flexible requirements for final design and construction. BTC Plans will be included in the RFP as a conceptual design that satisfies the RFP requirements. The RFP will ultimately become the construction contract and will allow some flexibility for the design-build team to develop a final design that differs from the BTC Plans within the limits established in the RFP. RFP language will be developed by VTrans with review and input from the Burlington Department of Public Works.

Based on this presentation, the City of Burlington approves the Base Technical Concept Plans with the following details:

- 1. A realignment of Colchester Avenue and/or Riverside Avenue to create a signalized intersection with Barrett Street.
- 2. A stop-controlled approach from Mill Street to Colchester Avenue.
- 3. Widening of Colchester Avenue to allow for 2 lanes northbound approaching the signalized intersection.
- 4. Crosswalks at all four approaches of the new signalized intersection.
- 5. Bike lanes and/or shared use paths along Colchester Avenue and Riverside Avenue connecting to the shared use paths on the new bridge.
- 6. Bike and Pedestrian intersection mobility improvements consisting of either leading pedestrian intervals or an exclusive pedestrian phase.
- 7. Retaining walls on the east sides of Colchester Avenue and Riverside Avenue to support the revised roadway layouts.

Details shown on the BTC Plans that are not specifically noted above are considered conceptual and may change between City approval of the BTC Plans and advertisement of the RFP, with review and input from the Burlington Department of Public Works.

The City of Burlington would like to make the following comments regarding this project:

Signature

Printed Name

State of Vermont
Highway Division
Structures Design Section
219 North Main Street
Barre, VT 05641

Agency of Transportation

[phone] 802-595-4403
[ttd] 800-253-0191

Chapin Spencer
Burlington Director of Public Works
645 Pine Street
Burlington, VT 05401

October 22, 2024

Project Name: Burlington-Winooski BF RAIZ(2)

Structure Identification: Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River

Dear Mr. Spencer:

VTrans has completed work on the Base Technical Concept (BTC) for the above-referenced project. BTC plans and cost estimates are attached for the City's review and approval in accordance with the Finance and Maintenance Agreement. Please return the attached form with any comments that the City has by December 20, 2024.

This bridge replacement project is being progressed concurrently with an intersection safety improvement project, located immediately south of the bridge in Burlington, with the intent of constructing the two projects under one contract. However, this letter is only applicable to the bridge replacement project. The physical delineation between the two projects is represented on the attached plans.

Ownership and maintenance of the bridge is the joint responsibility of the City of Burlington and the City of Winooski. The funding split for participating project costs, including preliminary engineering, right-of-way, and construction costs, is 80% Federal, 10% State, 5% City of Burlington, and 5% City of Winooski. The City of Burlington will be responsible for 100% of non-participating project costs that are specified in the Finance and Maintenance Agreement. The current construction cost estimate is \$68,600,000 including construction engineering, contingency, and inflation. Our current preliminary engineering and right-of-way cost estimates total \$8,500,000 (of which we have spent \$2,645,065) for an overall total project cost estimate of \$77,100,000.

The project will be advertised through a design-build contracting method, with the formal solicitation to contractors anticipated in spring of 2026. The design-build contracting method requires the contractor to complete the final design as well as construct the project. This allows the contractor to tailor the project to meet their preferred approach to construction, which will help reduce cost and schedule. All of the contractor's work will be in conformance with contractual obligations being developed by VTrans with review and input from the Burlington Department of Public Works.

The next step in our process is to acquire rights from adjacent properties. We are in the process of scheduling meetings with affected property owners, and we welcome the City to attend these meetings. Although dates and durations are partially dependent upon the contractor's approach, the final design is anticipated to occur in 2027, construction is anticipated to begin in the fall of 2027, and the overall construction duration is expected to last three construction seasons.

If you have questions, please do not hesitate to contact me.

Sincerely,

Robert Klinefelter

Robert Klinefelter, P.E.
Structures Project Manager



To: Robert Klinefelter, P.E. VTrans Structures Project Manager

From: Chapin Spencer, Burlington Director of Public Works

Subject: **Burlington-Winooski BF RAIZ(2), Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River**

Date: _____

A meeting for the subject project was held on Monday, December 9, 2024, as part of the Burlington City Council meeting, to present and discuss the Base Technical Concept (BTC) Plans and cost estimates. A summary of the project development, including public input, design iterations, and traffic management were presented to the Council at this meeting. The presentation included details on the design-build contracting method, and how the Request for Proposals (RFP) will contain both prescriptive and flexible requirements for final design and construction. BTC Plans will be included in the RFP as a conceptual design that satisfies the RFP requirements. The RFP will ultimately become the construction contract and will allow some flexibility for the design-build team to develop a final design that differs from the BTC Plans within the limits established in the RFP. RFP language will be developed by VTrans with review and input from the Burlington Department of Public Works.

- Based on this presentation, the City of Burlington approves the Base Technical Concept Plans with the following details:
- 1. A bridge cross section consisting of four, 11’-0” lanes; two, 2’-0” shoulders; a 15’-0” shared-use path on the western side of the bridge; a 12’-0” shared-use path on the eastern side of the bridge; and concrete barrier separation between vehicular travel lanes and the shared-use paths.
 - 2. A two-span bridge with an overall length of approximately 360-ft.
 - 3. A fully curved bridge with an alignment shifted to the east of the existing bridge.
 - 4. An under-bridge path on the Winooski side.
 - 5. A path connecting the shared-use path on the western side of the bridge to the under-bridge path, through Winooski Falls Park.
 - 6. Traffic management that maintains bicycle and pedestrian access and two northbound traffic lanes across the bridge throughout the duration of construction, closure of both southbound traffic lanes with an offsite detour for approximately 4-6 months, and only one southbound traffic lane on the bridge for approximately 12-16 months (open to Riverside Avenue only). Temporary lane closures will be permitted throughout construction at times of lower traffic volumes that can be adequately maintained with reduced lane capacity. Short-term stoppages of traffic, bicycles, and pedestrians will be permitted when necessary for the safety of the traveling public.

Details shown on the BTC Plans that are not specifically noted above are considered conceptual and may change between City approval of the BTC Plans and advertisement of the RFP, with review and input from the Burlington Department of Public Works.

The City of Burlington would like to make the following comments regarding this project:

Signature Printed Name



Burlington-Winooski
BF RAIZ(2) Burlington & STP 5000(2) Burlington
FAQ Page

What groups/organizations does the project team consist of?

The project team includes the Vermont Agency of Transportation (VTrans), the Cities of Burlington and Winooski, the Chittenden County Regional Planning Commission (CCRPC) and HNTB, the design consultant. The project is administered by VTrans on behalf of the Cities, with HNTB providing design services and CCRPC acting in a support/advisory role.

Why does the bridge need to be replaced?

The bridge has been in service for nearly 100 years and is reaching the end of its service life. Due to continued deterioration and its narrow width that no longer meets the needs of the community, a decision was made to replace the bridge. Refer to the Project's Scoping Report (see Project Documents page on this website) for additional information.

When will construction of the new bridge occur?

Active construction is anticipated to begin in 2027. Intermittent onsite field work and data collection will be occurring over the next few years to support the design efforts.

How long will construction last?

Construction is anticipated to take 2 to 3 years. This duration will continue to be evaluated as the design progresses.

The project is anticipated to be complete in 2030.

What is Design Build?

Design-Build is a project delivery method that allows VTrans to execute a single, fixed fee contract for construction and final design. Design-Build has two primary phases: preliminary design and construction. The preliminary design phase will occur over the next few years as the project team establishes project-specific criteria and impact limitations that the construction team will need to satisfy.

The selected construction team then completes the design and construction for their solution that meets criteria established by the project team. This contracting method allows the project to be contracted more quickly, for construction to commence earlier than traditional construction contracting methods and promotes increased innovation and cost-savings measures due to the competitive bid environment among contractor teams. Refer to



https://www.fhwa.dot.gov/ipd/alternative_project_delivery/defined/new_build_facilities/design_build.aspx for additional information.

What is accelerated bridge construction?

Accelerated Bridge Construction (ABC) makes use of prefabricated elements to minimize the amount of construction work on site. Elements for bridges are built off site in a fabrication plant or nearby staging yard. Once they are completed, these elements can be brought to the site and be quickly installed with less impact to the traveling public than conventional bridge construction methods. By employing ABC, impacts to traffic can be reduced from months to just weeks or even days. Refer to <https://vtrans.vermont.gov/highway/structures-hydraulics/accelerated-bridge-program/faqs> for additional information.

How will pedestrians and bicyclists cross the river during construction?

Pedestrian and bicyclist facilities will be provided throughout construction. Short term or intermittent closures may be required.

Will the project include work to the intersection south of the bridge in Burlington?

Yes. This overall project will include intersection improvements immediately south of the bridge, involving Riverside Street, Colchester Avenue, Mill Street, and Barrett Street. The improvements will generally consist of roadway reconstruction and traffic signal modifications, with the goal of improving safety and mobility for all users.

The existing three-way intersection will be reconfigured, thereby simplifying geometry to feature a four-way intersection with modernized traffic control and enhanced bicycle and pedestrian facilities.

Was a roundabout considered for the intersection project?

A roundabout at this site was evaluated as part of the scoping study. Although roundabouts have been successfully implemented throughout Vermont, this particular site has notable constraints that led to the roundabout option being ruled out. Specifically, the width required for a roundabout to convey the traffic volume at this site resulted in impacts to historic properties and impacts to the steep slopes adjacent to the Winooski River. Additionally, the topography of the site would result in undesirable roadway grades along the roundabout.

How will the proposed intersection improvements address the needs of pedestrians and cyclists?

The intersection will feature crosswalks with ADA accommodations and the revised intersection configuration aims to reduce pedestrian and bicycle crossing distances. The proposed traffic signal phasing will result in improved pedestrian safety through one or



more of the following: exclusive pedestrian phases, concurrent pedestrian phases, leading pedestrian intervals, restricted turn movements on red, and pedestrian detection. The signal design is in progress and the intent is to balance improvements to mobility for all modes of travel, without compromising safety.

The intersection geometry also significantly reduces vehicular conflict points compared to the existing intersection complex, which reduces driver confusion and contributes to a safer intersection.

Who is paying for this project?

The bridge project has received a federal RAISE Grant that will cover a portion of the project construction. The bridge project costs will be split as follows: 80% Federal, 10% State, 5% City of Burlington, and 5% City of Winooski.

Construction of the intersection immediately south of the bridge is 100% Federally funded.

What will the new bridge look like?

In general, the bridge is anticipated to improve mobility for all users by incorporating slightly wider travel lanes and wider multi-use paths/sidewalks to accommodate pedestrians and bicycles. Overall, the new bridge will be approximately 24 feet wider than the existing bridge. However, much of the remaining appearance of the new bridge is yet to be determined, and some features will be influenced by public input.

Will the new bridge have four traffic lanes?

Yes. The new bridge will have the same number of traffic lanes as the existing bridge to accommodate the high volume and types of vehicles (e.g., buses and emergency vehicles) that cross the Winooski River at this location. In addition to traffic volume, the four lanes will:

- Allow for future flexibility in repurposing space on the bridge if travel modes change.
- Act as an emergency crossing in the event of a major accident on I-89.
- Better accommodate emergency vehicle access over the bridge, compared to a narrower bridge.
- Better accommodate future maintenance on the bridge by allowing traffic to be shifted around.

How wide will the traffic lanes be on the new bridge?

The existing travel lanes on the bridge are approximately 10 feet and 6 inches wide. The proposed travel lanes are 11 feet wide. The proposed lane widths on the bridge are governed by the Vermont State Design Standards and are based on the roadway classification, traffic volume, and design speed. This roadway is a designated truck route



and is classified as a Principal Arterial, which indicates that this is a critical roadway with a relatively high traffic volume that includes wide vehicles such as buses and emergency services. Given the urban context, the lower end of the allowable width for travel lanes on this type of roadway are proposed for this project.

Will the new bridge have roadway shoulders? If so, why?

Yes. Narrow, 2-foot-wide shoulders will be added adjacent to the traffic lanes. This is the minimum shoulder width, as per the Vermont State Design Standards, for this type of roadway. The shoulders provide several benefits, including:

- A buffer between vehicles and the barrier separating the roadway and multi-use path.
- Providing snow storage following winter storms.
- Improving vehicle safety by separating stormwater runoff from the travel lanes.

Are traffic calming features being considered in the design?

The project team has received comments related to concerns with vehicle speeds on the bridge and is in the process of assessing traffic calming measures that may be appropriate for inclusion in the project. Traffic calming will likely consist primarily of striping, signing, and roadway layout. As part of the intersection improvements, Riverside Avenue and Colchester Avenue may be realigned such that low vehicular speeds will be required to navigate the intersection. The project team has determined that certain traffic calming measures, such as raised intersections and raised crosswalks, are not appropriate for this project based on the traffic volume, roadway classification, and due to winter maintenance concerns.

MEMO

To: Laura Wheelock, Division Director – Technical Services, City of Burlington

From: Josh Olund, HNTB Project Manager

CC: Maddy Suender

Date: December 2, 2024

Re: Councilor Inquiries – Response Information

Introduction

At the November 18, 2024, Burlington City Council meeting, the project team presented a project update and proposed the Project’s Base Technical Concept (BTC). Following this meeting, several Councilors commented on or questioned various aspects of the project. Due to time limitations, the project team was not able to fully provide a response to all comments and questions. This document is intended to provide additional detail and supporting information to aid Councilors in their review of the proposed BTC, and consolidates the responses into 4 primary topics, which address the majority of the councilors’ comments.

The Base Technical Concept sets the overall framework for the project but does not define all project details or requirements. The BTC generally includes the overall project layout and intent to allow coordination to advance and serves as the basis for the development of the Request for Proposals (RFP). This includes more direct coordination related to environmental permitting, utility relocation, right of way acquisition, site details, traffic control definition, and contract specifications. Without approval of the BTC, these efforts cannot truly advance which will delay the project and potentially compromise funding. Once the BTC is approved, the design team can continue coordination efforts and develop additional project details, which will lead to the solicitation of the RFP.

Note that this document focuses on larger aspects of the project that could influence the BTC and project direction (i.e., the “framework” of the project). Additional coordination between the project team and City Council can occur as the project advances and more detailed requirements are determined.

Controlling Vehicle Speed

US Routes 2 and 7, which are designated as trucking routes within the region, follow Riverside Avenue, the Winooski River Bridge, and Main Street in Winooski. Larger vehicles, such as trucks and buses whose width can measure up to 10.5 ft mirror-to-mirror, require slightly wider lanes than passenger vehicles to allow safe movements, which is why the existing roadways near the project along Riverside Avenue and Main Street in Winooski are already constructed with 11 to 12 ft lanes and 1 to 2 ft shoulders. The lanes on the proposed bridge are 11 feet, which will match into these existing roadway

approaches and are 6 inches wider than the existing lanes on the bridge. An 11-foot lane width is also supported by the National Association of City Transportation Officials (NACTO) for truck and bus routes. Additionally, off-tracking models indicate that 11-ft lanes on the bridge are required to safely accommodate buses and emergency vehicles without encroaching into opposing lanes. Even so, reduced lane widths on the bridge have been considered and will be reviewed for appropriateness during the final design.

Reducing lane widths on the bridge is not the only method to control vehicle speeds through this site. The project team has evaluated, and will continue to consider, several other methods to promote reduced speeds. As an example, Colchester Avenue and Barrett Street will both allow for lane widths of less than 11' as they are not situated along US 2 or 7 and are not part of the regional truck route. The project team will also continue to evaluate wider striping, truck aprons, and other features to visually confine the pavement limits for drivers. Lastly, it's important to note the curvature of the bridge itself and the barriers separating the roadway from the shared-use paths are likely to contribute to traffic calming.

The project team has also evaluated the use of traffic calming measures such as speed bumps, raised intersections, and continuous sidewalks. These measures are commonly implemented on local neighborhood streets with low traffic volumes. Due to the traffic volume at this site, project limits that are generally limited to a signalized intersection, and the need to prohibit vibration-inducing features on a bridge, these particular traffic calming measures cannot be implemented at this site. This is supported by the City of Burlington's Traffic Calming Manual.

Following construction, if Burlington and Winooski find vehicle speeds to be too high, they may choose to restripe the bridge to narrower lanes. However, reducing the overall bridge width on infrastructure that is planned to be in place for 100 years could limit future use of the bridge.

Intersection Magnitude/Lane Arrangements

The goal of this project is to manage traffic and improve safety for all users; traffic capacity improvements and/or reductions are not the purpose of this project. Although the proposed intersection may appear larger than the existing three-legged intersection, the amount of paved surface within the intersection will actually be reduced by approximately 10-15%, as the existing triangular paved area with 3 separate intersections is consolidated into a single intersection. Beyond this pavement reduction, the design team will continue to evaluate the introduction of truck aprons (slightly raised concrete surface) that will further reduce the intersection magnitude for passenger vehicles, but not restrict movements for larger vehicles such as transit and emergency services.

The width of the approach lanes along Riverside Avenue, Barrett Street, and the section of roadway between the bridge and Barrett Street are all proposed to be maintained and simply reconstructed in-kind with alignment adjustments.

A key feature of the safety improvements in this project is adding a dedicated pedestrian phase, which does not currently exist. Adding this pedestrian phase and maintaining similar vehicular capacity as the existing intersection, while consolidating three signals into one, requires this additional lane on the northbound Colchester Avenue approach. The additional lane does not increase intersection capacity and will not attract more vehicles through the site; it will simply maintain existing congestion levels at the intersection and surrounding area.

Roundabout

As part of the current design phase beginning in 2023, the current project team (which is predominantly an independent team from the scoping phase) independently evaluated the roundabout option. The purpose of this independent evaluation was both to verify the findings of the scoping report that determined a roundabout was not feasible and in response to the public interest in the implementation of a roundabout at this site. Included in this evaluation were updated traffic volumes which were found to be slightly higher than the [2017-2019 Scoping Study](#).

This most recent evaluation featured the conceptual layout of a single-lane roundabout, with a separate southbound through lane from the bridge to Riverside Ave. A traffic model was developed for this configuration, and it was determined that some movements exceeded recommendations for a single-lane roundabout entry by 50% (or 700+ vehicles per hour), which confirms the findings from the scoping study traffic analysis that a multilane roundabout is required. These results concluded that while a single-lane roundabout with a separate southbound lane to Riverside could physically fit within the generally acceptable footprint without displacing buildings, private land impacts from the resulting project would have adverse impacts to the historical district and traffic volumes still exceed recommended design parameters. Therefore, the roundabout was also independently dismissed from further consideration as being a viable solution.

A roundabout at this intersection was initially evaluated as part of the scoping study in the 2017-2019 timeframe. As part of the original study, a traffic analysis was performed, and the determination was made that a multilane “hybrid” roundabout was required to convey the projected traffic volumes. The roadway width required for this type of roundabout resulted in significant impacts to private properties and a few historic properties, including the need for complete property acquisition for a historic residence. A hybrid roundabout would also have environmental and constructability challenges that would require extending the intersection into the steep slopes adjacent to the Winooski River, including the construction of several retaining walls. Additionally, the site's topography would result in undesirable roadway grades along the roundabout due to the difference in elevation between Colchester Avenue and Riverside Avenue. For these reasons, a roundabout was dismissed during the scoping study from further consideration.

Based on the findings in the original scoping study, additional peer review by the current design team, approval of the preferred alternative by the steering committee, Transportation Energy and Utility Committee in both 2019 and 2023, and City Council in 2019, 2023, and 2024, the project will advance with a signalized intersection for the realignment of Colchester Avenue, Riverside Avenue, and Barrett Street.

Mill Street Egress

The purpose of the project is to improve safety for all users and manage traffic through the intersection. The proposed solution, resulting from the scoping study in 2017-2019, is to reconfigure the overall intersection that involves Colchester Avenue, Riverside Avenue, Barrett Street, and Mill Street. Specifically, the existing three-way intersection will be reconfigured, thereby simplifying geometry, to feature a four-way intersection with modernized traffic control and enhanced bicycle and pedestrian facilities. The proposed traffic signal phasing will result in improved pedestrian safety through the introduction of a pedestrian phase, while also balancing maintaining similar vehicular capacity as the existing condition. The intersection geometry also significantly reduces vehicular conflict points

compared to the existing intersection, which reduces driver confusion and contributes to a safer intersection.

For these safety improvements to occur, the proposed intersection reconfiguration converts Mill Street to a stop-controlled side street, which is not part of the signal system, as the low overall volume does not warrant a signal. The project has proposed restricting left turning vehicles exiting Mill Street due to safety concerns. This is estimated to affect 28 left turning vehicles in the PM peak hour of the future design year 2047, which represents only 0.05% of the traffic passing through this site. Due to Mill Street's proximity to the Colchester-Barrett-Riverside intersection, we anticipate a lack of available gaps to make a left turn during peak hours which could lead to unsafe movements. Vehicles exiting Mill Street and desiring to go southbound would first proceed northbound and use the Winooski Circulator to reverse direction. While this may seem to be an inconvenience, the delay associated with attempting to turn left during peak hours is estimated to be more than two minutes, comparable to the time it would take to travel around the Winooski Circulator.

The left turn restriction condition may be able to be limited to the peak hours only – this determination is under consideration between the project team and impacted stakeholders and would be as simple as changing the applicable signage.

MEMO

To: Laura Wheelock, Division Director – Technical Services, City of Burlington

From: Josh Olund, HNTB Project Manager

CC: Maddy Suender

Date: December 2, 2024

Re: Councilor Inquiries – Response Information

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MEMO

To: Burlington City Council

From: Laura Wheelock, City Engineer

CC: Chapin Spencer, Public Works Director
Madeline Suender, Public Works Engineer

Date: December 10, 2024

Re: Additional Councilor Questions/Concerns
Burlington Winooski Bridge and
Colchester/Barrett/Riverside Intersection Projects

Following the communication with City Council 12/7/24 there have been additional questions and requests for clarifications that are outlined below.

2019 Intersection Scoping Study

It is important to recognize that the Stantec study is a scoping study. These studies do not perform a survey, determine actual parcel boundaries, utility information/restrictions among other details and specifics needed to confirm all assumptions made in the study. The work that has been underway since 2023 has collected all of this and more information so it refines the information for which to review and consider. There is information that Stantec did not have when they completed their work that the current HNTB team has. I say this not to diminish Stantec's work, they are a high quality engineering firm and did everything they needed to do under a scoping for the intersection. We always learn more thing as we advance a concept from scoping into design and the additional challenges of a roundabout in this location have come to light which challenges some of the findings in their evaluation matrix.

In Stantec's study the levels of service between the two options was similar, a 'C' in the morning hour, and an 'E' in the afternoon. There is some difference in the seconds of delay but nothing alarming since the signalized intersection was adding a pedestrian phase (see below). What has me concerned and was not flagged is under the Roundabout option the volume to capacity ratio (V/C) is more than 1. The recommended ratio for a roundabout is 0.85 to 0.90 for satisfactory operation and when the value is more the intersection operation can become unstable and deteriorate rapidly.



Table 9: Colchester/Barrett Intersection Performance with Alternative 1 Improvements

	Existing (2015) No Build			Future (2035) No Build			Future with Alternative 1 Improvements		
Peak Hour	V/C ¹	Delay ²	LOS ³	V/C	Delay	LOS	V/C	Delay	LOS
AM	0.69	21.9	C	0.74	24.4	C	0.69	21.7	C
PM	0.98	50.8	D	1.05	64.2	E	0.98	62.1	E

Table 12: Colchester/Riverside/Barrett Intersection Performance with Alternative 3 Improvements

	Existing (2015) No Build			Future (2035) No Build			Future with Alternative 3 Improvements		
Peak Hour	V/C ¹	Delay ²	LOS ³	V/C	Delay	LOS	V/C	Delay	LOS
AM	0.69	21.9	C	0.74	24.4	C	0.88	20.1	C
PM	0.98	50.8	D	1.05	64.2	E	1.09	47.0	E

A roundabout when in failure has no way to prevent cars from entering the intersection. Therefore when the capacity is reached the circle will fill with cars and it prevents vehicle from getting to where they are trying to go, even if only one movement was the cause of the backup, all movements are stuck. Whereas a signal in a similar condition keeps just the lanes that are in failure/overcapacity from moving but allows minor movements to still navigate the intersection.

As we have continued our review traffic volumes in this intersection they have grown faster than the Stantec report predicted and therefore it changes the analysis, confirming the need for any roundabout option to be a multilane configuration. In the first response to Councilors the 700+ vehicles is referring to our a review of a single lane roundabout per Council and public request. The entering vehicles for this location is 700+ vehicles larger than what is recommended for a single lane roundabout and therefore highlighting that a single lane roundabout would not be appropriate unless there is a drastic reduction in vehicle travel in this location.

Property Impacts from 2019 Scoping Study

The land taking for the Roundabout option in the Stantec report in the image below. I do not have a way to precisely scale this area (nor would the consultant), the rough extrapolation from the PDF is approximately:

BED Hydro = 110 sq ft
460 Colchester Ave = 2757 sq ft
475 Colchester Ave = 566 sq ft

For comparison the land taking under the revised HNTB Intersection measured in a similar way from the PDF is approximately:

460 Colchester Ave = 970 sq ft

Retaining Walls from Scoping Study

The grading challenges described focus on the viability of the roundabout option. A roundabout's functionality is based on them being on a relatively level area. In general they should not have more than a 5% slope across the circle, and then there is further guidance on the road slopes that connect to the circle. The Shelburne St Roundabout pushes those boundaries both with a cross circle slope just above 5% and steep sloping streets approaching the circle (Willard/Locust/Ledge). While that is working it is on the extreme end of the guidance and is benefited from having traffic volumes much lower than it was designed to manage. For Colchester/Barrett/Riverside it is necessary to use several retaining walls to flatten the area to have the circle be in the range of 5% -7% (described on page 50 of the Stantec report). The retaining walls are the orange lines around the intersection in the graphic above. The retaining wall is noted as significant because of the retaining wall needed along the river to allow the entire road to be raised up.

For DPW the need to have retaining walls as part of the intersection reconfiguration is not a limiting factor. It is a consideration for long term maintenance costs and challenging location of the retaining wall along the river in the roundabout option.

The under bridge path on the Burlington side would require retaining walls as you note for almost its entire length, and given the uncertainty of use/activation that is a consideration for DPW.

Redesign Options

I do not see a path where Federal funding would be able to be used to redesign the intersection or construct one based on the restrictions of that funding source. The Federal Highway Administration (FHWA) is required to pick any viable alternative that has the least 'Adverse Effect' for Section 106 (historic property). The cultural resource impacts for the signalized intersection under the scoping study as well as in the current design are less than those of the roundabout and for that reason their guidance points them to selecting the signalized intersection as the preferred alternative. The Cultural Resource Impact is described on page 56 of the Stantec report.

Information on FHWA's Section 106 process and requirements is summarized here
https://www.environment.fhwa.dot.gov/env_topics/section_106_tutorial/chapter1_1.aspx

The timing of January 2025 for the BTC is the City's support of the BTC must be included in our NEPA submission to VTrans and FHWA. This needs to be submitted in January of 2025 to allow the other processes to complete ahead of the 2026 deadline.

Lastly for the City to change the previously accepted preferred alternative would at minimum require DPW to reopen the scoping study and re-evaluate the alternatives, complete a fair and equitable public outreach process, and allow the process to determine a preferred alternative. These efforts

are usually collaborative with the Chittenden County Regional Planning Commission in both scope and funding. However because we already completed a study of this intersection, and fundamentally parameters have not changed that led the public, public officials, and DPW staff at the time to recommend the signalized intersection I do not believe they would be able to support the City in this work. That would result in the City needing to fund this study 100% with City funds. It also goes against the agreement the City has with VTrans for the intersection and that funding would be terminated, and the City would be subject to repayment of consultant fees already paid to date.

Single Lane Roundabout Viability

This is not a viable option, traffic volumes in the peak hour exceed the recommended volume for a single lane roundabout by 50%.

To compare the Shelburne Roundabout to this location, the Shelburne St Roundabout is designed for 19,200 vehicles per day; and was constructed in a way that an additional northbound lane can be added to Willard St because a single lane roundabout is close to capacity and it is close enough that when the City Council approved the concept in 2009 they mandated that DPW monitor the roundabout post construction to ensure it does not exceed its capacity and therefore need to be expanded. Thus far traffic volumes have been slow to rebound to pre-covid amounts and as such the Shelburne Roundabout is performing very well.

The Colchester/Barrett/Riverside intersection already has 25,000+ vehicles per day (2023 volume count) and is not suitable for a single lane option, there is additional concern that traffic volumes have returned to pre-covid volumes and are growing faster than projections in the 2019 scoping study in this area.

Traffic volumes shown below were taken in 2023 and are available on the state data website:

<https://vtrans.public.ms2soft.com/tcds/tsearch.asp?loc=Vtrans&mod>

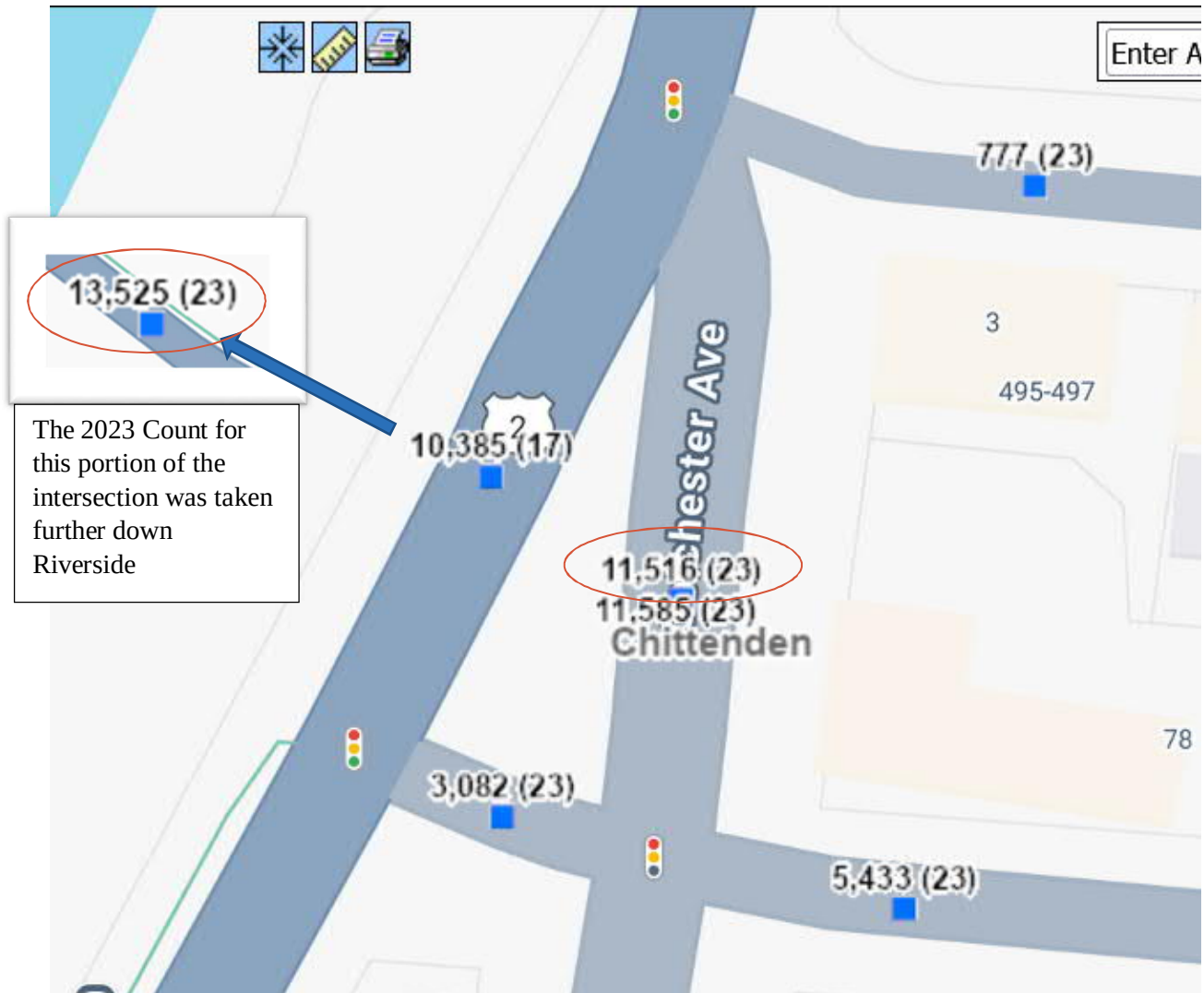
Along Riverside is one example of how vehicle trips in this area of the City have returned to pre-covid volumes and are continuing to grow.

Once we move to a multilane roundabout the improvements for pedestrians, cyclists, and overall anticipated crash improvements change. Additional considerations for multilane roundabouts are discussed further in the Response to Solveig Overby's Communication.

Vehicle Volume:

Annual Average Daily Traffic (AADT) has been collected in the project area. Figure 1 shows AADT(year) for the counts in and around the intersection/bridge. This is the average vehicles per day, in both directions, for the given year. These are VTrans counts and can be found here: <https://vtrans.public.ms2soft.com/tcds/tsearch.asp?loc=Vtrans&mod>

Figure 1: VTrans AADT



Mill Street Intersection Design

Signalizing Mill Street in the revised intersection is not necessary or an option for several reasons.

1. The simplified intersection does not require vehicles to be held at this location to ensure that the other two intersections can function. This intersection is near its capacity currently and will require changes to ensure that the City of Burlington does not gridlock the City of Winooski with our backed up traffic.
2. It is imperative that the redesign of the intersection avoid having vehicles backing up to the point that they are within the circulator in Winooski. Once vehicles start to queue within a roundabout or traffic circle it will gridlock the entire surrounding network since it holds up all movements and not just those that are queuing. Once the Winooski Circulator gridlocks it quickly results in gridlock in Burlington.
3. We erode the safety improvements with the revised geometry of the intersection by creating atypical signal conditions, with short gaps between red lights, visible downstream signals. It is understood these are conditions that exist today, and are the same conditions that have led to the significant safety concerns within this trio of intersections. It is not a condition that should be replicated.

We are still working to better understand the conditions that led to the scoping study restricting the left turn. It is believed that during off peak hours left turns out of Mill St will be possible, it is also believed that the curved bridge provides new opportunities with available sight distances out of Mill St that do not exist with the existing or on-alignment bridge options described in the study. So the new design has more possibility. Even if left turns are found to be allowed, it still will not be at a signalized intersection. Mill St will act like other side streets to our busy roadways many of which we do not restrict the left turn and it is understood that you will wait 2 minutes to likely find a gap. As noted those who do not want to risk a long wait have another option to use the Winooski Circulator.

Restricting turns for means of safe vehicle travel, and high quality bike/pedestrian mobility is sometimes what is needed for the overall safety of the transportation network. Burlington has this on several intersections along Main St already from Prospect St, to University Heights, to the Spear St/East Ave jug handle and formerly from Ledge Road on the Shelburne; as a few local examples to consider.

No one is marginalizing the impact or preferences of the residents, businesses, customers, or property owners on Mill Street. The change in access will feel significant for the ~700 vehicles per day. Currently they are prioritized over the other 24,000+ vehicular users of this corridor, and all of the bicycle and pedestrians.

What this project has the opportunity to achieve is a growth in the mindset for how access to this area can change with these two projects.

- Bike/Ped connectivity in this area for both the Old East End and to Downtown Winooski will be transformational, infrastructure improvement projects such as these have a proven record of bringing more of these active transportation trips to a location and any decrease that local businesses are seeing from constrained vehicle conditions will have the opportunity to be backfilled by these other modes.
- The change in vehicle traffic pattern will be forgotten, similar to when Shelburne Road was converted to a divided highway, Main Street to a divided highway, Colchester Ave from 4 lanes to 3, Riverside shared use path, North Ave from 4 lanes to 3. There will be a time in 10-15 years when the new intersection configuration feels like the normal, and will not feel like a loss.
- Economic opportunity for new development with superior connectivity between the City of Burlington and the City of Winooski, and realigning this intersection is imperative to doing so.
- Above all else is the safety improvements that are needed in this intersection. Aside from the 2 pedestrian involved crashes (one a fatality), there are 9 bicycle crashes reported, and over 250 vehicle crashes since 2010 per the BTV Crash Data Dashboard (below). Additionally using a 5 year data query from VTrans shows 20+ crashes in trio intersection, with several occurring at Mill St for both tools. It is time to resolve the challenged geometry of this street and its connection to US 7/2

BTV Crash Data Dashboard



<https://www.arcgis.com/apps/dashboards/0d344de88f014a99b05b41a6fb2e109a>

The BTV dashboard is a combination of BPD and VTrans crash history, noting post 2020 the reporting criteria changed and fewer crashes are posted to the data base this pulls information from.

Using the VTrans crash tool this is the map of the accidents from 2019-2024

<https://apps.vtrans.vermont.gov/CrashPublicQueryTool/>



For your question about having drivers utilize the Winooski Circulator for the limited number of left turns that are made. Of the crashes that resulted in injury in Winooski around the circle in the 5 year period, are 2 compared with the 4 that occurred within Mill St Intersection over the same period of time (VTrans Crash Tool)

With respect to the concern about people choosing to take a left if it is determined it should be restricted. There is likely no way to enforce this regulation similar to other traffic regulations that drivers choose to disregard. It will prevent those who are uncomfortable making the movement, those who see no opportunity during busy times, and those who follow regulation. To compare this to local examples on Main St. I have never seen someone make the restricted left turn onto Prospect from Main St., but will witness once or twice a year those who make the turns at University Heights or the jug handle. So what does the sign do, it provides protection to anyone who might be impacted by a vehicle choosing to ignore a traffic regulation under the worse cases.

As to what happens if the gate to the Chase Mill is closed at Barrett St. This is challenging to predict. All conversations with Redstone Property Management indicated that Redstone is not closing this gate, and do not have any gate closure policy with the maintenance company. Its closure, when it occurs, is by the action of locals/neighbors/tenants. Should Redstone choose to actively control the driveway it would need to serve their interests and would likely allow two way traffic for patrons/tenants of their property. I do not see a condition where users of the Chase Mill would have their access restricted on to Barrett St, or where the DRB would allow them to remove their driveway without a traffic study.

- Chase Mill vehicle trips make up a majority of the ~700 vehicles on Mill St.
- The other 5 buildings are a mix of apartments (~10), owner occupied units, and currently 3 businesses; the vehicle trips from these properties would be very small and common to have exit through a stop control on a small side street into a larger corridor should any dramatic changes occur to the Chase Mill access points.
- Any other remaining trips are cut through vehicles described looking to avoid the queue on Barrett St.

No one on the design team takes this decision lightly. We have reviewed many alternatives to understand if there is a way to improve access on Mill St via the Chase Mill exit onto Barrett/Chase Streets. The embankment that confines this roadway is difficult, and confined by parcels on Barrett Street. The work to create a new right of way to the east of Mill St through this parcel is beyond the scope of either the bridge or intersection project. That said it is an initiative that the City could pursue independent of the intersection project, if it is determined that left turns must be restricted out of Mill St and if the Burlington Community following study and outreach determines it is in the good of the public.

There is no part of this project that isolates these properties, and there are changes and compromises for all abutters and travelers. Developing our transportation system requires compromises, under this project the bike/pedestrian users in this area have endured a transportation network that was designed solely for vehicles. The redesign offers balance where all users can get to where they are going even if it means driving an extra 0.42 miles (which would take one minute at 25mph and no congestion to go around the Winooski Circulator). This is less time than it takes a pedestrian cross Colchester Ave at this same location.

MEMO

To: Burlington City Council

From: Laura Wheelock, City Engineer

CC: Chapin Spencer, Public Works Director
Madeline Suender, Public Works Engineer

Date: December 9, 2024

Re: Response to Solveig Overby Communication

This communication focuses on the concern of pedestrian safety with the signalized intersection relative to the roundabout option as studied in the Stantec scoping study, as well as the scoping study finding of Best for a few of the evaluation matrix categories.

Fundamentally DPW agrees roundabouts can be used to achieve slower consistent speeds within intersections and we recognize the safety improvements that can be experienced by all modes of transportation. Most of the country does not see or realize the benefits that a roundabout can provide the way the Burlington community does, and as such a lot of the guidance is written as a sales pitch. For example documents, will note significant speed reductions and therefore crash severity reduction. This is 100% correct for the cases as noted when changing a 40 mph unsignalized intersection into a roundabout; however when you change a 25 mph signalized intersection into a roundabout the same reduction in speed is not achieved because vehicles were already going the slower speed and additionally overall crash severity under these cases is already reduced.

Early FHWA guidance noted roundabouts are safer for pedestrians, because vehicles are going slower. This is accurate however the same guidance noted unknown pedestrian delay and overall comfort. The National Cooperative Highway Research Program (NCHRP) published documentation that looked at the experience of pedestrians, bicycles, and roundabouts in all forms/geometries. This document uses updated standards from FHWA and echos feedback DPW has been hearing with our own roundabout. The NCHRP Research Report 1043 – Guide for Roundabouts 2023 is a free document online, but we can provide a copy. I have also attached the post construction survey performed for the Shelburne St Roundabout and as presented to the City Council in 2023.

First for a roundabout to be considered at this intersection is must be a multilane roundabout, these points are noted under question A, and in the response to councilor questions. However this guide can be used to confirm those findings in Section 8 knowing the AADT (2023) is ~25,000 vpd; and peak hour experiences over 1800 vph. A roundabout is classified as an unsignalized intersection since vehicle movement through the intersection is a yield only to all other movements (cars/bikes/pedestrians).

With that considered *NCHRP Research Report 1043* cites

For bike/ped experience:

Section 4.1.1 Pedestrian Safety and Quality of Service (PDF Page 71)

- It is often difficult for people who are blind or have low vision to accurately determine gaps in traffic and yielding vehicles, especially under high traffic conditions.
- Research indicates that two to three times more motorists fail to yield to pedestrians at multilane roundabout crossings than at single-lane round-about crossings.

Section 4.2.1 Bicyclist Safety and Quality of Service (PDF Page 76)

“multilane roundabouts, which require bicyclists to select the appropriate lane for their direction of travel. This includes changing lanes to make left-turn movements. Single

However it is important to recognize that as a roundabout changes from a single lane to a multilane roundabout those safety improvements are not as significant.”

The experience noted in the report is similar to our own residents post construction of the Shelburne St Roundabout. DPW surveyed residents to understand how they use the roundabout, and their experience. There are dramatic comfort increases for vehicles, moderate/mixed improvements for pedestrians, and neutral improvements for cyclists. Written comments are the most telling for user experience with pedestrian comfort that is in line with the research in the NCHRP report. Concerns focus on the lack of certainty of a vehicle observing a pedestrian and yielding to them. This concern is not one that DPW receives at our signalized intersection since pedestrians are protected, and provided their own time to cross.

Crash Reduction:

The NCHRP Report further reviews the overall crash reductions that can occur at roundabouts relative to other intersection types when converting to a roundabout. This is shown in Exhibit 7.15 and further described in the surrounding section (PDF Page 131). This table is pasted below highlighting the conversion for changing from our urban signalized intersection to two-lane roundabout. The way these

factors work is “a Crash Modification Factor (CMF) of 0.7 would indicate an expected reduction in crashes of 30 percent”. The factors for this intersection are at or above 1, indicating that we likely would not see a change in the number of accidents, and could actually experience an increase.

Exhibit 7.15. Crash modification factors for converting a stop-control or signalized intersection to a roundabout.

Treatment	Setting	Crash Type		Source
		All	Injury	
TWSC to single-lane roundabout	Rural	0.29	0.13	HSM (1)
	Suburban	0.22	0.22	HSM (1)
	Urban	0.61	0.22	HSM (1)
TWSC to two-lane roundabout	Suburban	0.81	0.32	HSM (1)
	Urban	0.88	NA	HSM (1)
TWSC to single-lane or two-lane roundabout	Suburban	0.68	0.29	HSM (1)
	Urban	0.71	0.19	HSM (1)
	All	0.56	0.18	HSM (1)
AWSC to single-lane or two-lane roundabout	All	1.03	NA	HSM (1)
Signalized intersection to single-lane roundabout	All	0.74	0.45	Gross et al. (6)
Signalized intersection to two-lane roundabout	Suburban	0.33	NA	HSM (1)
	All	0.81	0.29	Gross et al. (6)
Signalized intersection to single-lane or two-lane roundabout	Suburban	0.58	0.26	Gross et al. (6)
	Urban	0.99	0.40	HSM (1)
	Urban	1.15	0.45	Gross et al. (6)
	3-approach	1.07	0.37	Gross et al. (6)
	4-approach	0.76	0.34	Gross et al. (6)
	All	0.52	0.22	HSM (1)
	All	0.79	0.34	Gross et al. (6)

Note: NA = not available.

The research does indicate it is possible that the injury possibility still exists, however that is also conditional on the existing speed in the signalized intersections studied. If as noted previously it changed the intersections overall speed from 40 mph to 25 mph then a 55-60% reduction in injury is a reasonable assumption. The Colchester/Barrett/Riverside Intersection is already set at 25 mph and will likely not see the same reduction. It is reasonable to conclude that either an improved signalized intersection or roundabout will reduce the injury reported crashes at our intersection. The roundabout option for the consistency with speed we would see, and the signalized intersection for the simplification from three signals to one.

To conclude with pedestrian safety, below are the crosswalk distances of the two designs for comparison. Measurements are off the Stantec roundabout pdf, and HNTB signalized intersection using the same method and are approximate.

Crosswalk Location	Stantec Roundabout	HNTB Signalized Intersection
Colchester Ave Southside	37 feet	45 feet
Riverside Ave	67 feet total across two crossings	42 feet
Barrett St	39 feet	38 feet
Colchester Ave Northside	69 feet total across two crossings	50 feet

The signalized intersection will be safer for pedestrians in this occasion and as such continues to be the intersection design that DPW is recommending for this location.

- It provides dedicated protected pedestrian crossing times
- Shorter crossing distances
- Supports vulnerable pedestrians with visible, audible, and tactile pedestrian crossing
- Is accessible to our bicycle community who opt to use the shared use path as their facility to navigate this area.

A Generational Opportunity

Approving the Base Technical Concept Allows:

Funding Opportunity

State and Federal funds for the project include a \$24.8-million RAISE grant, and potentially another \$23.25-million RCP grant. However, the project will lose these funds if they are not obligated by the Federal Highway Association for final design and construction by September 30, 2026. To meet this deadline there is about 18 months of permitting, utility coordination, and other significant efforts remain before these funds can be obligated; and for the project to move forward through permitting the Base Technical Concept will need approval by January 2025.

Improved Safety

The Base Technical Concept would improve safety by including 1) off-street bicycle and pedestrian facilities on the bridge and through the intersection, 2) barrier separating these facilities from vehicles on the bridge, 3) improved pedestrian crossing phases at the traffic signal, and 4) a simplified intersection with a reduced number of conflict points.

Improved Mobility

Shared use paths would increase the overall active transportation width from 12-ft in the existing condition, to 27-ft in the proposed condition – more than doubling the space available to active transportation users! Utilities will be placed underground to eliminate utility poles, which allows wider shared use paths through the intersection and allow for future separated bike lane connectivity along Colchester Avenue.

Community Growth

Not only will the project directly benefit safety and mobility for all users, the project will also likely encourage local economic improvement. Historically, investments in this type of infrastructure lead to new economic activity and reinvestment in the surrounding community.

Delaying the Base Technical Concept Could Result in:

Lost Funding

If the \$24.8-million Federal grant funding is lost, State support and funding for the project will be delayed indefinitely. Without outside funding, Burlington and Winooski must equally share all costs for bridge improvements, which may not be feasible for both communities. Additionally, construction costs will continue to rise, and available staging areas may become more limited for future construction projects. These factors will result in significant cost increases for any eventual bridge replacement.

Necessary Maintenance

If this project does not advance, the existing bridge and intersection will require significant maintenance within the next 5-10 years to keep the site in good repair. Burlington and Winooski will be responsible for splitting these maintenance costs. Because outside funding is available for this reconstruction project but is not for maintenance of the existing bridge, a future maintenance project may cost the Cities more than their local match contribution to the proposed reconstruction project. Additionally, while the bridge is functionally obsolete it can still be maintained with railing replacements, concrete deck repairs, joint replacements, etc.

No Improvements

Loss of State and Federal funding means the existing bridge and intersection will remain unchanged for the foreseeable future. Without State or Federal funding support, the Cities have no timeline to construct the safety and mobility improvements proposed in the Base Technical Concept.

Underutilization

A failure to invest in critical infrastructure and mobility improvements may slow the economic growth of surrounding neighborhoods. Several nearby properties may remain underutilized instead of potentially becoming housing, viable businesses, or other new construction that could benefit the community.

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Madeline Suender
Burlington - Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Concept
 Title/Subject: Approval

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/16/2024
☐	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	12/10/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	12/11/2024	Joe Magee
Board/Commission, if required	N/A	N/A	N/A
City Attorney's Office has approved contract and/or legal documents -Identify attorney in note	N/A	N/A	N/A
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	12/10/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	12/12/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	N/A	N/A
CIO, if an IT-related investment/purchase	N/A	N/A	N/A

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Burlington - Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Concept Approval
Contract Attached, if applicable?	N/A	N/A
Additional Materials, if necessary	Yes	Attachments: 1. BTC Estimate 2. BTC Plans 3. BTC Approval Letter - Burlington – Winooski Bridge BF RAIZ(2) - Colchester/Barrett/Riverside Intersection STP5000(29) 4. Project FAQ Sheet 5. Question Responses - 11/18/24 City Council -Councilor Emails -Solveig Overby Email 7. Decision Points
Draft Resolution or Motion?	N/A	N/A
If for submission to Council, are sponsors identified?	Yes	TEUC Chair – Councilor Mark Barlow

Burlington City Council Meeting

Burlington-Winooski BF RAIZ(2)
Burlington STP 5000(29)

December 16, 2024



**BURLINGTON
WINOOSKI
BRIDGE**



**THE CITY
OF BURLINGTON**



Introductions

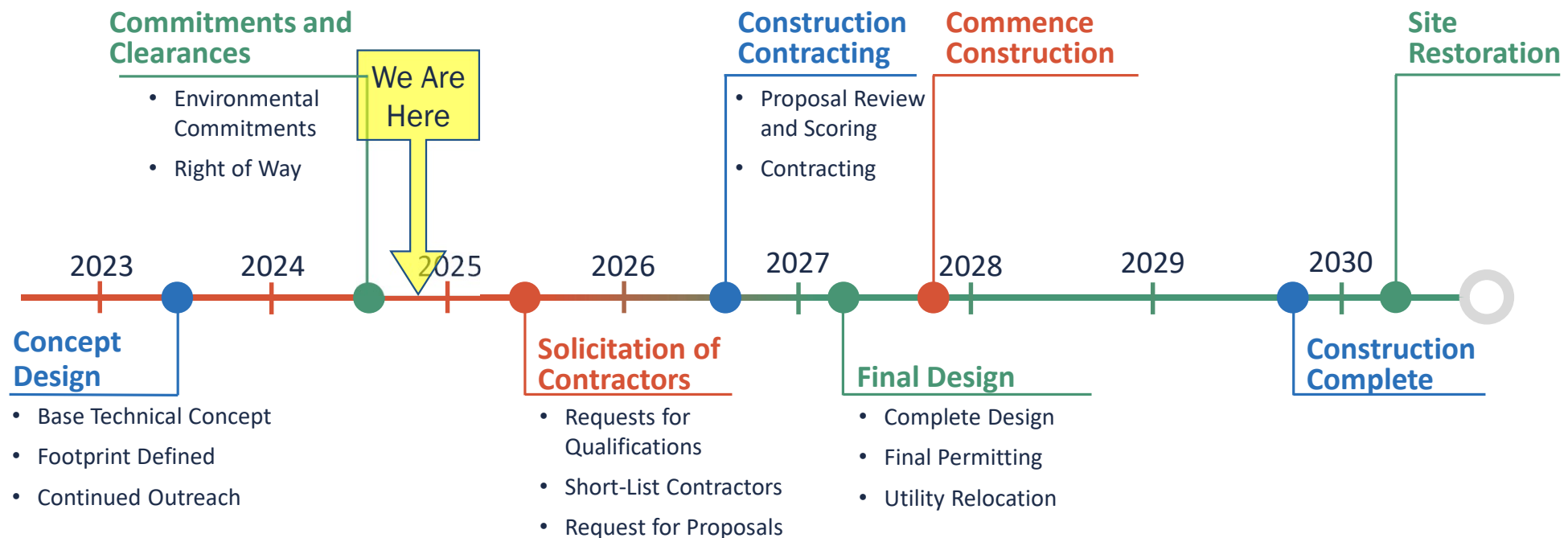
- **Bob Klinefelter** – VTrans Structures Project Manager
- **Michael LaCroix** – VTrans Traffic Project Manager
- **Carolyn Cota** – VTrans Structures Program Manager
- **Josh Olund** – HNTB Structures Project Manager
- **Steve Spear** – HNTB Roadway Project Manager

Meeting Purpose

- *To seek approval on the Base Technical Concept and the approach towards developing the contract documents.*



Schedule – Current and Future

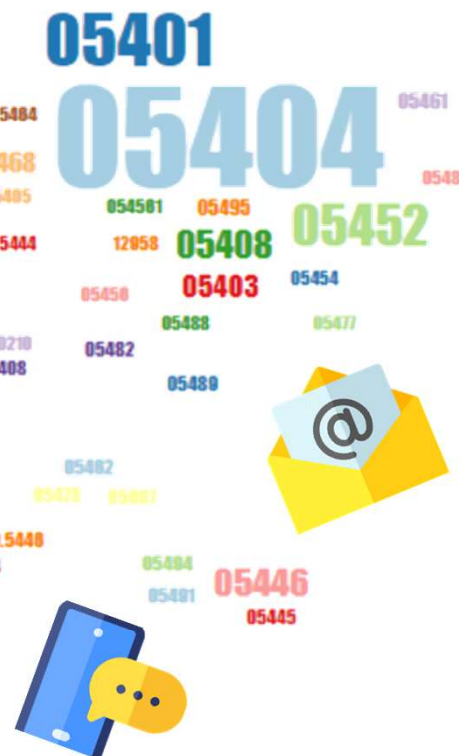


Project Recap and Updates



Coordination *(Since Spring 2023)*

	Public Meetings
	Local Government Meetings
	Stakeholder Engagement
	Website and E-Blasts
	Travel Survey
	Utility Coordination
	Environmental Coordination



Stakeholders Engaged:

Burlington Electric Department
 Burlington Fire
 Burlington Telecom
 Burlington Walk Bike Council
 Chittenden County Sheriffs
 Colchester Rescue
 Consolidated Communications
 Comcast
 Downtown Winooski
 Essex Rescue
 Firstlight
 Green Mountain Power
 Green Mountain Transit
 Lake Monsters
 Local Motion
 Lumen
 Premier Coach
 St. Michael's Fire and Rescue
 State Police
 UVM CATS
 UVM Health
 UVM Police
 Vermont Division for Historic Preservation
 Vermont Gas
 Vermonters for People Oriented Places
 VTEL
 Winooski Alliance for Active
 Transportation
 Winooski Fire and Rescue

Project Refinement *(Since 2023)*

- Merge the Bridge and Intersection Projects
- Assess and Confirm Scoping Decisions
- Alternate Construction Phasing
- Alternate Traffic Management
- Intersection Configurations

Project Refinement *(Since 2023)*

- Expanded the Downstream Bridge Shared-Use Path from 12' to 15'
- Improved Bike/Ped Connectivity through Intersection
- Further Review of Mill Street Left Turn
- Traffic Calming – Truck Aprons/Radii, Visual Narrowing, Curved Bridge, and Intersection Geometry

Base Technical Concept (BTC)



Existing Conditions



Conceptual Shifted-Alignment



View Looking North



Existing Conditions



Conceptual Shifted-Alignment



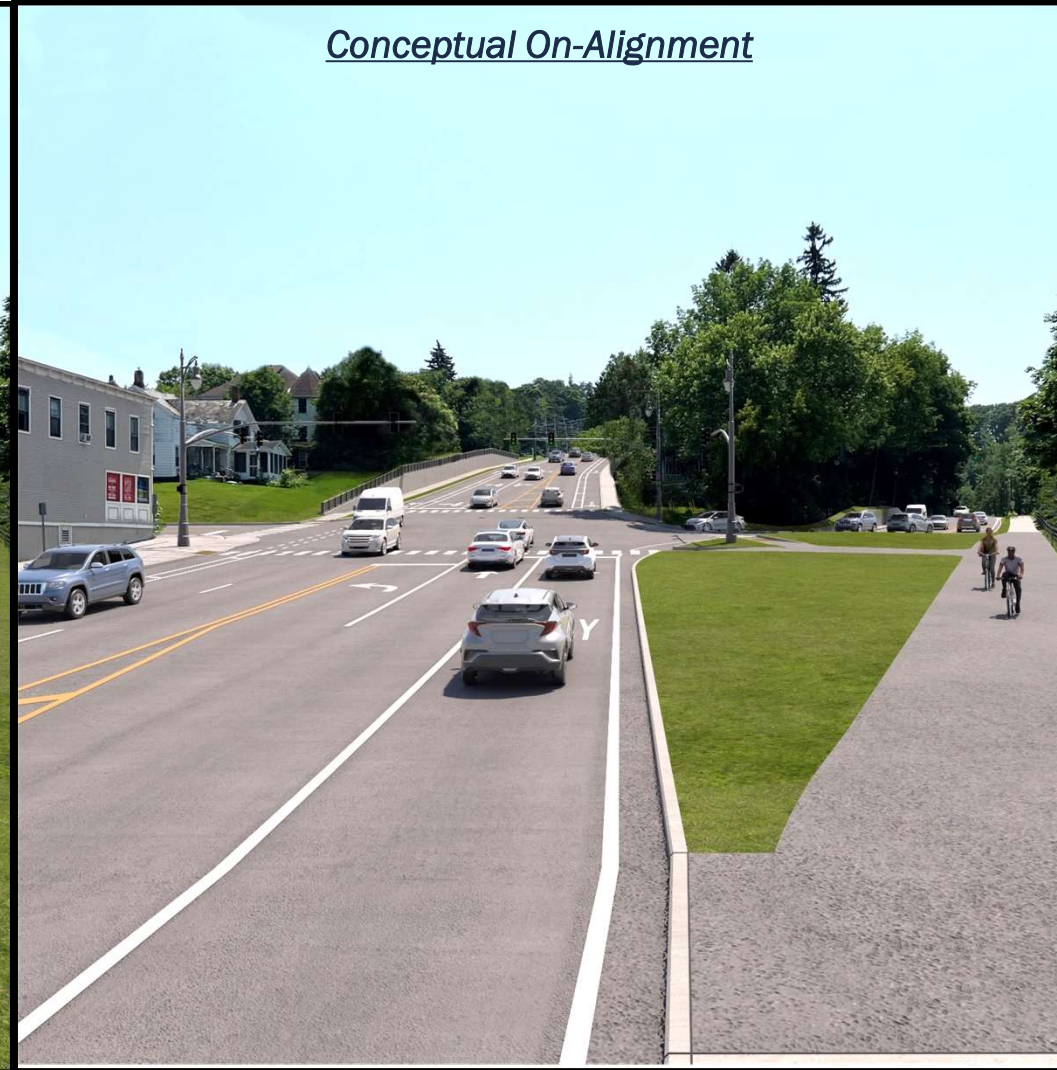
View Looking South



Conceptual Shifted/Curved Alignment

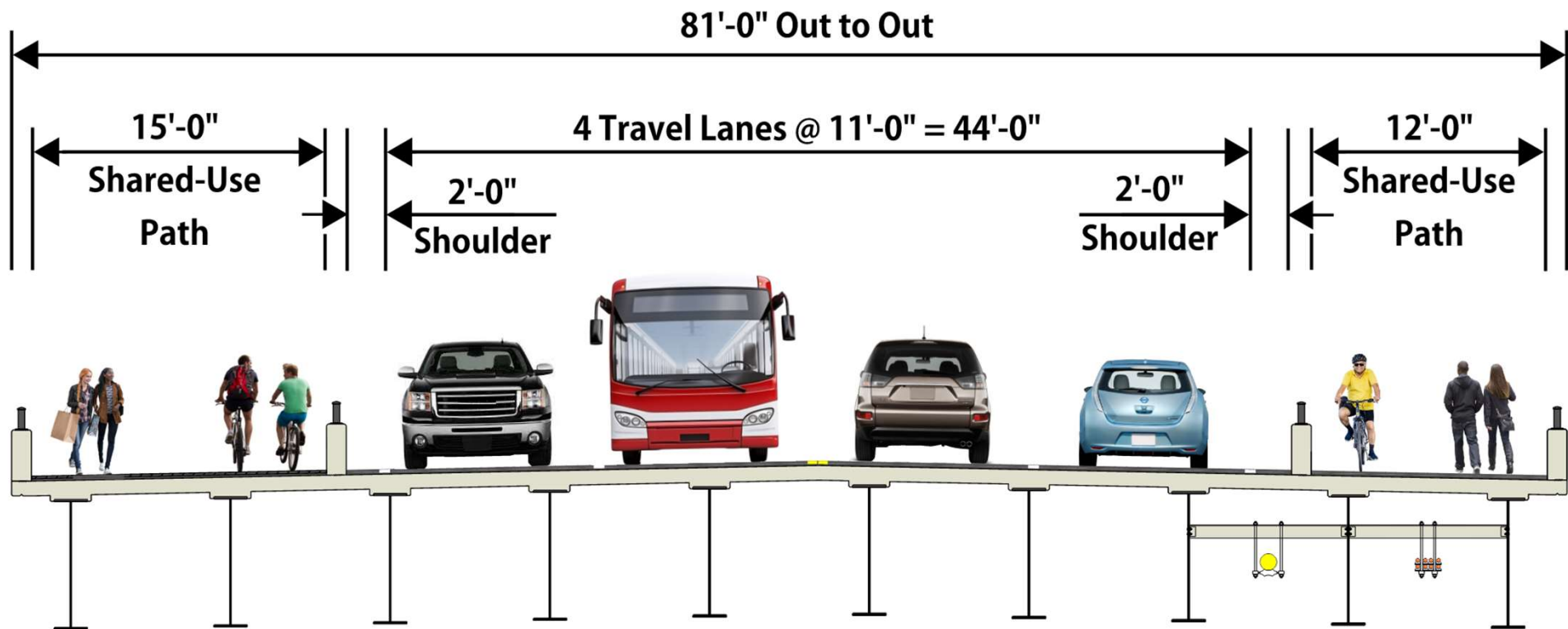


Conceptual On-Alignment



Intersection View

Bridge Cross Section



RFP Considerations



Prescriptive vs Flexible Requirements

- **Prescriptive**: Items or actions that are required within specifically defined parameters, without exception.
- **Flexible**: Items or actions that represent the nature and goals of the project and have established boundaries, but are not prescriptively defined.

Bridge: Additional Considerations

- Promote Slow Vehicle Speeds with Narrow Travel Lanes
- Visual Narrowing of Lanes
- Drainage Such that it will not Impact Bicyclists and Pedestrians
- Traffic Management and Emergency Response as Priorities

Intersection: Additional Considerations

- Short Crosswalks
- Further Review of Mill St Left Turn
- Exclusive or Leading Pedestrian Phase
- Robust Gateway Design / Street Aesthetics / Trees
- Undergrounding of Aerial Utilities

Intersection: Additional Considerations

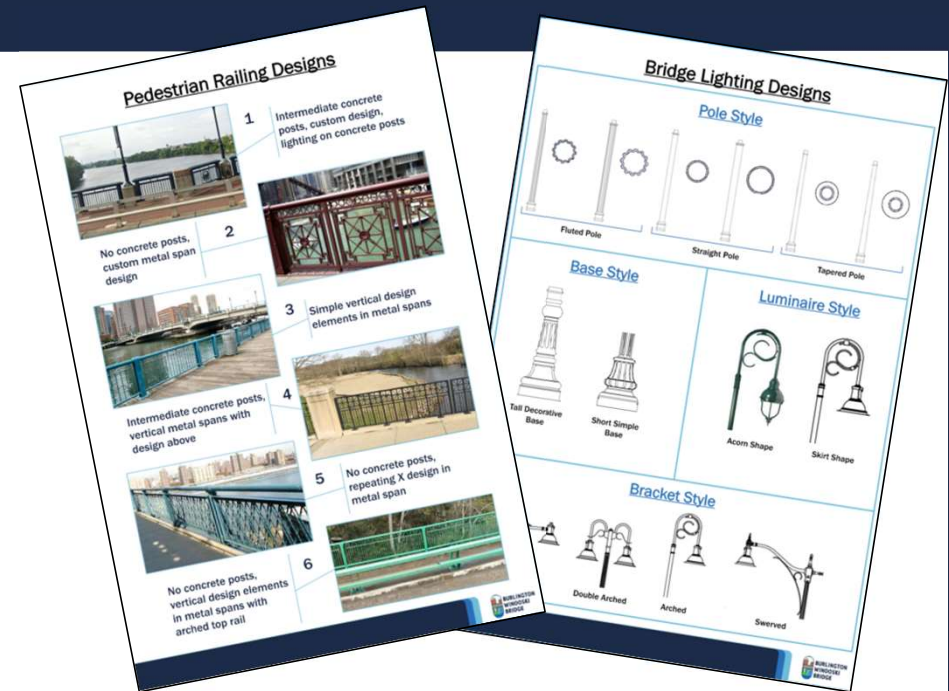
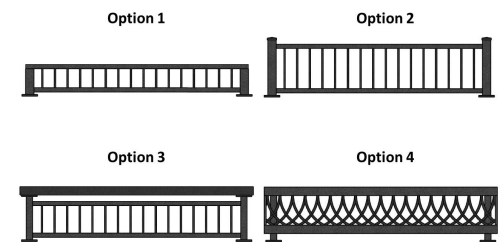
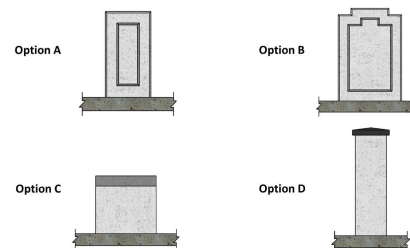
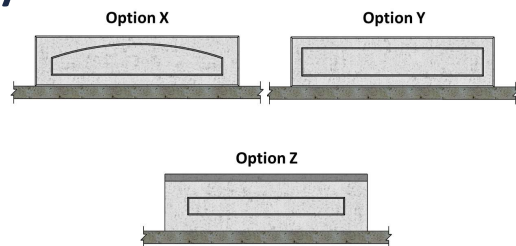
- Design to Slow Vehicle Speed: Truck Aprons, Tight Turning Radii, Visually Narrow Travel Lanes
- Inroad Bike Markings
- Design Focused on Bike Transitions and Conflict Points
- Allow for Proposals to Provide Protected Bike Facility through Entirety of the Project Limits

Aesthetics and Features



Bridge Aesthetics

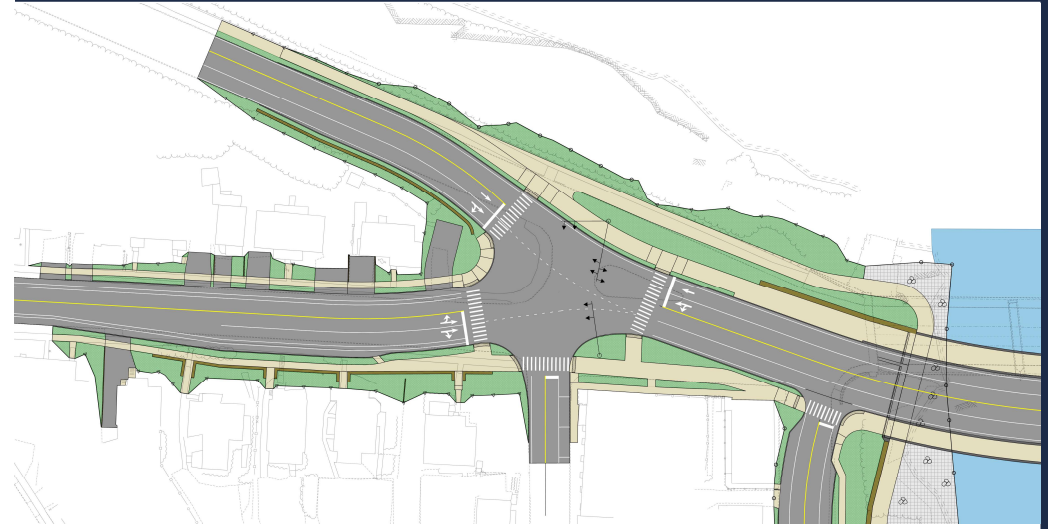
- Collecting Public input on railings and lights
- Online survey



Project Features

- Public Comments:

- Bump-outs (Overlooks)
- Balance of Historic and Modern
- Space for greenery and flowers



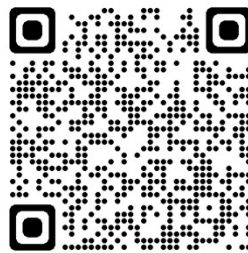
- Under Bridge Path Interest:

- Good lighting/security
- Add ramps on stairs for walking bikes

Questions?



**BURLINGTON
WINOOSKI
BRIDGE**



<https://burlingtonwinooskibridge.vtransprojects.vermont.gov/>





Burlington Water Resources Capital Planning

Proposed March 2025 Bond Requests

City Council Update
December 16, 2024



STAGES OF CAPITAL BONDS

RED

Project need is defined but cannot proceed to construction without bonding authority; Council decides if they support the need, scope and intended outcomes to warrant engaging the community in a vote on the plan. Refine magnitude as much as possible balanced with not falling short on funding needed to complete the projects. Understand potential impact on rates.

YELLOW

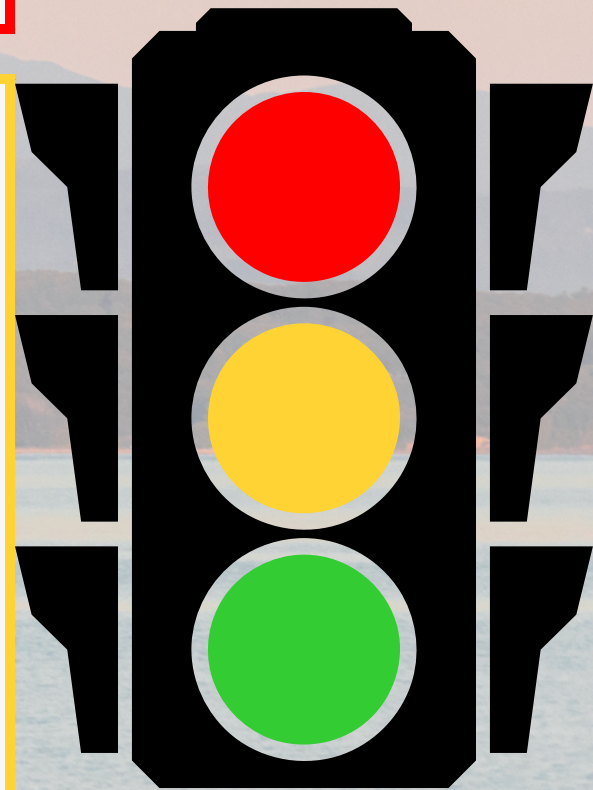
Community demonstrates that they agree and support the general scope of the project and desired outcomes through **> 50% voter support** of the bond questions.

City can proceed without risk on the final design of project scope to further refine costs to inform the final magnitude of debt issuance.

SRF Priority list ranking is improved and bonding authority demonstrates local match source for other grant funding.

GREEN

City Council has the final authority on **when** and **at what magnitude** bonds and SRF loans are issued. Detailed analyses and outcomes related to project phasing, grant opportunities, rate impact timing, rate restructuring and affordability programs can and should be requirements before substantial issuance of debt.



PURSUIT OF ALTERNATIVE FUNDING

- Submitted Community Change Grant Application (11/20)
 - Could fund up to \$ 13M of LAKE bond and \$796K of WATER bond if awarded
- Meeting (12/9) with Reps Headrick and Duke on possible strategies to advance at Statehouse
 - Increase magnitude of Pollution Control Grant funding line
 - Ensure any housing related bills include funding to address water/wastewater capacity improvements
- Meeting (12/11) with GBIC about Regional Project Prioritization List
 - Key step in applying for Northern Border Regional Commission Funding
 - \$1-3 M in possible NBRC grant funding towards LAKE or WATER bond
 - Written support for other grant applications
- Meeting (scheduled for 12/19) with Vermont DEC State Revolving Fund Program to discuss:
 - Capacity for additional SRF financing
 - **Pollution Control Grant funding**

BOND MAGNITUDE REDUCTION UNDER CONSIDERATION



Action	Rationale	Risks
Remove \$14M of original bond proposal related to North Plant Sewer Siphon	• Continues to appear eligible for FEMA or Hazard Mitigation Funding • Another storm related failure would be eligible for FEMA emergency funding	If FEMA doesn't fund it and then siphon breaks unrelated to a storm event, the City would have to fund the repair;
Remove \$6.5 M of original bond proposal related to dewatering upgrades	• Does not have an environmental impact if the equipment fails - "only" a cost impact • Unknowns still remain about the future of biosolids management in Vermont • Could make sense if 5 year "keep it running" costs are reasonable (pending)	If the costs of biosolids escalate rapidly or the equipment fails at an accelerated rate, the City would need to proceed with upgrades. These could be funded through any "savings" acheived through grant awards or through a stand alone bond vote.
Adjust design contingency from 25% to 20% (removes \$6 M)	• It is standard practice to adjust contingencies downward as the project proceeds to 100% Preliminary Engineering and then again as it proceeds through final design	Reducing contingency at this stage reduces flexibility for delivering full scope of project if \$ risk emerges (inflation, bid environment etc.) However, in that event, the City could repurpose any "savings" achieved through grant awards to meet the full need.

There are additional smaller scope items that are under evaluation for timing and funding (debt vs. use of reserve) source which could further reduce the bond magnitude while still preserving the overall scope of work

2025-2028: HOW MUCH \$?

System	Current Estimated Total Bond Need	Final <u>Cost</u> Determination
Drinking Water	\$21 M	Determination of other funding for City transportation projects; Congressionally Delegated Spending Grant Award
Wastewater	\$204 M \$178 M	Final due diligence on WWTP costs; FEMA availability for River Siphon; Community Change Grant success; Determination of other funding for City Transportation Projects; Pollution Control Grants; NRBC grant
Stormwater	\$14 M	Pine Street CSO reduction final cost; Community Change Grant success; Determination of other funding for City transportation projects; Pollution Control Grants

DEBT ISSUANCE SCHEDULE ALTERNATIVES UNDER CONSIDERATION

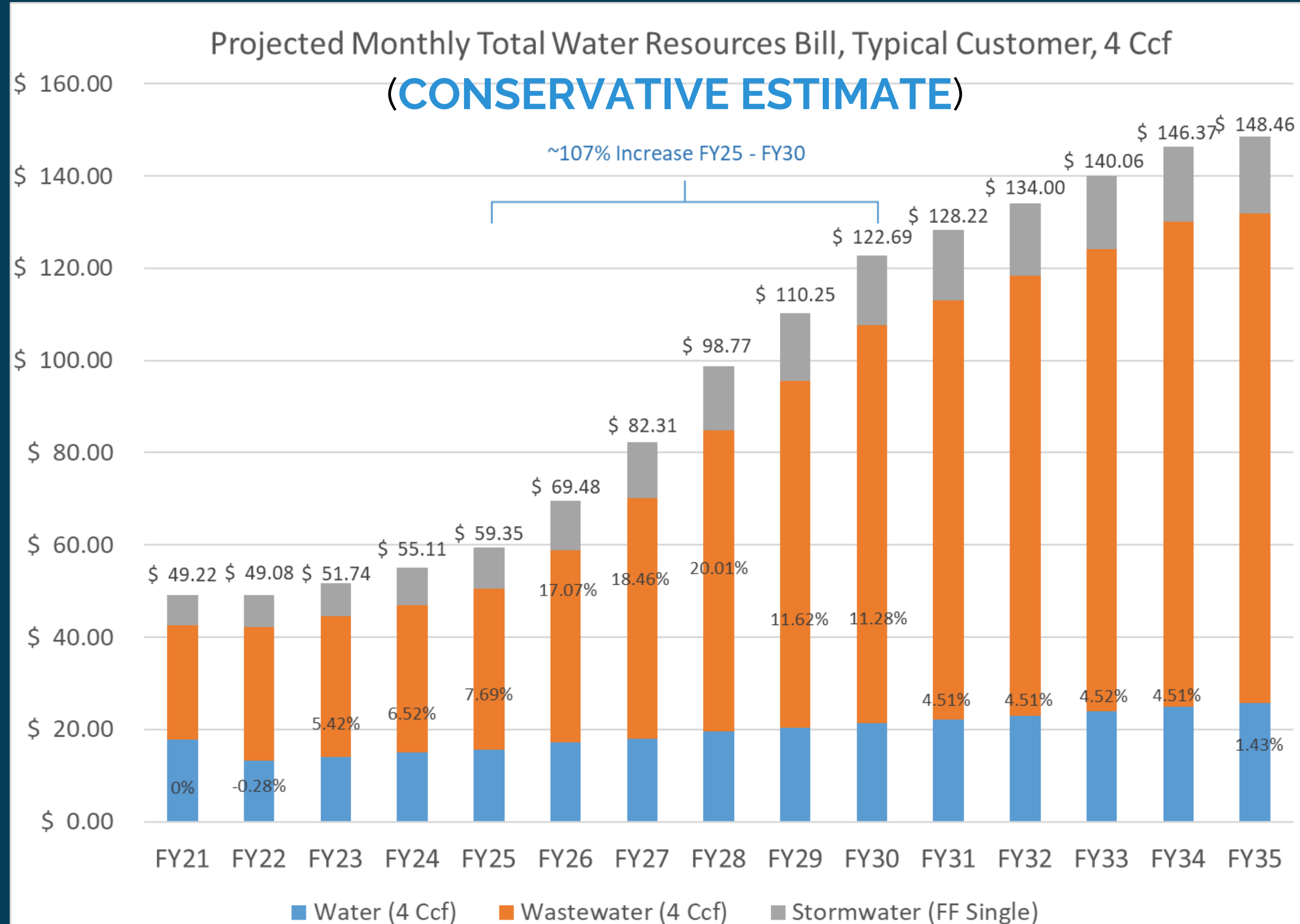
- Break W/WTP scope out into more sub-projects
 - Leverage maximum SRF subsidy
 - Issue right amount of debt at right time
 - For SRF or WIFIA funded debt, leverage deferred payment (1 year post project completion)

Contract	Scope #	Scope	Compliance	Related to East Plant Consolidation	Flexible Timing	Construction Duration (years)	Construction Schedule	Inflation
1	1	Main Plant/Perkins Pier: New Aeration and WAS storage Tanks, RAS/WAS Pumps/Piping, New Blower Building, Primary Clarifiers, Service Upgrade? Ask Steve, but likely yes, 5th secondary clarifier and RAS Pump at Main	x					
	2	Tertiary: Intermediate Pump Station, Tertiary, Chem feed and storage	x			2	10/1/2027 - 9/1/2029	11.90%
2	4	Main Existing Secondary Clarifiers Mechanisms & Tank Improvements		x				
	5	Main Influent and Foul Sewer Pumping		x		1	10/1/2028 - 9/1/2029	13.40%
3	6	East to Main Conveyance		x		1.5	10/1/2028 - 10/1/2030	14.40%
4	7	East Pump Station and East Decommissioning		x		1.5	4/1/2029 - 10/1/2030	14.40%
6	8	Dewatering (not including odor control and sludge			x	1	1/1/2030 - 1/1/2031	17.30%
5	9	North WWTF - clarifier mechanisms, intermediate pumping system, Administration Building, dechlorination system	Dechlor required by 2030		x	1	1/1/2030 - 1/1/2031	17.30%

DRAFT

- Generate revised debt scenarios, with support on estimates of public bond (vs. SRF) from City's financing consultant, PFM.

WATER, WASTEWATER, STORMWATER RATE IMPACTS



Revised bill impact scenarios showing the following will be prepared as part of a detailed bond technical memo made public no later than **January 2, 2025**:

- impact of reduced bond size
- theoretical impact of
 - favorable debt issuance timing (phasing)
 - conservative assumptions of grant funding if feasible
 - increased SRF availability
- confirmed occupancy dates of projects under construction

AFFORDABILITY AND RATE RESTRUCTURING TOOLS

- Conversation started with TEUC at November 26 Meeting
- Ultimately, determinations of affordability benchmarks and the methods for ensuring equitable burden of needed water resources funding across ratepayers are complicated.
 - The U.S. Water Resources Utility community as a whole does not yet have it figured out.
- Based on current accepted industry practice, Burlington will not reach the affordability burden impact (4.5% of MHI) as the result of these rate increases. Lowest quintile income (LQI) ratepayers will approach this benchmark around FY2030.
 - This does not take into account the known higher costs of living in Burlington.
- DPW is committed to completing evaluations of the “affordability” question prior to the issuance of significant debt under the LAKE and WATER bonds
 - Met the affordability directive outlined in the 2018 resolution authorizing the \$30M bond.

NOVEMBER 6, 2018 SPECIAL CITY MEETING --
ISSUANCE OF REVENUE BONDS FOR WASTEWATER AND
STORMWATER UTILITY PROJECTS

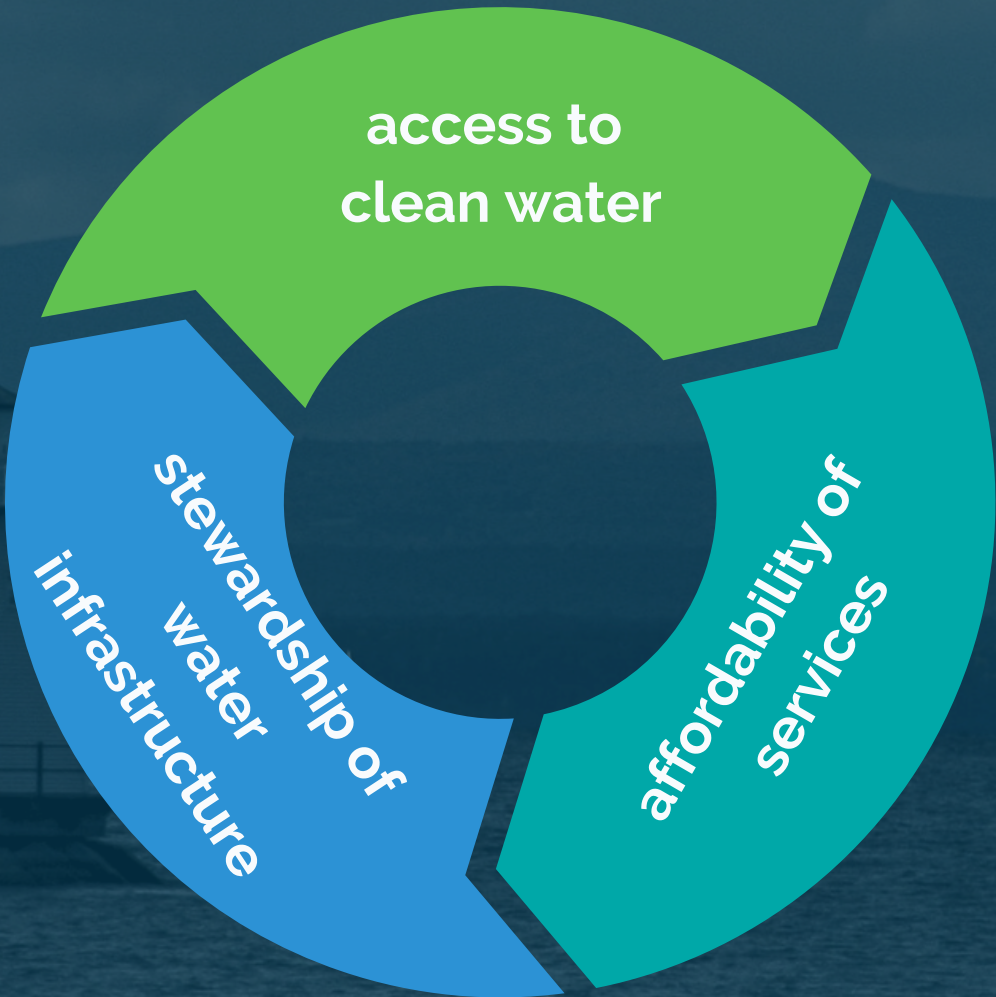
WHEREAS, the City intends to study and adopt, effective FY21, an alternate rate structure for water and wastewater to relieve the cost burden on income-constrained, small users;

CURRENT RATEPAYER AFFORDABILITY MEASURES

“...an affordable water bill is one that the household can regularly and successfully pay on time without compromising its ability to meet other essential needs.” (NRDC Water Affordability Advocacy Toolkit)



- **Fixed Fee Waiver**
 - Low-income
 - 65+
 - Non-Profit Housing Organization
- **Rebates**
 - Sewer lateral inspections
 - WaterSense fixtures



Discount Type	Count
Low Income	29
Low Income-BED	
EAP	8
Senior	25
Grand Total	62

RATE STRUCTURE ADJUSTMENTS

- **Lifeline** rate tier on water side
- **User class**-based rates

BED HAS 762 EAP CUSTOMERS CURRENTLY

CURRENT FY25 RATE STRUCTURE

Rate Change Comparison (FY 25 rates effective 7/1/24; See on August 2024 bill)							
	METER BASE CHARGE WATER		METER BASE CHARGE SEWER		PRIVATE FIRE BASE CHARGE (year 4, 5 year phase in)		
METER SIZE	FY 24	FY25	FY 24	FY25	PIPE SIZE	FY 24	FY25
5/8"	\$3.74	\$3.93	\$5.25	\$5.69			
3/4"	\$5.61	\$5.90	\$7.87	\$8.53			
1"	\$9.34	\$9.81	\$13.12	\$14.22			
1.5"	\$18.65	\$19.59	\$26.24	\$28.44	1.5"	\$27.90	\$37.11
2"	\$29.84	\$31.34	\$41.98	\$45.49	2"	\$27.90	\$37.11
3"	\$55.95	\$58.75	\$78.71	\$85.29	3"	\$27.90	\$37.11
4"	\$93.23	\$97.90	\$131.18	\$142.14	4"	\$27.90	\$37.11
6"	\$186.46	\$195.79	\$262.35	\$284.26	6"	\$81.00	\$107.73
8"	\$298.31	\$313.23	\$419.74	\$454.79	8"	\$172.62	\$229.59
10"	\$428.84	\$450.28	\$660.84	\$812.84	10"	\$310.44	\$412.89
					Hydrant	\$81.00	\$107.73
	VOLUMETRIC RATES WATER		VOLUMETRIC RATES SEWER		STORMWATER		
METER CLASSIFICATION	FY 24	FY25	FY 24	FY25	Type	FY 24	FY25
Single Unit Residential (RES, R2-S, R3-S, RC-S, RA-S)					Flat Fee		
Tier 1 (0 - 400 CF)	\$2.79	\$2.93	\$6.71	\$7.28	Single Family	\$8.12	\$8.90
Tier 2 (401 CF and higher)	\$6.96	\$7.31	\$6.71	\$7.28			
Duplex (R2)							
Tier 1 (0 - 600 CF)	\$2.79	\$2.93	\$6.71	\$7.28	Duplex	\$8.07	\$8.84
Tier 2 (601 CF and higher)	\$6.96	\$7.31	\$6.71	\$7.28			
Triplex (R3)							
Tier 1 (0 - 900 CF)	\$2.79	\$2.93	\$6.71	\$7.28	Triplex	\$9.30	\$10.19
Tier 2 (901 CF and higher)	\$6.96	\$7.31	\$6.71	\$7.28			
Multi-Family Residential (MRU)	\$4.77	\$5.01	\$6.71	\$7.28	Directly Assessed (Per ISU)		
Mixed Residential & Commercial (MIX)	\$4.77	\$5.01	\$6.71	\$7.28	All Other	\$3.04	\$3.33
Commercial (COM)	\$4.77	\$5.01	\$6.71	\$7.28			
City (CITY)	\$4.77	\$5.01	\$6.71	\$7.28			
Irrigation (IRR)	\$8.34	\$8.76	N/A	N/A			
Process Water for Heating or Cooling (PW)	\$5.39	\$5.66	N/A	N/A			

POSSIBLE AFFORDABILITY PROGRAM ENHANCEMENTS

WRAP (Water Resources Assistance Program) Discount Enhancements

- For currently qualified customers (below 200% Federal Poverty Limit or 50% HUD AMI)
 - Expand WRAP discount to stormwater (50% discount on flat fee) ✓
 - Expand WRAP discount to volumetric portions of rate
- Offset pressures from increased water bills on housing rental rates
 - Offer water resources credit equal to WRAP discount on electric bill for users who qualify for BED's Energy Assistance Program (Seattle Public Utilities model)
- Expand eligibility to other income levels
 - Will require method for income verification
 - Could substantially increase rates for non-eligible customers



Meeting scheduled WR -
BED-SPUC for 12/13/24

Usage volume reduction

- Plumbing assistance programs
- Increase WaterSense fixture incentive
- Accelerate roll out of Smart Metering

Infrastructure Assistance

- Sewer Lateral Replacement Loans

Visit
<https://burlingtonvt.gov/wrap>
for current affordability
programs

OUTREACH SINCE LAST MEETING:

- November NPA Tour - Ward 1, 2, 5 and 4/7
- Wastewater Treatment Plant Tours
- Media (WCAX and SevenDays)
- Burlington Business Association Waterfront Action Group
- DPW Commission and TEUC Meetings: Update on Bill Impact and Affordability Considerations
- Outreach will continue in January and February

2016

Previous WR staff complete a “20 year facility evaluation” and “10 year WWTP capital plan”

2018

Significant equipment failures at Main Plant cause 13 M gallons of sewage and extended beach closures. WR prepares bond scope and costs using 2016 study.

2019
to
2021

Focus on construction of projects addressing the 2018 failures (disinfection and SCADA) while undertaking formal preliminary engineering planning (SRF requirement) for the rest of the project scope with new consultant. Construction costs notably higher than estimates. Consultant report indicates that **remaining high priority needs greatly exceed the remaining bond capacity,**

2022
to
2023

Additional planning efforts undertaken to evaluate various alternatives, including East Plant consolidation, and to identify new phasing of a much larger project. The increased scope and increased cost were communicated at Commission Meetings in 2022 and 2024. Additional bonding was discussed in this time period with the administration, but more work was needed to ensure accurate scope and cost.

2024

The shift in focus on supporting growth (and changes in zoning) necessitated that the project revisit some assumptions about capacity and revisions to the basis of design. By mid 2024, preliminary engineering had proceeded to be able to hit the necessary milestones for a bond request.

FAQ: WASN'T THE \$30M CWRP BOND SUPPOSED TO ACCOMPLISH MORE?

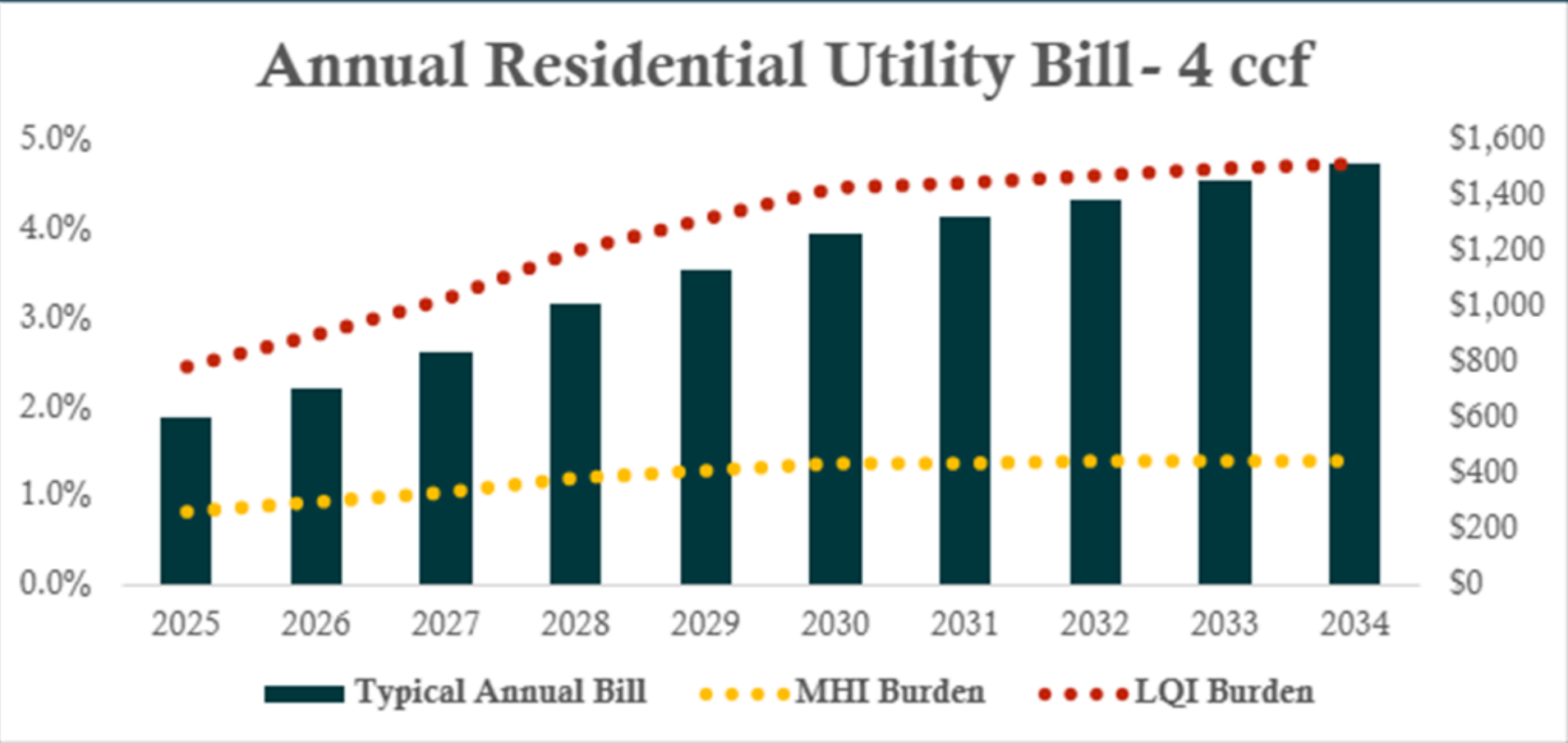
- Yes. Unfortunately both the scope of the evaluation and the cost estimates delivered in the 2016 report used to develop the 2018 bond vastly under-estimated the need and costs of the WWTP and the pump stations.
- The 2016 consultant (whether by their own accord or as directed, it is not clear) ONLY evaluated replacement of existing equipment in kind, vs. evaluating whether an existing system needed to be improved upon to meet modern requirements of redundancy or safety codes.
- Staff did our best with the 2 months we had to finalize the 2018 bond request, but ultimately the 2016 study did not set us up for success.
- That said, the \$30M was never intended to meet the full needs of the WWTPs- and planning documents clearly identified that more \$ would be needed for phosphorus removal, dewatering and to evaluate and potentially revise East Plant.

SUPPLEMENTARY SLIDES



AFFORDABILITY METRICS

- Based on current industry standards and EPA affordability guidance we do not have a predicted “affordability” issue, even with the proposed rate increases, especially when we apply our WRAP
 - “acceptable” based on EPA guidance to spend up to 4% (water + sewer) or 4.5% (including stormwater) of **MHI**
 - But do need to make sure we keep an eye on LQI population and consider larger households



Water Consumption (Ccf/Month)	% of Single Family Bills Below	Annual Income		
		Mean of LQI \$17,928	Lowest Quintile \$24,472	Median \$74,143
0	0%	0.6%	0.5%	0.1%
1	8%	1.3%	1.0%	0.3%
2	22%	2.0%	1.5%	0.5%
3	40%	2.7%	2.0%	0.6%
4	57%	3.4%	2.5%	0.8%
5	71%	4.3%	3.2%	1.0%
6	80%	5.3%	3.9%	1.3%
7	86%	6.3%	4.6%	1.5%
8	90%	7.3%	5.3%	1.8%
9	92%	8.2%	6.0%	2.0%
10	94%	9.2%	6.7%	2.2%

- However, we understand that “industry standard” developed for entire U.S. may not be appropriate for Burlington where there are other cost of living pressures. Will be working to recommend appropriate benchmarks for Burlington prior to significant debt issuance.

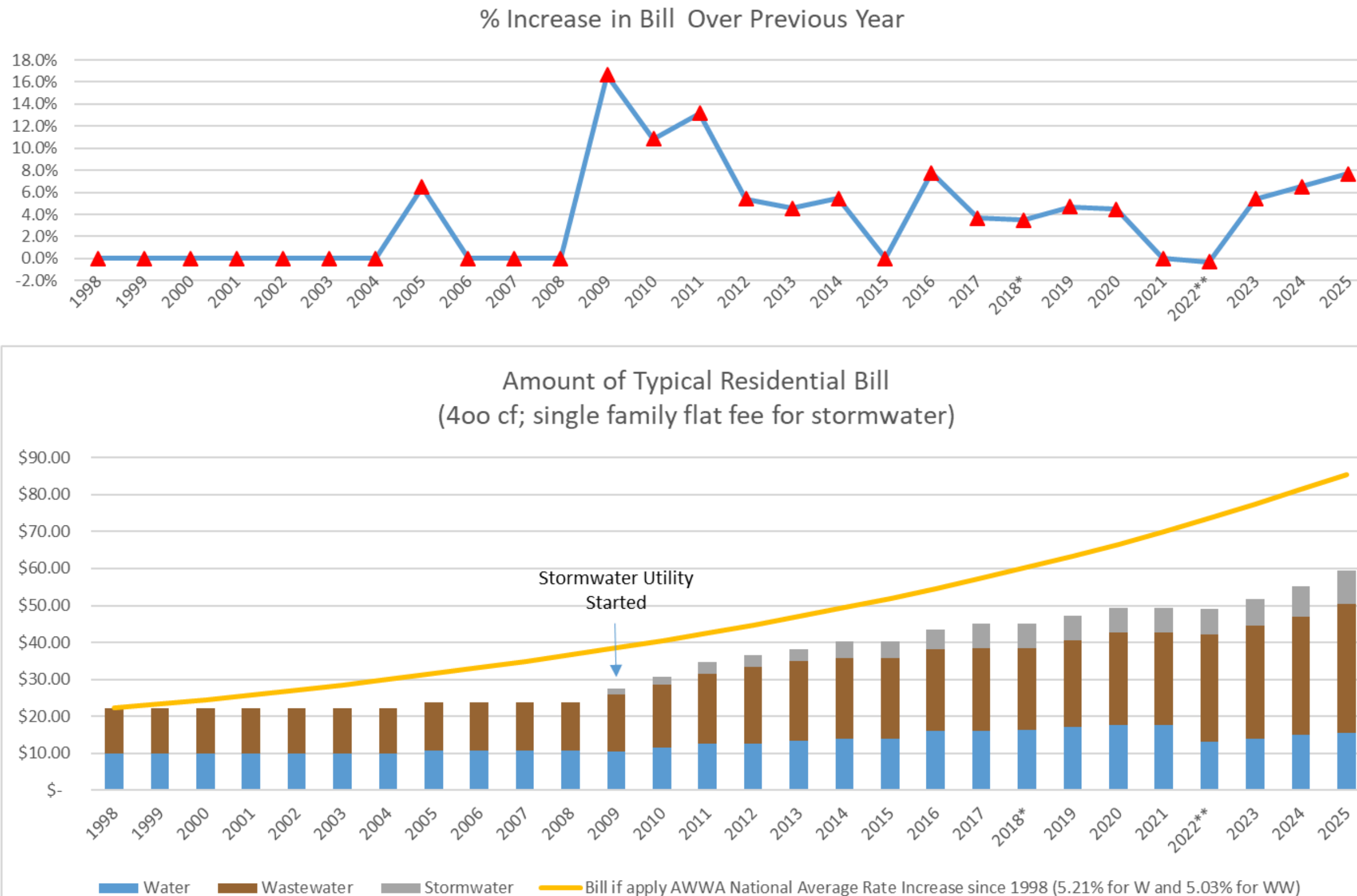
EXAMPLE - SEWER LIFELINE RATE (TIERS)

Sewer Lifeline Rate Analysis

	<u>Current</u>		<u>Lifeline</u>	<u>% Change</u>
SFR - 2 Ccf/month	\$14.56		\$12.50	-14.13%
SFR - 4 Ccf/month	\$29.12		\$25.01	-14.13%
SFR - 6 Ccf/month	\$43.68		\$43.76	0.18%
SFR - 7 Ccf/month	\$50.96		\$53.14	4.27%
SFR - 10 Ccf/month	\$72.80		\$81.27	11.63%
Commercial	\$7.28		\$7.50	3.05%
SFR Tier 1	32,495,079	1.00	32,495,079	
SFR Tier 2	10,720,657	1.50	16,080,986	
Duplex Tier 1	7,701,877	1.00	7,701,877	
Duplex Tier 2	2,580,497	1.50	3,870,746	
Triplex Tier 1	3,923,176	1.00	3,923,176	
Triplex Tier 2	1,083,470	1.50	1,625,205	
Commercial	68,602,605	1.20	82,323,126	
	=		=	
	127,107,362		148,020,196	
	\$9,253,416		\$9,253,416	
SFR Tier 1	\$7.28		\$6.25	
SFR Tier 2	\$7.28		\$9.38	
Duplex Tier 1	\$7.28		\$6.25	
Duplex Tier 2	\$7.28		\$9.38	
Triplex Tier 1	\$7.28		\$6.25	
Triplex Tier 2	\$7.28		\$9.38	
Commercial	\$7.28		\$7.50	

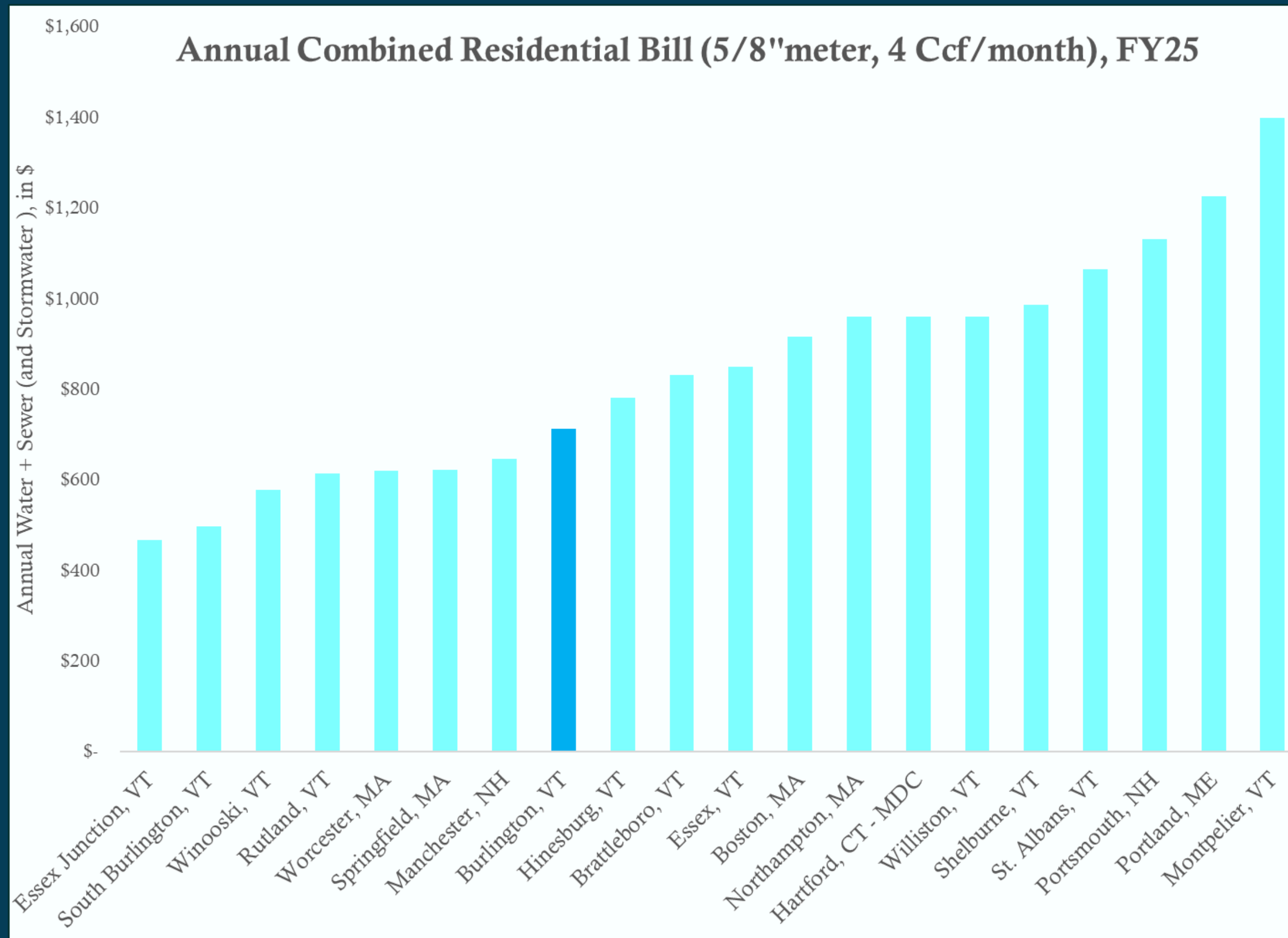
- A tiered sewer rate could mitigate rate impacts for single family, duplex and triplex customers who use up to the median usage (400 cf)
 - Would increase bill impacts for higher volume customers in that class
 - Would increase bill impacts for other customer classes (though the Council can decide which customer classes)

IMPACT OF LONG TERM RATE INSUFFICIENCY & LACK OF PROACTIVE ASSET MANAGEMENT CULTURE



- Some of our current rate pressures relate to previous years in which the water resources systems did not have necessary rate increases.
- A survey by AWWA (American Water Works Association) shows that, across the country, water resources utilities had an average of ~5% annual rate increases each year from 1998-2023 (Burlington did not)
 - Applying this retroactively to our 1998 rates (yellow line) moving forward would have provided more funding for infrastructure investment over the years and resulted in less magnitude of rate increase today

FY25 WATER/SEWER/STORM RATES IN NEW ENGLAND



- Burlington water resources bill (\$712) is currently less than:
 - median annual bill (\$802) for similar VT communities
 - median annual bill (\$938) for surveyed New England communities

AFFORDABILITY METRICS

- Customers are eligible for WRAP if show proof of qualification for other federal/state assistance programs (target 200% of FPL or 50% of HUD Area Median Income)
 - These levels are higher than the LQI (20% lowest threshold of income)

48 Contiguous States

Household/ Family Size	2024 Federal Poverty Level for the 48 Contiguous States (Annual Income)					
	100%	133%	138%	150%		200%
1	\$15,060	\$20,030	\$20,783	\$22,590		\$30,120
2	\$20,440	\$27,185	\$28,207	\$30,660		\$40,880
3	\$25,820	\$34,341	\$35,632	\$38,730		\$51,640
4	\$31,200	\$41,496	\$43,056	\$46,800		\$62,400
5	\$36,580	\$48,651	\$50,480	\$54,870		\$73,160
6	\$41,960	\$55,807	\$57,905	\$62,940		\$83,920
7	\$47,340	\$62,962	\$65,329	\$71,010		\$94,680
8	\$52,720	\$70,118	\$72,754	\$79,080		\$105,440
Each person over 8, add	\$5,380	\$7,155.40	\$7,424.40	\$8,070		\$10,760

- 50% HUD AMI > 200% FPL up through 3 person house hold then lower than 200% FPL

AFFORDABILITY QUESTIONS FOR CONSIDERATION

- Does the context of our rates, the cost of our project and rate history compared to other communities “matter” as we communicate the bond and bill impact?
- If our rates (even with rate increases) are considered “affordable” by industry standards, does that matter to the community as they consider this decision?
- What is the appropriate affordability benchmark for Burlington?
- **Rate Policy questions**
 - Do we want all rate payers to feel the same % increase magnitude? How do we ensure equitable impact? Do we want to look at different rates for different classes of use?
 - Are there other types of users that aren't eligible for assistance that the community wants to assist? and is the community willing to pay more to subsidize those groups?
- How important are smart metering/usage reduction measures to the community?

THANK YOU. QUESTIONS?

Megan Moir
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Chapin Spencer
DPW Director
(cspencer@burlingtonvt.gov)

<https://burlingtonvt.gov/2025waterbonds>





December 16, 2024

MEMO TO: City of Burlington, Council President Ben Traverse, Mayor Emma Mulvaney-Stanak, and Chief Administrative Officer Katherine Schad
FROM: Jordan Mitchell, Town Meeting TV Director of Operations, jmitchell@cctv.org
RE: Town Meeting TV FY24 Update and FY25/Municipality's FY26 Budget Request

Town Meeting TV submits this report as part of our visit briefing the City Council on Town Meeting TV operations, hearing from the community on how Town Meeting TV might better serve your needs, and requesting an annual municipal contribution in the amount as follows:

- *A municipal contribution in the amount of \$29,172 for general Town Meeting TV operations*
- *\$17,530 to Town Meeting TV for production support of ongoing hybrid meeting coverage of 6 Neighborhood Planning Assemblies per month. This represents less than half of the actual cost of services.*
- *\$42,000 to CCTV Productions for additional Burlington municipal meeting coverage*

Introduction: Town Meeting Television was launched by its member communities in September 1990. Town Meeting TV is operated by CCTV Center for Media & Democracy on behalf of the Chittenden County Government Access Channel Trust. Town Meeting TV Trustees oversee policy and budget decisions on behalf of the municipalities. Town Meeting TV serves as a community partner to municipalities with meeting and community event recording and archiving, technical support for hybrid meetings, election programming, and media education.

The City of Burlington is currently represented by Kevin Lumpkin on the Town Meeting TV Trustees. Thank you to Kevin for his consistent participation and oversight on behalf of the City of Burlington.

Between 10/1/23 and 9/30/24, Town Meeting TV produced and supported 1,519 programs for our member communities; 377 were categorized as municipal coverage.

During the period of 10/1/2023 - 9/30/2024 Town Meeting TV **live streamed, recorded, produced, and archived 221 meetings** for the City of Burlington. This can be broken down as follows:

- 24 City Council
- 63 Department (Finance, TEUC, other as-requested)
- 66 Neighborhood Planning Assembly (NPA)
- 10 Police Commission
- 20 Development Review Board
- 10 Department of Public Works
- 28 Executive/Mayor's Press Conferences

In addition, coverage and service includes other general TV programs recorded in and about Burlington, local election programs, legislative updates, and municipal updates. Town Meeting TV studios and internships remain open to all community members. The **contract between the Trustees and CCTV stipulates** production of 5 meetings/month and at least one Burlington specific general program. **Burlington officials and the public are invited to inform us of more community based programming for coverage.**

The FY26 City of Burlington municipal contribution request for \$29,172 helps ensure Town Meeting TV can continue to meet community needs for government accessibility, transparency, media literacy, and free speech.

Municipal Funding Request: The City of Burlington contribution is part of the municipal supplement to the Town Meeting TV annual budget. We have projected that Town Meeting TV's municipal members will contribute \$109,240 or 15% of the overall revenue. ***Municipalities may opt to purchase additional meeting coverage or archiving services at the current municipal production rate of \$112/hour.*** The current municipal rate for meeting production, including pre-production, field production, live streaming & titling, post-production, and archiving is \$112/hour. *Costs for titling, airing, and archiving recorded meetings conducted without Town Meeting TV operators can also be calculated on a case by case basis.*

Town Meeting TV FY24 Report

Town Meeting TV opens the door to local government.

[Town Meeting TV](#) is a trusted producer, educational and equipment resource, and community archive of video providing access to local government and facilitating engagement in local democracy. Town Meeting TV is Chittenden County's regional government access TV channel overseen by municipally appointed representatives from Burlington, South Burlington, Essex, Essex Junction, Williston, Winooski, Colchester, and St. George. Town Meeting TV programs are made available on Comcast 1087, Burlington Telecom 17 & 217, as well as at www.CH17.TV. Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs 100 hours of public meetings, election coverage, and community events each month on [Comcast](#) and [Burlington Telecom](#) and www.ch17.tv.



Revenue Sources: Town Meeting TV is funded by a diversity of sources but primarily by the cable subscribers of Comcast and Burlington Telecom (BT). In addition to the requirement on cable companies to set aside channels and “cable capacity”, regional cable subscribers are assessed 5% of their bills for PEG operating and 1.5% for capital costs.

Town Meeting TV's FY25 budgeted revenue is 69% cable subscribers, 15% municipal, 13% legislative, and 3% fee for service.

Services: With municipal partnership, Town Meeting TV produces, live streams, records, titles, distributes and archives gavel-to-gavel coverage of municipal meetings, regional events, and educational programs designed to help open the doors of local government, civic life, and promote public awareness and participation.



Town Meeting TV is part of a network of 23 community access media centers statewide that provide an essential community service. This service has expanded to meet the needs of remote participation in public meetings, public health communications, more extensive

election coverage, and community producer requests for services.

Live streaming of gavel-to-gavel coverage of municipal and regional meetings

in Burlington, South Burlington, Winooski, Essex, Essex Junction, Williston and Colchester. These meetings are streamed live, aired on TV, and archived. Town Meeting TV content is available on Comcast channel 1087, BT channel 217 and 17, BT channel 317, online at ch17.tv with clickable agendas and on our YouTube page (youtube.com/TownMeetingTV) with auto-generated captions and clickable agendas. Town Meeting TV continues to work with communities to make that experience productive while retaining high video and audio quality for TV distribution and archiving.

Hybrid meeting support - Town Meeting TV worked with municipalities to continue to support high quality hybrid meeting systems allowing remote attendees to clearly see, hear, and engage with in-person attendees through online platforms. In many cases, the capital equipment for these systems were purchased by the



municipalities with an expected technical life of 3 years from installation. In addition, CCTV is part of the Act 133 working group on [changes to the open meeting law](#). As hybrid meetings become a core practice to support access to local democracy, Town Meeting TV values your feedback to inform best practice and resource advocacy discussions with the Vermont Legislature and the Secretary of State's Office.

Redundant and reliable archiving of community based video content, including meetings and public events, is a unique service of Town Meeting TV. The entire catalog is searchable at www.cctv.org. As part of the changes to Open Meeting Law, Town Meeting TV can act as the repository for the long term storage of municipal meetings. We stress that YouTube is not an archive, but a distribution platform, and storage requires metadata that is searchable, as well as a workflow to ensure archives have redundant backup.

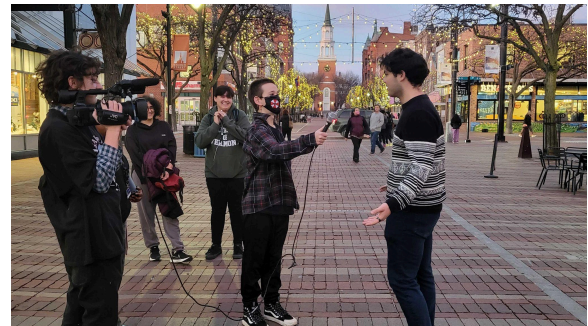
In-depth local election programming - Town Meeting TV produces televised local forums featuring all candidates, municipal budgets and ballot presentations during Town Meeting, Primary and General elections. Town Meeting TV also partners with



both state and local level organizations such as VPIRG, League of Women Voters and media outlets such as VTDigger.org to bring election information to a wider audience. In most cases, Town Meeting TV's forum is the only event in which all registered candidates appear in front of voters in a fair, congenial, and high quality format.

Meeting community accessibility needs through the addition of a 24/7 captioning service to our cable channels in addition to the auto captioning provided by YouTube's streaming platform. This comes on the heels of an accessibility audit and developing a checklist of ways to meet accessibility needs in the community for our television programs as well as events, outreach, and educational offerings.

Community based programs - Democracy begins in dialogue. Community access TV is the site of many interesting and provocative conversations. From shows on addiction recovery and prevention, education reform, national politics, and local issues, the Town Meeting TV studio (both in person and online) provides citizens a space to express and workshop ideas with their community. In FY24 we facilitated 2-3 studio programs a week, as well as community shows filmed on location in the field.



Marketing and outreach - Opening the doors to democracy also means connecting community members in a nonpartisan manner to a variety of ideas and content. We excerpt and share meeting highlights such as Mayoral, Councilor, City Manager or Municipal updates, connect local journalists to source material, and help the public make sense of the content that is recorded and archived by the Town Meeting TV field crew. Our outreach is working on behalf of local democracy to encourage engagement and greater understanding. We are here to work with your municipal communications team.



Media education for school groups, individuals, visiting dignitaries, and local organizations (e.g., CCV, UVM, Champlain, local high schools) is a crucial part of the Town Meeting TV civic engagement work. Helping uncover the media making process and engaging students with local civic leaders through internships and volunteering are foundation to the work of community media. We are developing the next generation of field producers and editors, as well as introducing young people to how local government functions and why it is important. Through one on one design, media making cohorts, tours, and learning sessions, we deliver high quality media making and civic education on behalf of our member communities.



An accessible web presence - Town Meeting TV's website connects visitors to more than 50,000 pieces of archival content. This gateway to community content, both present and historic, connects municipal officials, journalists, activists, researchers and the general public to community video content. The Town Meeting TV website is moving to a new platform that will allow municipalities to more easily embed municipal content on their own home pages.

Advocacy for public access - Town Meeting TV has worked closely with its colleagues in the Vermont Access Network (VAN) to advocate for the replacement of declining cable revenue. The Legislature has recognized our work as an “essential service” and in FY25 funded VAN's work in the Vermont base budget through a grant administered by the Secretary of State's office.



CCTV Center for Media and Democracy administers the services of Town Meeting TV on behalf of the Trustees. This relationship allows Town Meeting TV to be housed alongside other community based projects such as the CCTV Archives, VT Language Justice Project and CCTV Productions. These relationships allow us to share expertise, community connections, and carry the work we do together even farther.

Town Meeting TV cable channels reach 25-30,000 cable subscribers within Chittenden County. The archive of all content is available at www.cctv.org. Applicable content is distributed statewide as well as nationwide. The Town Meeting TV website averages about 1,000 hits per month, and the Town Meeting TV Youtube channel maintains about 5,800 subscribers. People watch meetings and events, share them, and most importantly report that they can find them when needed.

Thank you for your support. We are happy to respond to any questions, comments, and are always open to ways that we can serve you better. The Town Meeting TV Budget Narrative for FY25 follows on the following page:

Town Meeting TV/ Town Meeting Television
BUDGET NARRATIVE FY25
October 2024 – September 2025

Town Meeting TV is a trusted producer, educational and equipment resource, and community archive of video providing access to local government and facilitating engagement in local democracy. Town Meeting TV is Chittenden County's regional government access TV channel overseen by municipally appointed representatives from Burlington, South Burlington, Essex, Essex Junction, Williston, Winooski, Colchester, and St. George. Town Meeting TV programs are made available on Comcast 1087, Burlington Telecom 17 & 217, as well as at www.CH17.TV.

Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs more than 100 hours of public meetings, election coverage, and community events each month on Comcast and Burlington Telecom and www.ch17.tv. *Town Meeting TV opens the door to local government.*

1. OVERVIEW

Funding Formulas: Comcast and BT are required by the VT Public Utility Commission to set aside 5% of their gross revenue on cable television to support PEG Access Management Organization (AMO) operating costs. The cable companies are also required to pay a portion, that is negotiated through contract discussion with individual AMOs, for capital funding.

This funding is passed on to the cable subscriber in the form of a “PEG fee” on each subscriber's bill.

In Chittenden County, this 5% is shared and intended to be split evenly between Town Meeting TV and The Media Factory.

Town Meeting TV receives 1.66% of the cable operators' (Comcast and Burlington Telecom) annual gross revenue. The funding level for Town Meeting TV capital from Comcast is set at .6% of gross revenue and BT is set at .5%

The Media Factory receives 3.34% (1.66% and 1.68%) The .02% percentage difference that they receive is used to support Town Meeting TV's portion of our shared use tech core at 208 Flynn Avenue.

Burlington Telecom and Comcast's fiscal year runs from 1 January through 31 December. BT provides operating and capital funding to Town Meeting TV in September of each year. Comcast pays Town Meeting TV on a quarterly basis. We have generated Comcast revenue projections based on past performance. Cable

subscriber revenue continues to decline BT declined by 3% and we are projecting at least 3% decline for Comcast.

FY25 total revenue is estimated at **\$724,913**. Our expenses are estimated to be **\$748,413**. This leaves a shortfall of \$23,500, down from FY24's \$34.5K shortfall, to be made up through cost management and fundraising efforts by CCTV.

2. REVENUE SUMMARY

FY25 total revenue is estimated at **\$724,913**.

- The estimated revenue received from Comcast is projected to be **\$346K** for operating and **\$125K** for capital, this projects a 9% decline in cable subscriber revenue.
- **Burlington Telecom's** total contribution is estimated to be **\$21.2K** for operating and **\$6.4K** for capital. This is a 3% decline from the previous year.
- **Municipal revenue** in FY25 is based on past contributions, will come from municipalities FY26 budgets, and is set at **\$126,770**. This includes a **%5** increase for most municipalities and the contribution from Burlington to support specific additional production support for Neighborhood Planning Assembly live streaming and hybrid meetings.
- The Vermont Legislature included \$1M in base funding as part of the Secretary of State's budget. Distribution of these funds to the 23 Access Management Organizations is based on a formula that takes into account cable revenue decline and populations received. Town Meeting TV expects to receive **\$94.4K** from that allocation.
- Keeping with the previous year, Interest/ Capital Gains is estimated to be **\$2,500+/-**. We will keep an eye on that investment to determine if that continues to be the best way to shepherd these funds.

3. EXPENSE SUMMARY

The total Town Meeting TV FY25 expenses are projected to be **\$748,413**. **This breaks down to** operating expenses of **\$633,602** and capital **\$114,811**.

Operating Expenses are estimated to be **\$633,602** and include:

- **CCTV Base contract** in the amount of **\$599,302** (a %3 increase from FY24) for Town Meeting TV operations which includes staff labor for administration, production, internship support, archiving, and marketing (about 9 FTE) as well as overall administrative, insurance, professional development, and site

costs.

- The other line items on the operating expense budget include **\$2.5K** in legal and investment fees, **\$4K** to pay bookkeeping expenses, **\$9.5K** for the annual audit, **\$6K** in dues to the VT Access Network and the Alliance for Community Media, **\$5K** to support ad buys and marketing costs on behalf of Town Meeting TV, and \$3K to support advocacy work CCTV has done with VAN to secure legislative support for PEG media.

Capital Expenses are estimated to be **\$114,811**

Town Meeting TV's annual Capital budget is based on priority areas recommended by Staff and approved by the Trustees. The FY25 Capital recommendations include hardware, supplies, network infrastructure, dues and subs, and technical contractors. This year we are relying on a lean capital budget and this is possible in large part because of the hybrid systems now in place at many of our municipal partner locations.

Equipment Total: \$42,443 Estimated equipment costs largely reflect the annual replacement of cameras, computers and large scale equipment due to extended use. While equipment life expectancy continues to diminish from 5 years to a 2-3 year cycle, we do our best to get the most use out of gear we possibly can. The use of in place hybrid systems reduces our annual equipment costs.

- **Production \$8.4K:** Purchase of additional portable hybrid system, field production camera, and PTZ camera replacement.
- **Office/Network Equipment \$2,500:** Potential New Staff Computer
- **Playback \$12,115:** Supports a 2 year contract for captioning equipment on both of the channels for 24/7 learning auto captioning software.
- **Studio/Control Room \$1,900:** Replacement of studio laptop.
- **IT/ Network/ Tech Core Equipment: \$16,778:** This covers AWS storage backup, cloud computing on Digital Ocean, our webvideo storage on Google Bucket, and replacement storage harddrives.

Capital Support Total: \$72,368

Capital Support constitutes the bulk of the capital budget, as most technical solutions are software and consultant supported. The FY25 budget includes (see Capital Detail for the complete list):

- **Tech Core Rental \$6,500:** Supports our portion of the shared tech core space at 208 Flynn providing climate controlled and secure infrastructure space for our playback and network storage. Town Meeting TV is connected to this space via high speed dark fiber provided by Burlington Telecom.
- **Streaming and Web Development \$25,000:** Second half of the payment to Grand Rapids Community Media center for website development.

- **Service Contracts \$19,700:** Clear Bearing for Network infrastructure support and monitoring, contract reduction expected due to build down of technical infrastructure and an annual payment to Grand Rapids for website management and updating.
- **Repair and Maintenance: \$7,250** Includes 30 hours of contracted project support with Clearbearing and general equipment repairs and maintenance.
- **Equipment Supplies and Production \$6,480:** Smaller purchases to support the video production workflow. See Capital Detail Budget.
- **Equipment Supplies Office \$1,200:** Switches, office chairs, etc.
- **Subscriptions and Licenses \$5,088:** Supporting fees for subscriptions that allow for video workflow including Dropbox, Adobe Creative Cloud, Parsec, Zoom, Teradek and cell service connections. These subscriptions are audited annually.

CCTV CONTRACT breaks down as follows:

Wages and Benefits total \$494,547 CCTV manages staff compensation and human resources these costs include:

- **Payroll: \$355,061**
- **Health/Dental/Vision Insurance: \$103,286**
- **Unemployment and Workers Compensation: \$3,375**
- **Payroll taxes: \$28,724 (includes new child care tax)**

Non-Wage Costs specific to TMTV \$65,657 Site costs are shared by all CCTV projects and administration and include:

- **Site Costs \$39,832:** Rent (up this year with the move of VLJP to offsite location), utilities, and specific Trustees package liability:
- **Communications \$2,381:** Phone, postage, online services.
- **Repair & Maintenance of Facilities \$1,340:** HVAC and carpet cleaning.
- **Meals/Travel/Professional Development \$11,604 :** Includes training dues and expenses, conferences, coaching, and employee support for leadership and skills development. The Alliance for Community Media national conference will be held in Boston this year.
- **Subcontracting \$10,500:** This includes \$3k to support CCTV's advocacy efforts with VAN on behalf of the Trustees, Ad buys for the election year, Talent for election nights, and paid media internships. The internship expenses may be offset by grant support.

CCTV Management for TMTV in FY24 \$125,573: Administrative costs are calculated as a percentage of each program in CCTV by labor. In FY25 Town Meeting TV labor represents 52% of all of the organization's labor. The administrative costs are at 19% of the revenue.

Administration includes employee management and HR, project development, legal and administrative tasks, budgeting, reporting, and compliance.

4. FUND BALANCE

The Town Meeting TV assets & liabilities as of August 31, 2024 are \$273,753 or 4.7 months of operating revenue. These assets include \$101.5K in the VCF reserve fund In addition to current receivables and liabilities. As a matter of sound fiscal practice, the Town Meeting TV Trustees have established a 3-6 month set-aside of its annual budget in order to address cash flow issues and emergencies. Monthly expenses in FY25 are projected to be **\$62,367, this is comparable to FY24.** We do not recommend using your reserve to cover operating or capital costs this year.

5. FUTURE PLANNING

Town Meeting TV was established on PEG fees to provide a wide range of Government Access services for cable subscribers on cable television. Over the years those services have grown and the community we serve is not only cable subscribers, but the general public, journalists, municipal partners among others. The challenge continues to diversify revenue sources to meet the requirements and needs of these community partners from hybrid support to live streaming and archiving of content. We will meet this challenge by continued work with our municipal partners and legislative advocacy as well as CCTV support of philanthropic fundraising and fee for service work.

Town Meeting TV Launched in 1990 to cover municipal events and public issues, Town Meeting TV airs 100 hours of public meetings, election coverage, and community events each month on **Comcast** and **Burlington Telecom** and www.ch17.tv. *Town Meeting TV opens the door to local government.*



MEMORANDUM

Date: December 16, 2024
To: Burlington City Council
From: Sarah Russell, Special Asst. to End Homelessness
Re: Homelessness Initiatives Updates

This memo serves to update City Council regarding the status of the City of Burlington's response to homelessness.

Responding to Unsheltered Homelessness

As discussed during the June 10 work session, the City identified three locations where resources could be placed to public mitigate health and safety concerns. These resources were installed between August and October and all were removed in early December due to inaccessibility during winter months for servicing.

12/14 Note: Given the continued presence of campers in areas of the Urban Reserve and near the Moran Frame and the lack of access to bathrooms outside of limited business hours, the Administration has decided to place two portable toilets in locations that will be serviceable throughout the winter. This action both continues to support those living unsheltered and mitigates public health concerns for City staff and the public.

While we continue to have a fairly active unsheltered population, we have begun to see numbers reduce slightly over the last month. Current estimates indicate about 259 people living unsheltered (down from an all-time high of 367 in September), with an additional 36 people living in vehicles. Some of this reduction can be attributed to the opening of two new AHS-operated family shelters (Williston and Waterbury), grant-funded motel rooms for families with children (Harbor Place, Shelburne), and the start of Adverse Weather Conditions (AWC) General Assistance Emergency Housing Program (began December 1st; more on this below).

In response to challenges related to excess belongings, the City plans to pilot a storage project in Battery Park. Over the course of 30 days, City staff will evaluate the effectiveness of providing site-based storage, managed by City staff, with support from community providers.

The cross-department working group led by CEDO continues to meet regularly to identify additional resources and discuss potential challenges. Staff continue to hold cross-department discussions related

to Hot Spots and areas of challenge across the City. It is critical to ensure safety for all community members, both with- and without stable housing.

Funding to ensure safe outdoor space was approved as part of the FY25 Community Safety budget. To-date, approximately \$9000 of the initial \$50,000 has been used to support people forced to sleep without shelter. Approximately \$4000 was utilized to provide safe camping accommodations for families with young children when they were evicted from the General Assistance Emergency Housing ("hotel/motel") Program this fall.

General Assistance – Emergency Housing Program Updates

Act 113, passed by the legislature and signed into law by the Governor on July 1st, included changes to the General Assistance Emergency Housing Program. The three most significant and impactful changes to the Program included:

- Statewide room cap set at 1100 (from 1450), beginning September 15th
- Length of stay cap set at 80 days, beginning July 1st
- Categorical eligibility criteria utilized for Adverse Weather Conditions (AWC), December 1st – March 31st

Economic Services Division began taking reservations on November 18th for AWC (12/1 start). The motel capacity has not increased significantly since the statewide room cap went into effect this fall. Vermont has 1286 motel rooms in inventory, statewide; 278 rooms are utilized in Chittenden County. As you may have seen in the news, Cortina Inn in Rutland was closed due to habitability code violations, which caused a reduction in statewide capacity and, we believe, led to an increase in placements in Chittenden County. There are currently 0-5 rooms available in Chittenden County.

As shared in a previous update, Act 113 also called for development of a task force to make recommendations to the legislature regarding the General Assistance Emergency Housing Program. The legislature allowed for eight meetings to take place, which was severely inadequate for the scope of work. The last task force meeting will take place on December 19th; a draft report will then be made available for public comment, and a final report will be sent to the legislature by January 15th. Both the draft report (for public comment) and final report will be shared with City Councilors.

Expanding Shelter Capacity

Chittenden County continues to see record-high numbers of people living unsheltered. The goal of the City is to expand low-barrier shelter capacity, which is needed now more than ever, based on data collected from Coordinated Entry and community providers. The Chittenden County Homeless Alliance (CCHA) is aligned with this goal. The City fully supports the work of the CCHA, and City staff always defer to the CCHA for guidance and to ensure our work is aligned with theirs.

To this end, we anticipate 60 new seasonal low-barrier shelter beds to open this winter at Champlain Place, operated by CVOEO (30 beds) and 58 Pearl Street, operated by COTS (30 beds). While this is positive news, due to delays in renovations and property acquisition, neither shelter opened on December 1st as anticipated. Champlain Inn continues to undergo renovations and expects shelter beds to open by February 1st. COTS continues to work through the acquisition process with the Federal

Government Surplus Agency and Department of Health and Human Services and hopes to open January 15th.

The delay of available seasonal shelter beds is concerning as shelters in Chittenden County remain at full capacity. The City continues to pursue potential shelter expansion opportunities. During the December 16th meeting, the City Council will deliberate on amendments to the City's zoning ordinance, required to comply with Act 47 (2023). At a time when we lack capacity for nearly 200 shelter placements, it is not in our best interest to reduce locations where emergency shelters can be established. The Administration recommends allowing emergency shelters in the Residential Low, Residential Medium, and Enterprise Light Manufacturing districts, on parcels located within one-quarter (1/4) mile of a GMT transit route.

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear comments on the following proposed amendment to the City of Burlington's *Comprehensive Development Ordinance* (CDO):

ZA-24-03 Emergency Shelters

The public hearing will take place on **Monday, December 16, 2024 during the Regular City Council Meeting which begins at 6:00 pm in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT or you may access the hearing/meeting as follows:**

On-line: <https://zoom.us/j/96070476680>

By telephone: +1 646 931 3860 US

Webinar ID: 960 7047 6680

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of proposed amendment ZA-24-03 Emergency Shelters is to bring emergency shelter standards in the CDO into compliance with the current state statutory standards, it also modifies where emergency shelters may be located.

Geographic areas affected:

ZA-24-03 Emergency Shelters applies to all zoning districts within the city that will permit emergency shelters, either as-of-right or conditionally (I, RH, RC, NMU, NAC, NAC-RC) and those that will no longer permit them (RL, RM, and NAC-CR).

List of section headings affected:

The proposed amendment ZA-24-03 Emergency Shelters modifies the following sections of the CDO--deletes Sec. 5.4.13, Emergency Shelters, modifies Secs. 13.1.2, Definitions; 14.3.4-H-Use Type FD6, 14.3.5-Use Types FD5, and Appendix A-Use Table-All Zoning Districts.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at <https://www.burlingtonvt.gov/553/Zoning-Ordinance> Upon request, a hard copy of the proposed amendments can be viewed at the Clerk's Office located on the second floor of City Hall, 149 Church Street, Burlington, Monday through Friday 8:00 a.m. to 4:30 p.m. or online at <https://www.burlingtonvt.gov/555/Pending-CDO-Amendments>

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

CDO—EMERGENCY SHELTERS
ZA-24-03

ORDINANCE _____

Sponsors: Ordinance 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 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, 14.3.4-H-Use Type FD6, 14.3.5-Use Types FD5, 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.~~

Occupancy Agreement: A written agreement between a program participant and a recipient/subrecipient who is using leasing dollars to lease a unit from a private landlord for the purposes of providing Transitional Housing to the program participant.

Article 14—PlanBTV Downtown Code

****For changes See attached Article 14 Excerpts for 14.3.4-H-Use Type FD6 and 14.3.5-Use Types FD5, the remainder of Article 14 to remain unchanged.*

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, Art. 14 and Appendix A
11/14/2024

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	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	NAC- RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Emergency Shelter ³¹	N	N	N	N	NY	CUN	CUN	CUY	CUY	N	***	CUY	CUY	CUY	CUN	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	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.

ⁱ 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

14.3.4-H- USE TYPE**FD6**

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P
Emergency Shelter	P
Short Term Rental (See Ch. 18: Min. Housing)	P

SHORT-TERM ACCOMMODATIONS

Historic Inn (<i>Sec. 14.6.6.c</i>)	P
Lodging	P
Shelter	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR**KEY**

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

14.3.4-H- USE TYPE**FD6**

Open Air Markets	P
------------------	---

OFFICE & SERVICE

Animal Grooming	P
Auto/Boat/RV Service ³ (<i>Sec. 14.6.6.d</i>)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility – Indoor	P
Restaurant	P

14.3.5-H- USE TYPES**FD5**

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P
Emergency Shelter	P
Group Home	P
Short Term Rental (See Ch. 18: Min. Housing)	P

SHORT-TERM ACCOMMODATIONS

Historic Inn (<i>Sec. 14.6.6.c</i>)	P
Lodging	P
Shelter	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P

14.3.5-H- USE TYPES**FD5**

Open Air Markets

P

OFFICE & SERVICE

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

TO: Burlington City Council
Mayor Emma Mulvaney-Stanak
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Charles Dillard, Principal Planner, Office of City Planning
DATE: December 16, 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. The Ordinance Committee discussed the amendment at its July 22 meeting, amending the proposal by clarifying that Emergency Shelters should be permitted in the recently created Residential Corridor district (RC),

City Council Ordinance Committee

The Ordinance Committee met on November 5th and recommends the following revisions to the proposed ordinance:

- Retains the proposed new definition for Emergency Shelter and proposes a new definition of "Occupancy Agreement," in order to provide greater clarity.
- Alters Appendix A – Use Table, to revise the list of districts where Emergency Shelters are proposed to be allowed. The Committee proposes to prohibit Emergency Shelters in the Residential-Low (RL), Residential-Medium (RM), Neighborhood Activity Center-Cambrian Rise, and Enterprise-Light Manufacturing (E-LM) districts, all of which had previously been recommended by the Planning Commission as districts that should allow this use. The Committee also proposes to amend the Use Table and Article 14 to clarify that Emergency

Shelters would be allowed in the Residential-Corridor and Downtown Form Code Districts (FD5 and FD6).

Emergency Shelters in the Residential-Low and Residential-Medium Districts

A frequent topic in policy discussions regarding Emergency Shelters is the importance of transportation access to services and workplaces. While many urban cores, including Burlington's Downtown, do indeed host a significant number of services accessed by populations living in Emergency Shelter, the reality is that services are distributed throughout Chittenden County, often far from Downtown. Additionally, certain services can *only* be accessed outside of Downtown, with several being in neighboring communities. For many Emergency Shelter residents and others, traveling throughout and beyond Burlington for services and jobs is a reality. Given the extremely low rates of car ownership among the Emergency Housing resident population, transit often remains the only mode of transportation that can provide access to those jobs and services.

While it is true that the proposed amendment would allow Emergency Shelters in the Downtown and most mixed-use districts where transit service is most robust, the amendment would also prohibit Emergency Shelters in the RL, RM and E-LM districts, portions of which do enjoy transit access. Examples of RL and RM district corridors that are served by transit include North Avenue in the New North End and Shelburne Road in the South End, among others. In the E-LM district, Pine Street and Queen City Park Road are examples of corridors that are served by transit.

Furthermore, given continuing land cost increases and the Burlington core's relatively built-out character, there may be a paucity of sites suitable for Emergency Shelters in those districts proposed to allow the use. In contrast, the RL, RM, and E-LM districts may include a greater amount of parcels and land suitable for emergency shelters.

As such, staff recommends a zoning approach that balances the calls to retain character and mitigate impacts to RL, RM, and E-LM districts with an acknowledgement that portions of the RL and RM districts, due to their transit access and relative availability of land, are suitable and should permit Emergency Shelters. Therefore, staff recommends that Emergency Shelters be allowed in the RL and RM districts on parcels located within one-quarter (1/4) mile of a GMT transit route.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

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 and in attached Appendix A – Use Table.

[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.

Occupancy Agreement: A written agreement between a program participant and a recipient/subrecipient who is using leasing dollars to lease a unit from a private landlord for the purposes of providing Transitional Housing to the program participant.

[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 7/22/24	Ordinance Cmte recommend as modified	Second Read & Public Hearing 9/23/24 Referred to Ordinance Committee	CCOC Recommends Approval & Adoption 11/5/2024	Second Read 11/18/2024
					Public Hearing 12/16/24

Board of Finance and City Council Submission ChecklistDepartment: Office of City Planning Submitter: Charles DillardTitle/Subject: ZA-24-03 Emergency Shelters

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	12/16/2024
☐	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	12/10/2024	Charles Dillard
Mayor's Office informed and approved memo	Yes	12/11/2024	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	12/12/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	12/11/2024	Katherine Schad
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?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	To be provide by Kim Sturtevant
If for submission to Council, are sponsors identified?	Yes	OCP and Planning Commission

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Emergency Shelter ³⁴	N	N	N	N	NY	CU ³⁵	CU ³⁵	CU	N	CUY	CUY	CUY	CUY	N	NCU ³⁵
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	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

35. ~~Emergency Shelters in the Residential-Low (RL), Residential-Medium (RM) and Enterprise-Light Manufacturing (E-LM) districts shall be permitted only on Lots located within one-quarter (1/4) mile of a fixed transit route.~~

ⁱ 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/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
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

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City of Burlington, VT

November 18, 2024

ELI-54**Entertainment License -
Indoor**

Status: Active

Submitted On: 11/18/2024

Primary Location19-21 Church Street
Burlington, VT 05401**Owner**Chris Gregoire
Church St 19 Burlington, VT
05401**Applicant** Yvie Saint
 802-498-5988 ext. _____
 spiral.house.collective@gmail.com
 19 Church Street
Suite 1
Burlington, VT 05401**New****Establishment Information****Establishment Name (DBA) * ?**

Spiral House Collective

Establishment Street Address*

19 Church St

Establishment City, State Zip*

Burlington, VT, 05401

Establishment Phone* ?

8024985988

Establishment Owner (Legal Name) * ?

Spiral House LLC

Legal Owner Mailing Street Address*

19 Church St

Legal Owner Mailing City, State Zip*

Burlington, VT, 05401

Contact Person Name* ?

Spiral House LLC

Contact Email Address*

spiral.house.collective@gmail.com

Contact Phone* ?

8024985988

Application Information**Occupant Load***

120

Number of Restrooms*

3

Number of Egresses*

2

Date of Last Fire Safety Inspection*

03/02/2022

Dancing by Patrons*

Yes

Amplified Music*

Yes

Indoor entertainment Types; Check all that Apply

Live Instrumental Music



Live Vocal Music



Jukebox / Boom Box / Ipad



Disc Jockey



Karaoke



Floor/Stage Show Entertainment



Floor/Stage Show Entertainment Details:

Check any of the below for which you are applying, and provide additional description in the text box below.

Fashion Show / Trade Show / Exhibition



Readings



Stage Play / Pantomime



Comedian



Dance Performance



Contests / Games / Amusements



Movies**Other** ?

Indoor Entertainment Proposed Days; Check all that Apply

Sunday**Monday****Tuesday****Wednesday****Thursday****Friday****Saturday**

Indoor Entertainment Hours

Sunday Start Time*

10:00 AM

Sunday End Time*

12:00 Midnight

Monday Start Time*

12:00 Noon

Monday End Time*

12:00 Midnight

Tuesday Start Time*

12:00 Noon

Tuesday End Time*

12:00 Midnight

Wednesday Start Time*

12:00 Noon

Wednesday End Time*

12:00 Midnight

Thursday Start Time*

12:00 Noon

Thursday End Time*

12:00 Midnight

Friday Start Time*

12:00 Noon

Friday End Time*

2:00 AM

Saturday Start Time*

10:00 AM

Saturday End Time*

2:00 AM

Changes or Corrections to your License Application

Do you have any changes for this year's application?*

No

VT Division of Liquor Control Licenses

First Class Liquor License*

No

Second Class Liquor License*

No

Third Class Liquor License*

No

Outside Consumption Permit*

No

Standard Entertainment Permit Conditions

I Attest that I have read the Standard Entertainment Permit Conditions

Digital Signature*

✓ Spiral House LLC
Jul 25, 2024

Certification

I have agreed to submit this application by electronic means. I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature. By checking this box and typing my name, I am electronically signing my application.*

✓ Spiral House LLC
Oct 25, 2024

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

ORDINANCE _____

Sponsor: TEUC

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: _____

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES
BCO Chapter 8, Art. VII

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

That Chapter 8, Buildings and Building Constructions, of the Code of Ordinances of the City of Burlington be and is hereby amended by the addition of Article VII, Energy Benchmarking, to read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

8-106 Definitions.

(a) “Energy Benchmarking” shall mean the use of Energy Star Portfolio Manager, or an equivalent analytical tool or process if approved by the Department of Permitting and Inspections (DPI), by which a building can measure and report accurately on its energy use for all space heating used on-site.

(b) “Covered Building” shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 6.

(c) “Space Conditioning Energy Use” shall mean the amount of British Thermal Units (BTU) per space conditioned square foot a Covered Building uses to provide space heating over a one year period.

8-107 Energy Benchmarking Requirements.

(a) Covered Buildings Requirements. All property owners of Covered Buildings shall, no earlier than January 1, 2025 and no later than April 1, 2025, begin Energy Benchmarking of their property. Such Energy Benchmarking shall continue for no less than one full year from the date the property started Energy Benchmarking, and the monthly and annual data shall be made available to DPI no later than May 15, 2026. The data may inform future compliance obligations with a Building Emissions Reduction Ordinance (BERO) that the City is considering adopting. To the extent necessary to effectuate the Energy Benchmarking, individually-metered tenant organizations or businesses in a Covered Building shall provide appropriate energy use data and information to the property owner, or in the alternative directly to DPI, for their space heating use.

(b) Buildings Using Common Space Heating. Covered Buildings that are connected with other buildings through common space heating sources, such as multiple buildings served by an institutional heating source without individual building meters, will work with DPI to disaggregate space heating data for the Covered Building(s) to the extent possible, or may utilize technologies that allow for individual building data to be discerned from the common heating source. In the alternative if none of these methodologies or processes is available, DPI may work with the Covered Building to allocate an appropriate share of the common space heating source to the Covered Building, with support from Burlington Electric Department (BED) for technical assistance in such applications.

(c) Energy Benchmarking Compliance. DPI shall administer the Energy Benchmarking requirements, and non-compliance either due to failure to begin the process of Energy Benchmarking by the date provided or failure to provide data to DPI under subsection (a) by a Covered Building is subject to a civil penalty of up to five hundred dollars (\$500.00) per violation. DPI may grant a delay in the requirements of Energy Benchmarking under subsection (a) by up to 6 months if a Covered Building faces unique circumstances and an undue burden in seeking to comply.

8-108 Effective Date and Reporting Requirement.

(a) The provisions of this Article shall take effect on January 1, 2025.

(b) The Department of Permitting and Inspections shall maintain records on the data submitted by Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if one is enacted.

* Material stricken out deleted.

** Material underlined added.

DS/ks/Ordinances 2024/Energy Benchmarking of Space Heating in Certain Commercial Properties
BCO Ch. 8, Art. VII
10/24/2024

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES

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 8, Buildings and Building Constructions, Article VII, Energy Benchmarking, of the Code of Ordinances of the City of Burlington be amendment and hereby read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted by in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

8-106 Definitions.

(a) "Energy Benchmarking" shall mean the use of Energy Star Portfolio Manager, or an equivalent analytical tool or process if approved by Department of Permitting and Inspections (DPI), by which a building can measure and report accurately on its energy use for all space heating used on-site.

(b) "Covered Building" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property that is metered or sub-metered for thermal loads and which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 67.

(c) "Building Without Direct Metering" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property which has space conditions square footage of between 10,000 square

feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 67, which is part of a campus, institution or centrally-connected thermal system of a major higher education or health care institution within the city's Institutional District as that term is defined in the Comprehensive Development Ordinance, that includes multiple buildings, and which lacks metering or sub-metering of thermal energy loads. On a campus in which buildings are part of a centrally-connected thermal system, only those buildings in that system that are not metered shall be considered 'a building that is not directly metered and those buildings with direct metering shall be subject to the requirements of this article

(c) "Space Conditioning Energy Use" shall mean the amount of British Thermal Units (BTU) per space conditioned square foot a Covered Building uses to provide space heating over a one year period.

8-107 Energy Benchmarking Requirements.

(a) Covered Buildings Requirements. All property owners of Covered Buildings shall, no earlier than January 1, 2025 the effective date of this ordinance and no later than April 1, 2025 three months thereafter, begin Energy Benchmarking of their property. Such Energy Benchmarking shall continue for no less than one full year from the date the property started Energy Benchmarking, and the monthly and annual data shall be made available to DPI no later than May 15, 2026. Beginning January 1, 2027, this benchmarking and reporting requirement shall continue for each subsequent 12 month (1 year) period until rescinded by amendment to this ordinance. The data may inform future compliance obligations with a Building Emissions Reduction Ordinance (BERO) that the City is considering adopting. To the extent necessary to effectuate the Energy Benchmarking, individually-metered tenant organizations or businesses in a Covered Building shall provide appropriate energy use data and information to the property owner, or in the alternative directly to DPI, for their space heating use.

~~(b) Buildings Using Common Space Heating. Covered Buildings that are connected with other buildings through common space heating sources, such as multiple buildings served by an institutional heating source without individual building meters, will work with DPI to disaggregate space heating data for the Covered Building(s) to the extent possible, or may utilize technologies that allow for individual building data to be discerned from the common heating source. In the alternative if none of these methodologies or processes is available, DPI may work with the Covered Building to allocate an appropriate share of the common space heating source to the Covered Building, with support from Burlington Electric Department (BED) for technical assistance in such applications.~~

(b) Buildings Without Direct Metering. Buildings Without Direct Metering are not subject to the Energy Benchmarking process, but may be required to conduct individual energy efficiency assessments with a building efficiency professional, submit those assessments to DPI, and make specific cost-effective efficiency improvements based on those assessments as part of compliance with a future BERO.

(c) Energy Benchmarking Compliance. DPI shall administer the Energy Benchmarking requirements, and non-compliance either due to failure to begin the process of Energy Benchmarking by the date provided or failure to provide data to DPI under subsection (a) by a Covered Building is subject to a civil penalty of up to five hundred dollars (\$500.00) per violation. Each day the violation continues shall constitute a separate and distinct offense. DPI may grant a delay in the requirements of Energy Benchmarking under subsection

(a) by up to 6 months if a Covered Building faces unique circumstances and an undue burden in seeking to comply.

(d) Covered Buildings shall not be constructed after the effective date of this ordinance that cannot measure the thermal usage of the building, by metering or other effective alternative measure. Institutions with buildings without direct metering shall provide an inventory of those buildings to the Department of Permitting and Inspections and the Burlington Electric Department within six (6) months of the effective date of this ordinance, with such inventory to include the location of the building, the square footage of the building, the general usage(s) of the building, and a description of the centrally-connected thermal system of which it is a part.

8-108 ~~Effective Date and~~ Reporting Requirement.

~~(a) The provisions of this Article shall take effect on January 1, 2025.~~

The Department of Permitting and Inspections shall maintain records on the data submitted by Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if one is enacted.



MEMORANDUM

To: Burlington City Council

From: Darren Springer, General Manager
Bill Ward, Director of Permitting and Inspections

Date: December 12, 2024

Subject: **Energy Benchmarking Implementation**

As the Council moves toward consideration of adopting the Energy Benchmarking ordinance and related amendments, we wanted to provide some brief information built on conversations with expert organizations and other communities that have implemented benchmarking and building performance standards. We remain supportive of implementing benchmarking as a first step towards consideration of energy efficiency or building performance standards for space heating in the commercial buildings that are not regulated under the City's carbon fee or rental weatherization policies.

Some considerations shared with us from these conversations include:

- **Space Heating Disaggregation** - There may be some challenges in disaggregating space heating data from broader thermal data using Energy Star Portfolio Manager. BED will work closely with regulated buildings and DPI to make our best efforts to achieve this. But it is not a common approach, and we may run into challenges that are not foreseen.
- **Staffing and Software** – In other cities implementing building benchmarking or performance standards there are dedicated staff and software tool costs associated with collecting the data and reporting and tracking it. Energy Star Portfolio Manager is a free tool but there may ultimately be some other staffing or software costs associated with these efforts.
- **Building Size** - Most communities do not require benchmarking or performance standards for commercial buildings under 20,000 square feet. In Burlington we are looking at going to 10,000 square feet, which may also present some challenges. We note that in considering future policy requirements, distinct from benchmarking itself, these thresholds may be appropriate to revisit. Please see chart from Institute for Market Transformation (IMT) - <https://imt.org/wp-content/uploads/2023/07/IMT-Benchmarking-Matrix-July-2024.pdf>

As the Departments which originally advanced the concept of starting with benchmarking, we remain supportive of advancing the draft ordinance with amendments (V3) that account for situations where certain buildings may not have meters. We are committed to making this work, while we are also clear about some challenges that may present as noted above. And we believe it will be critical for further policy development to be informed by our initial benchmarking implementation work, and the experiences with other cities doing this work as well. Thank you for considering our thoughts alongside the ordinance.

CITY OF BURLINGTON

ORDINANCE 8.8

Sponsor: TEUC

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ENERGY BENCHMARKING OF SPACE HEATING IN
CERTAIN COMMERCIAL PROPERTIES
BCO Chapter 8, Art. VII

First reading: 10/28/24

Referred to: Ordinance Committee

Rules suspended and placed in all

Stages of passage: _____

Second reading: 12/16/24

Action: adopted

Date: 12/16/24

Signed by Mayor: 12/18/24

Published: 01/08/25

Effective: 01/29/25

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

That Chapter 8, Buildings and Building Constructions, of the Code of Ordinances of the City of Burlington be and is hereby amended by the addition of Article VII, Energy Benchmarking, to read as follows:

ARTICLE VII. ENERGY BENCHMARKING

8-105 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy systems are adopted pursuant to the authority and powers granted in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants.

8-106 Definitions.

(a) "Energy Benchmarking" shall mean the use of Energy Star Portfolio Manager, or an equivalent analytical tool or process if approved by the Department of Permitting and Inspections (DPI), by which a building can measure and report accurately on its energy use for all space heating used on-site.

(b) "Covered Building" shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property that is metered or sub-metered for thermal loads and which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 7.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20____.

Attest,

_____, Clerk.

Approved

_____, 20____.

_____, Mayor.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20____.

Adopted _____ Published _____ Effective _____, City Clerk

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

Attest:

* * * * *

* * * * *

(c) “Building Without Direct Metering” shall mean for the purpose of the requirements outlined in Section 8-107, a commercial property which has space conditioned square footage of between 10,000 square feet and 49,999 square feet, excluding residential properties and all properties subject to the requirements of Chapter 18, Article 3, Division 7, which is part of a campus of a major higher education or health care institution within the city’s Institutional District as that term is defined in the Comprehensive Development Ordinance, that includes multiple buildings, and which lacks metering or sub-metering of thermal energy loads. On a campus in which buildings are part of a centrally-connected thermal system, only those buildings in that system that are not metered shall be considered a building that is not directly metered and those buildings with direct metering shall be subject to the requirements of this article

(d) “Space Conditioning Energy Use” shall mean the amount of British Thermal Units (BTU) per space conditioned square foot a Covered Building uses to provide space heating over a one year period.

8-107 Energy Benchmarking Requirements.

(a) Covered Buildings Requirements. All property owners of Covered Buildings shall, no earlier than the effective date of this ordinance and no later than three months thereafter, begin Energy Benchmarking of their property. Such Energy Benchmarking shall continue for no less than one full year from the date the property started Energy Benchmarking, and the monthly and annual data shall be made available to DPI no later than May 15, 2026. Beginning January 1, 2027, this benchmarking and reporting requirement shall continue for each subsequent 12 month (1 year) period until rescinded by amendment to this ordinance. The data may inform future compliance obligations with a Building Emissions Reduction Ordinance (BERO) that the City is considering adopting. To the extent necessary to effectuate the Energy Benchmarking, individually-metered tenant organizations or businesses in a Covered Building shall provide appropriate energy use data and information to the property owner, or in the alternative directly to DPI, for their space heating use.

(b) Buildings Without Direct Metering. Buildings Without Direct Metering are not subject to the Energy Benchmarking process, but may be required to conduct individual energy efficiency assessments with a building efficiency professional, submit those assessments to DPI, and make specific cost-effective efficiency improvements based on those assessments as part of compliance with a future BERO.

(c) Energy Benchmarking Compliance. DPI shall administer the Energy Benchmarking requirements, and non-compliance either due to failure to begin the process of Energy Benchmarking by the date provided or failure to provide data to DPI under subsection (a) by a Covered Building is subject to a civil penalty of up to five hundred dollars (\$500.00) per violation. Each day the violation continues shall constitute a separate and distinct offense. DPI may grant a delay in the requirements of Energy Benchmarking under subsection (a) by up to 6 months if a Covered Building faces unique circumstances and an undue burden in seeking to comply.

(d) Covered Buildings shall not be constructed after the effective date of this ordinance that cannot measure the thermal usage of the building, by metering or other effective alternative measure. Institutions with buildings without direct metering shall provide an inventory of those buildings to the Department of Permitting and Inspections and the Burlington Electric Department within six (6) months of the effective date of this ordinance, with such inventory to include the location of the building, the square footage of the

*
*
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*
*
*
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*

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

_____, City Clerk

Attest:

*
*
*
*
*
*
*

I, _____, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20 _____.

Adopted _____ Published _____ Effective _____

Introduced by

Councilor _____

Read in City Council first time

_____, 20____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20____.

Arrest,

_____, Clerk.

Approved _____, 20____

_____, Mayor.

building, the general usage(s) of the building, and a description of the centrally-connected thermal system of which it is a part.

8-108 Reporting Requirement.

The Department of Permitting and Inspections shall maintain records on the data submitted by Covered Buildings to support future compliance with a Building Emission Reduction Ordinance if one is enacted.

* Material stricken out deleted.

** Material underlined added.

DS/ks/Ordinances 2024/Energy Benchmarking of Space Heating in Certain Commercial Properties
BCO Ch. 8, Art. VII
12/16/2024

ORIGINAL

AN ORDINANCE

IN RELATION TO

ENERGY BENCHMARKING OF SPACE HEATING IN CERTAIN

COMMERCIAL PROPERTIES BCO Chapter 8, Art. VII

Introduced by

Donna L. TEUC

Read in City Council first time

Ocotber 28, 2024

Attest,

[Signature], Clerk.

Rules suspended, and ordinance placed in all stages of passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

December 16, 2024

Attest,

[Signature], Clerk.

Passed in City Council at meeting held

December 16, 2024

Attest,

[Signature], Clerk.

Approved

Dec 18, 2024
[Signature], Mayor.

I, Katherine Schad, CAO, City/Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ Wednesday _____ day,

namely the _____ 8th _____ day of _____ January _____, 2025

Adopted _____ 12/16/24 Published _____ 01/08/25 Effective _____ 01/29/25

_____, CAO, City Clerk/

Attest:

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on _____

* * * * *

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**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: City Council President Benjamin Traverse
FROM: Police Chief Jon Murad
DATE: Thursday, December 5, 2024
RE: **Report Requested by Resolution 6.9 of September 9, 2024**

“BE IT FURTHER RESOLVED that the Chief of the Burlington Police Department, with input from BPD leadership, members of the BPOA, and other community partners, shall present a report to the City Council on or by December 9, 2024...”¹

In preparing this report I consulted with Burlington Police Department (BPD) leadership, particularly Deputy Chief Brian LaBarge, Executive Manager Shannon Trammell, and Assistant Director, CAIP, Lacey-Ann Smith. I also consulted with the Burlington Police Officers Association (BPOA), particularly executive board President Joseph Corrow. I have also met, spoken, and communicated with community members, business owners, and advisors, and incorporated input from those conversations. Ultimately, however, this document contains my analyses and conclusions as Chief of Police, based on five years in the role and twenty years in the profession.

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¹ From the *Resolution Relating to Improving Recruitment for Emergency First Responders and Reexamining the “Cap” on the Number of Sworn Police Officers and Burlington Police Department Personnel*, September 9, 2024, lines 64 to 66.

I. EXECUTIVE SUMMARY

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the Burlington Police Department (BPD) by 30%, from 105 to 74 sworn officers, via attrition. Since the beginning of Fiscal Year 2021 on July 1, 2020, the BPD has lost 58 sworn police officers. In that time, it has hired 30 officers. As a result, headcount has fallen from 92 on July 1, 2020, to 64 on December 1, 2024.

This unprecedented decline has placed the BPD in four-and-a-half years of crisis—a crisis we still face every day. Currently, 64 officers are being asked to police Vermont’s largest city—a city of 15 square miles, 44,000 residents, and workers, students, and visitors who routinely double that population. The number of non-supervisory officers on patrol, who answer the vast majority of calls for service, is half what it was in 2019.

Since the reduction, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Comparing the 53 months preceding July 2020 to the 53 months since, aggravated assaults are up 44%; aggregated larcenies and retail thefts are up 76%. Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 364%, 369%, and 371%, respectively.

To ease officers’ workload, confront our city’s issues with crime and public order, and restore responsive community connectivity to Burlington, the BPD should once again be authorized for 105 sworn officers.

Absent extraordinary spending, however, recovering to this number may take several years. An optimistic projection shows 84 is possible by the end of FY28, although it requires the BPD to exceed its best-ever year repeatedly for five years in a row. The regrowth would be aided by an explicit, official admission by the City that the decision to reduce the department was an ill-considered, destructive experiment, and an explicit, official rejection of the 74-officer cap created by that decision and a rejection of the current cap of 87, as well. In reference to the resolution that occasioned this report, the BPOA stated that removing the cap would “signal to potential applicants that the City Administration is committed to investing in the Department and making it a better place to work.”

II. BACKGROUND

On June 29, 2020, the Burlington City Council resolved to reduce the authorized headcount of the BPD by 30%, from 105 to 74 sworn officers.² Eschewing layoffs, the Council ordered the reduction through attrition. The resolution also removed school resource officers, or SROs, from schools in the Burlington School District. It was preceded by three weeks of online public meetings in which caller after caller used the phrase “Defund the Police,” and repeated demands informed primarily by an online letter to the Mayor, the City Council, and the Police Commission from the Racial Justice Alliance. That letter demanded “an immediate 30 percent reduction in uniformed officers.”³

The police department took the nine-to-three vote for the resolution as a vote of no confidence from the city. Officers—who had dedicated their careers to Burlington; who were proud of their innovative, compassionate department; and who felt existentially stung by the speed and breadth of what they saw as an undeserved, impulsive local overreaction to national events—resigned in droves. Their exit questionnaires tell this plainly. (See Appendix 01) From July 1, 2020, through December 1, 2024, the BPD lost 58 officers.

Another way of contextualizing that is to note that the BPD has lost a number of officers equivalent to 90% of our total current count.

The 30% reduction was based mostly on a Governing.com webpage that showed officer-to-population ratios for American cities with populations fewer than 50,000. At every stage, then-Mayor Miro Weinberger argued against the reduction. His FY21 budget proposed “capping” the BPD at the number of officers who were on the books on June 29, 2020. That would have been an 11% reduction from the FY20 authorized headcount of 105 officers, but it was unacceptable to those seeking a different kind of police reform.

In December 2020, in a presentation to the City Council, I articulated concerns about staffing, made predictions about our increasing inability to handle lower-level calls for service, and asked the Council to amend the cap.⁴ A month later, on January 22, 2021, I presented the

² “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53. Three councilors unsuccessfully voted to reduce the headcount even further—to 63 by July 1, 2022—a number that turned out to be eerily prescient.

³ See <https://www.vtracialjusticealliance.org/2020/06/letter-to-burlington-mayor-city-council-and-police-commission/>, dated June 8, 2020, and <https://www.vtracialjusticealliance.org/2020/06/operation-phoenix/>, dated June 12; both links active and retrieved as of December 1, 2024.

⁴ See <https://vtdigger.org/2020/12/21/burlington-police-chief-asks-for-more-officers-after-30-mandated-cut/>

Public Safety Continuity Plan.⁵ The plan proposed augmenting the Community Service Officers, or CSOs, and also introduced the Community Support Liaison (CSL) position. It also requested that the 74-officer cap be raised, in order to permit hiring and stall the staffing freefall.

This pilot Public Safety Continuity Plan proposal represents a middle path. It is a *shorter-term* solution, not a short-term solution. *It is a good plan done in time, rather than a best plan done too late.* It can continue to be honed based on the results of the two assessments currently planned under the auspices of the Joint Committee of the City Council’s Public Safety Committee and the Burlington Police Commission (the “Joint Committee”). One of these assessments—a “full operational and functional assessment” of the BPD—was described in the Resolution re Racial Justice Through Economic and Criminal Justice eight months ago, but the Joint Committee has yet to commence either the operational assessment or the facilitator assessment.

On February 8, 2021,⁶ the City Council adopted the CSO/CSL parts of the plan, but voted not to alter the cap. At the same meeting, the Council moved forward with the firm CNA to begin the assessment.

In May 2021, owing to falling staffing and rising incident volume, I created and implemented the Priority Response Plan. I updated it in 2022 and 2024,⁷ and it remains in place.

On August 9, 2021, members of the Council tried again to raise the cap, but despite support from Mayor Weinberger and the Police Commission, the resolution was again rejected.⁸

In Oct 2021, after receipt of the CNA Report, the council raised the cap on officers from 74 to 87. By that time, the BPD had already begun to hire not because of the raised cap but because the agency had fallen below 74—headcount was 70 on October 1, 2021. From then to July 1, 2022, the agency hired three officers but lost ten. Headcount bottomed out at 61.

It was not until a new police contract was ratified on July 26, 2022, that the BPD began to increase again. We are now working to rebuild, but progress has not been as strong as desired. Since being allowed to hire again in autumn 2021, the BPD has hired 30 sworn employees. Of those, we currently retain 19, or 63%.

⁵ See <https://www.burlingtonvt.gov/DocumentCenter/View/1593/The-Public-Safety-Continuity-Plan-PDF>

⁶ See <https://vtdigger.org/2021/02/09/burlington-mayor-fails-to-boost-officer-cap-to-84/>

⁷ See <https://www.burlingtonvt.gov/DocumentCenter/View/993/2024-BPD-Priority-Response-Plan-PDF>

⁸ See <https://vtdigger.org/2021/08/10/burlington-city-council-rejects-raising-police-officer-staffing-cap-for-second-time/>

III. POINT-BY-POINT RESPONSE TO RESOLUTION 6.9 OF SEPTEMBER 9, 2024

Responding to the resolution raises challenging questions about funding, for which this report does not provide a solution. In the first months of her administration, Mayor Emma Mulvaney-Stanak was faced with and overcame a tremendous, unanticipated budget gap. Despite this, she provided strong funding to the BPD and embraced its need to regrow. In writing this report I acknowledge that effort and that support, and also acknowledge that the City continues to face thin margins. Nevertheless, as I see the task set by the Council, it is to recommend things that could or should be done in service of the singular objective of rebuilding the BPD—not necessarily things that can be done, or even how to make them happen.

With few exceptions, each proposal for how to address our staffing crisis boils down to money. The more urgent the need, the more money it will require. The business maxim “cheap, fast, or good—pick two” applies. Burlington needs to rebuild its police department, from its personnel to its facility, and it needs to do so quickly, and that will be expensive.

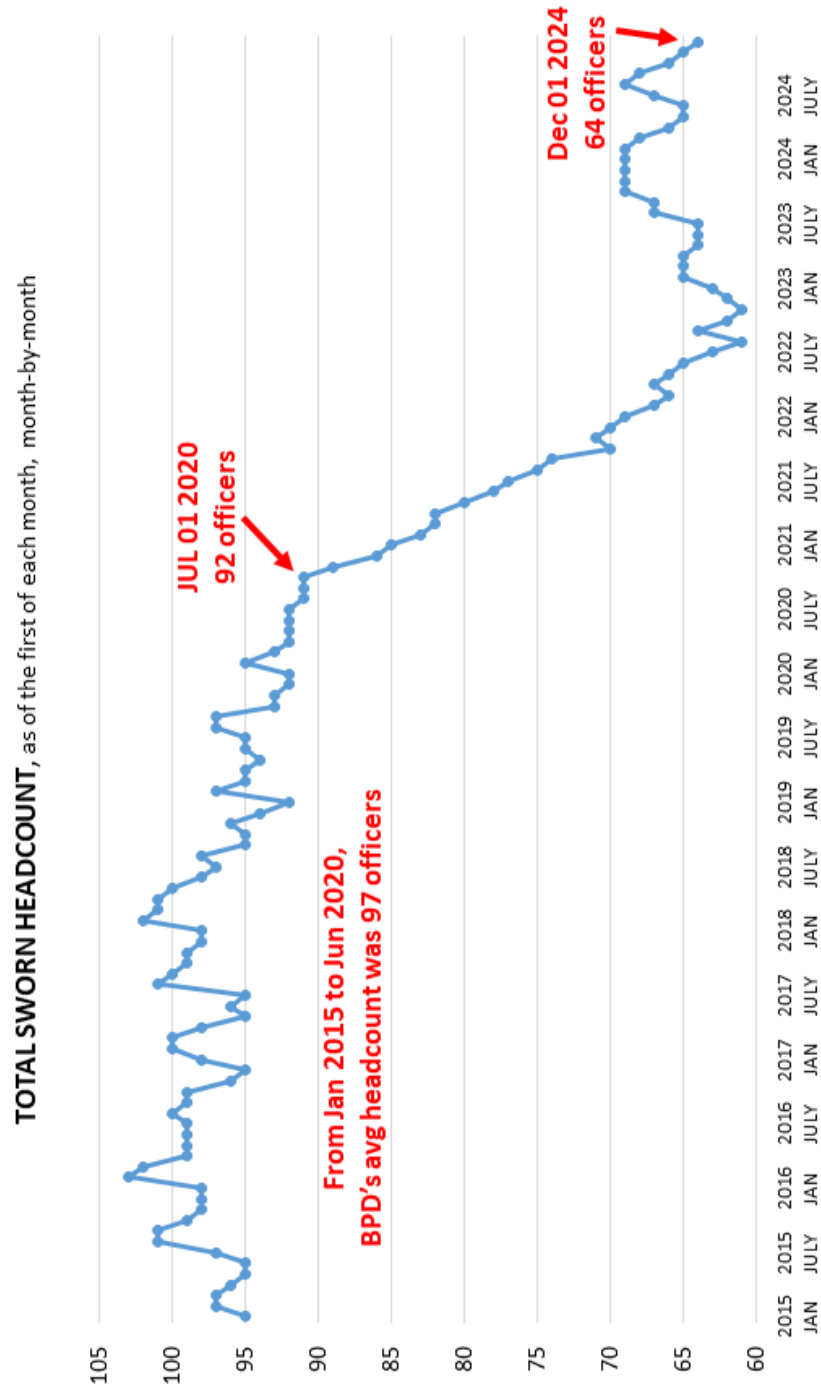
As of December 1, 2024, the BPD has 64 sworn officers, of whom 58 are “effective” and able to be deployed.⁹ An additional loss is anticipated: I expect we will end the calendar year with 63 officers. Historically, from 2015 to 2020, the BPD maintained a monthly average headcount of 97. In other words, headcount is down 30% from historic averages. (See Chart 01 on the following page)

The reduction of non-supervisory patrol officers is worse, however. In 2024 there are half as many non-supervisory patrol officers as there were in 2019. Patrol officers respond to the vast majority of calls for service, and while there are 50% fewer patrol officers than in 2019, there are 6% more incidents. (See Appendix 02)

Higher numbers of police mean less crime. (See Appendix 03) In this context, Burlington’s experience since 2020 is a case-study waiting to happen. Furthermore, even as headcount has fallen, demands on the police have substantially increased. Comparing the 53 months preceding July 2020 to the 53 months since, many high-stakes or high-impact incidents have increased substantially. There have been more robberies, simple assaults, and burglaries. Aggravated assaults are up 44%; aggregated larcenies and retail thefts are up 76%.

⁹ Examples of officers who are not “effective” are officers on long-term military leave, recruit officers at the Vermont Police Academy, officers on field training who cannot operate independently of their field trainer, officers on limited duty owing to pregnancy, etc.

Chart 01



Although numbers are small, murder and attempted murder have tripled. Stolen vehicles, gunfire incidents, and overdoses are up 364%, 369%, and 371%, respectively. (See Chart 02)

	2/1/2016 to 06/30/2020	7/1/2020 to 12/01/2024
Assault – aggravated	200	288
Assault – simple	737	775
Burglary	759	819
Gunfire	16	75
Larceny/retail theft	4,648	8,165
Murder / att murd	9	29
Overdose	306	1,440
Robbery	87	92
Stolen vehicle	214	994

Chart 02

Burlington’s most important goal should be getting sworn-officer headcount back to effective numbers that produced much more effective public safety for decades. Without this, the BPD’s other efforts will be for naught. This includes ongoing work to develop alternative means of response such as the Crisis Advocacy Intervention Programs, or CAIP, which includes the CSLs. As the practitioners themselves have attested, those programs cannot

exist without a healthy police service. If we could hire 20 police officers tomorrow, it would be the single-most important thing to do for public safety and make a massive difference in our public safety posture.

Many other municipalities have had to make hard decisions—or been required to make such decisions—around funding police. In Missouri, for example, where suburbs surrounding Kansas City have been alarmed at the city’s crime trends and what it means for the region’s economic seat, a statewide vote in August required Kansas City to increase its police department’s budget and “spend at least 25% of [the city’s] general revenue on police, amounting to tens of millions of dollars per year.”¹⁰ A similar state intervention occurred in Austin, Texas.¹¹ (For reference and comparison, in Burlington the police department budget is 17% of the total general fund budget.¹²)

The split between Kansas City and the capital in Jefferson City, Missouri, is entirely different from the relationship Burlington enjoys with Montpelier, and nothing so shocking is on our horizon. But it illustrates an extreme example of how a linchpin city can affect a region. As in Missouri, Burlington’s situation impacts the wider region. Our city is home to Vermont’s largest educational institutions, its largest hospital, its international airport, its most vibrant restaurant-and-nightlife scene, and a host of businesses, service-providers, and cultural mainstays. These need a safe, welcoming, orderly environment to thrive. They need effective public safety.

¹⁰ See <https://missouriindependent.com/2024/08/06/missouri-voters-approve-amendment-requiring-more-police-spending-in-kansas-city/>

¹¹ See <https://www.kxan.com/news/texas-politics/texas-legislature-responds-to-austin-police-budget-cuts-set-to-punish-cities-that-defund-police/>

¹² The total general fund, \$108,176,243; the police department’s budget is 17,851,103. See <https://www.burlingtonvt.gov/DocumentCenter/View/1727/4--Total-General-Fund-Budget> and <https://www.burlingtonvt.gov/DocumentCenter/View/1738/17---Police>

Accordingly, the most important task in front of the Queen City should be bringing aboard new police officers. Failure to make progress on this will accelerate many of the city's current challenges, particularly those associated with public order and personal safety, but also those associated with reputational deficit. In communications with business leaders while preparing this report, those leaders have asserted that diminished police presence and response, the sense of peril, and a pervasive lack of public order has led to diminished economic activity and store closures, particularly on the Marketplace. Community-based organizations have expressed similar concerns.¹³ Lastly, and most crucially for a police department that cares about victims, when there are too few officers it most deeply affects the most vulnerable, who use police services the most and in extremis. Important parts of our community have felt underserved and even abandoned over the past four-and-a-half years. We owe it to them to make better connections, to hear their concerns, and come when they call. We cannot do that fully with the numbers we currently have.

A. AN UPDATE ON CURRENT STAFFING LEVELS. As of December 1, 2024, the BPD has 64 police officers. Of those, 58 are "effective," in that they are available for immediate deployment as fully certified officers.

One concern that has recently come into starker relief, owing in part to my intention not to seek reappointment, is the BPD's levels of supervision. (See Appendix 04) Although the staffing crisis is most acute on patrol, it is also felt in our supervisory ranks. The leaders we have are excellent, but they are too few. For some time the department has had to operate with five sergeants rather than the eleven it is allotted. We have five lieutenants rather than six. And we currently have one deputy chief rather than two (and the one who remains is expected to retire in the spring, shortly after I do). Because of this, we have taken the unusual step of posting externally for the deputy chief position (Appendix 05).

B. AN UPDATE ON ONGOING RECRUITMENT EFFORTS. Chart 03, on the following page, shows total sworn-officer hires from 2010 to 2024 YTD. It also shows the number of officers from each of those annual hiring cohorts who are still currently employed by the BPD. Of all 140 officers hired since 2010, we have retained 36% as of December 1, 2024. (As noted earlier, 30 of those were hired since autumn 2021. Of those, we currently retain 19, or 63%.)

Chart 04, on page ten, breaks down the hiring data to compare recruit hiring to lateral hiring for the same period. It, too, shows the number of officers from each annual hiring cohort who are still employed. All recruit officers must attend the Vermont Police Academy (VPA), which has two classes per year, in February and August. Accordingly, the BPD hires for those classes in

¹³ In particular, I was influenced by input from an October 10 meeting with King Street Center Executive Director Shabnam Nolan. She shared what the Center is experiencing, including the fact that 50% of the Center's teens feel unsafe walking home. <https://www.kingstreetcenter.org/fall2024>

January and July. Lateral officers—i.e., officers with previous experience who do not have to undergo the full, 16-week training at the VPA—can be hired at any time of year. Lateral officers include officers from other agencies, often from police departments in other states, as well as BPD officers who leave but choose to return.

It's worth noting that retention for lateral officers is higher than for recruit officers. Lateral officers are more familiar with the vagaries of police work and better prepared for its vicissitudes.

In FY23 \$250,000 was allocated for recruitment efforts, and in January 2023 the City posted a request for proposals seeking a recruitment firm. The most qualified respondent to the RFP sought a sum that, frankly, gave me and then-Mayor Weinberger pause. Furthermore, between the strong work of our recruitment team and the strong new contract, the BPD saw sufficient hiring success in 2023 that it did not use the allocation, which carried over into FY24.

YEAR	TOTAL IN	Of total hired, # still employed as of 12/01/24
2010	8	2
2011	13	4
2012	4	1
2013	13	5
2014	12	3
2015	10	1
2016	13	4
2017	9	2
2018	12	4
2019	12	3
2020	5	3
2021	1	1
2022	7	5
2023	15	8
2024*	7	5
TOTAL	141	51 (36%)

* 2024 shown through Dec 01, 2024

Chart 03

In 2023, our recruitment team—Recruitment Officer Corporal Carolynne Erwin and Recruitment Coordinator Anhad Bajwa¹⁴—hired 15 sworn officers, the most in more than three decades. Accounting for nine retirements and resignations, the BPD began 2023 with 61 sworn officers and ended the year with 69. This includes 11 recruit officers and four lateral officers.

The hiring success in 2023 extended beyond sworn officers and into our professional ranks, as well. In all, the BPD hired 32 new employees in 2023. This was more people than in any other year for which we have records. It included the 15 sworn officers mentioned above, as well as five Emergency Communications Specialists (dispatchers), five CSOs, four CSLs, a Public

¹⁴ Sadly, Recruitment Coordinator Bajwa left us in October to relocate out of state. Additionally, Corporal Erwin has chosen to leave the post in January and will retire in July. Officer Sergio Caldieri, one of our best trainers and most highly educated officers, has been assigned to the recruitment role and is currently shadowing Corporal Erwin.

YEAR	RECRUIT HIRES		Of recruits hired, # still employed as of 12/01/24	LATERAL HIRES	Of laterals hired, # still employed as of 12/01/24
2010	8		2	0	
	Jan: 2	Jul: 6			
2011	9		3	4	1
	Jan: 8	Jul: 1			
2012	3		1	1	0
	Jan: 2	Jul: 1			
2013	9		3	4	2
	Jan: 7	Jul: 2			
2014	11		3	1	0
	Jan: 7	Jul: 4			
2015	6		0	4	1
	Jan: 2	Jul: 4			
2016	8		2	3	2
	Jan: 4	Jul: 4			
2017	10		3	1	0
	Jan: 4	Jul: 6			
2018	10		2	1	1
	Jan: 4	Jul: 6			
2019	9		3	3	0
	Jan: 6	Jul: 3			
2020	4		2	1	1
	Jan: 4	Jul: 0			
2021	1		1	0	
	Jan: 0	Oct: 1			
2022	5		3	2	2
	Jan: 2	Jul: 3			
2023	11		5	4	3
	Jan: 6	Jul: 5			
2024*	5		3	2	2
	Jan: 1	Jul: 4			
	109		36	31	15
			33%		48%

* 2024 shown through Dec 01, 2024

Chart 04

Information and Community Engagement Coordinator, a Technology Support Specialist, and a Recruitment Coordinator.

While the main focus of this report is sworn-officer staffing, the success story in our Emergency Communications Center, or ECC, is worth noting. The BPD is allotted 14 dispatchers, but had fallen to four in 2022. The BPD ECC dispatches both police and fire—more than 40,000 calls for service per year. Typically there are two “Police Desks” and one “Fire Desk,” meaning the ECC is staffed by three dispatchers at any given time. Thanks to the recruiting team’s work, we currently have eleven dispatchers.

In 2024 so far, the BPD has hired 22 new employees, including four dispatchers, four CSOs, two CSLs, two members of the CARES team, two Records Clerks, and a Command Assistant.

Unfortunately, only seven sworn officers were hired in 2024, and thus far 12 have separated. This loss of momentum has put us off the forecasts Mayor Weinberger and I offered as part of the FY24 budget, forecasts that showed a path to more than 80 officers by late FY26.

During the budget process for FY25, I articulated a similar set of goals to Mayor Mulvaney-Stanak, who adopted them. On October 28, 2024, she included hiring in a document presented to the Council, “Mayor Mulvaney-Stanak's Administration Goals and Values FY25/First Term.”¹⁵ That document explicitly articulated a goal of increasing sworn-officer headcount to 77 sworn officers by the end of FY25, which would have been ten more than the officer count of 67 that existed during the budget process. Unfortunately, since developing the budget in May, it has become clear that there is no reasonable path to achieving these staffing numbers in FY25. The BPD began 2024 with 69 officers and is projected to end with 63. An increase of 14 officers in the first half of 2025 (i.e., the second half of FY25) is unlikely. When accounting for anticipated FY25 Q3 and Q4 separations that have yet to occur, the number by which the BPD would need to increase is not actually 14, it is 16 or more. Nevertheless, I am grateful that the Mayor has made clear that, if we are able to hire that number—or more!—she will find the budget for it.

Regarding the loss of hiring momentum in 2024, I am uncertain of its cause. In a New Year’s Day memo to the BPD on January 1, 2023, I wrote

I believe we’ve turned a corner in staffing too. We end the year at 63 sworn officers, which is slightly higher than the estimates I provided in the Rebuilding Plan and FY23 budget. We’re losing some officers in the next few weeks, but we’ll be gaining more than we lose as former officers return and as we prepare for the February Academy. Here’s my prediction: In 2022, we lost 13 officers but gained seven. In 2023 we will lose nine but gain 15. We will end the year with 69 police officers.

In 2023, that prediction turned out to be spot on. Growth is a function of retention and recruitment, and in 2023 there were factors that improved both, including the BPD’s best-in-the-region contract and the defeat of Proposition 7.

In a New Year’s Day memo to the BPD on January 1, 2024, I wrote

The change we continue to need is rebuilding. We cannot live up to our neighbors’ public safety expectations—and our own—without proper staffing. We ended 2023 with 69 sworn officers, just as I predicted in Memo 2023-01 last year. To put that in context, we brought in 15 sworn officers. That’s the largest number in well over a decade. And we’ve kept 13 of those hires. It’s true that we also lost valuable teammates—nine total. ... In February 2024, our first VPA class won’t hit the numbers we saw in February ’23. But

¹⁵ See CivicClerk, <https://burlingtonvt.portal.civicclerk.com/event/7131/files/attachment/6695>

I'm confident we'll bring in 11 sworn officers in 2024. I anticipate we'll lose five. And I predict that we'll be at 75 sworn by the end of the year.

In 2024, that has not borne out. Regarding recruitment in 2024, sworn-officer applications were down significantly, as shown at right in Chart 05. As a result, we did not hire 11 as predicted, we hired seven. And rather than losing five, we lost 13. The unanticipated separations stemmed from a range of factors: an officer who moved to the Shelburne Police Department; a lateral officer who returned with his family to Texas; an officer in field training who expressed exasperation at the workload and paperwork requirements and returned to Florida; an officer on field training who expressed dismay about our agency's operational pace and moved to the University of Vermont Police Department; an officer who wanted to be an SRO and moved to another police department that has the role.

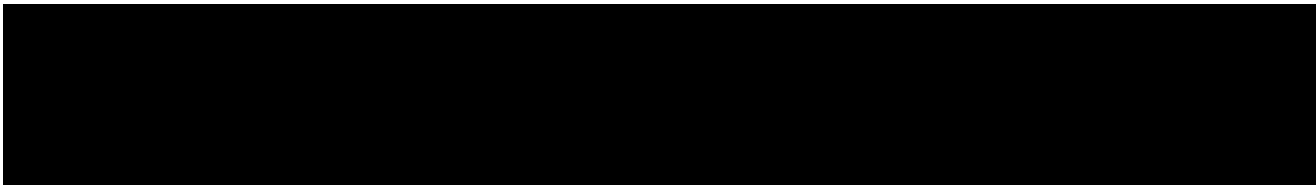
	APPLICATIONS RECEIVED BY BPD	OF THOSE RECEIVED, # HIRED
2021	53	3
2022	142	15
2023	119	8
2024*	53	3

Chart 05

We have tried and are trying to overcome the dearth of applications, including new levels of advertising. In March, Corporal Erwin and Coordinator Bajwa got a full-page, centerfold ad placed in the New York Post, the most-read tabloid in New York City, with the ninth largest circulation in America. At the end of the summer, we contracted with Horizon Visual Media, a video-production company from Maine, which came to Burlington and made high-quality video content for us. We are also in negotiations with a company called All-Star Talent for an online recruiting campaign where we would use that content. All-Star Talent was featured in several presentations at the recent International Association of Chiefs of Police (IACP) conference, receiving high marks from satisfied agencies. Looking to the \$250,000 that had been reserved in FY23 and again in FY24, we set aside \$100,000 to fund sign-on bonuses. (In September 2021, the City Council approved retention and recruitment bonuses using funds from the American Rescue Plan Act, and the ARPA-backed recruitment bonuses have been expended or otherwise accounted for.) We have also used approximately \$40k from this fund to pay for the Horizon videos. In FY25 the City Council allocated an additional \$100,000 for recruitment efforts and the BPD will be using a majority of that for a social-media advertising campaign and new recruitment website.

Redacted 1 V.S.A. 317(c)(15)

In addition to these efforts, there are two additional programs that could enhance recruitment. Neither is currently in progress or implemented. (See Appendix 06 and Appendix 07)



In addition to sworn officers, both recruits and laterals, we are also working to replace both of our Deputy Chief positions, and have engaged in targeted advertising for those roles, specifically via the IACP and the Police Executive Research Forum (PERF). We have already received applications and expect to begin a vetting process at the beginning of January.

C. A REVISED RECOMMENDATION ON THE NUMBER OF UNIFORMED SWORN POLICE OFFICERS. The BPD should once again be authorized for 105 sworn officers.

The BPD's current staffing is inadequate. Sixty-four officers is manifestly too few. The BPD is unable to be as responsive as in the past (see the Priority Response Plan), some city crimes and conditions have deteriorated compared to the past (see Chart 02, page 7), and officers are exhausted. As of December 3, 2024, which is 43% of the fiscal year, the BPD's Uniform Services Bureau has used 53% of its overtime (budgeted \$900,000 for the fiscal year) and Airport Services has used 54% of its overtime (budgeted for \$60,000). Combined police overtime, which includes patrol, detectives, the drug unit, etc., is 53% expended for the year. This is slightly more than in years past, and it's also being borne by fewer officers.

We are asking too few officers to do more than they are able. And yet they do, a fact that routinely amazes me. That said, there is no unassailable method of determining headcount. The IACP states, "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions."¹⁶ At one end, the CNA Report used 2019 incident volume data and a 12-hour shift

¹⁶ See <https://www.cpsm.us/police-staffing-standards-are-a-myth-experts-say/>

system, the so-called “Pitman schedule,” to recommend 88 officers (with the airport), 40 of them assigned to patrol. But CNA failed to account for the Valcour system’s inability to track anything other than an officer’s time on scene, and therefore drastically underestimated administrative time as well as training time. [REDACTED]

[REDACTED]¹⁷ At the other end, an older staffing analysis conducted by Rutherford-Ruotolo Consulting Consortium, which was reapplied by then-Deputy Chief Matthew Sullivan in 2021, suggested 84 non-supervisory officers assigned to patrol. Factoring in supervisors, detectives, and the airport would yield an overall headcount of approximately 120—a number I would relish but one that I know the BPD can operate below. (See Appendix 08) **Redacted 1 V.S.A. 317(c)(15)**

Despite this, the question of what is the right or the wrong staffing has occupied nearly every discussion about police over the past four-and-a-half years. In short, articulating a headcount cap has become a political artifact and a constant reminder of the 2020 reduction. As the original draft of the September 9 resolution stated, “CNA’s October 2021 recommendation of an authorized headcount of between 85-88 uniformed Burlington Police Department officers, is no longer reflective of current conditions.” It further stated, “to better address the current state of public safety in Burlington, to provide the City necessary flexibility in drafting the report asked of this resolution, and to send an important message to the community that the City is fully committed to its Police Department, the City hereby removes the current ‘cap’ of 87 uniformed sworn officers at the Burlington Police Department.”

Over the past three months, while preparing this report, I have come to agree fully with the language of the resolution’s original draft. In conversations with community stakeholders at a variety of institutions, from the Boys & Girls Club to Spectrum to the King Street Center, people have revealed that they feel the lack of police presence and response, both for their institutions and their constituents.¹⁸ Business leaders have said the same. The Burlington Business Association reports that “In recent years, we have received an increasing number of concerns from downtown business owners regarding the safety of their employees and customers. Concerns include, violence, harassment, theft, and an increase in graffiti.”¹⁹ Accordingly, I

¹⁷ [REDACTED]

¹⁸ See <https://www.kingstreetcenter.org/fall2024>

¹⁹ See <https://www.bbavt.org/current-projects/public-safety-initiatives/>

believe it is best either to return to status quo ante or to dispense with the cap altogether and merely express how many officers the City can afford. Since the latter option would be devastating to morale and fail to provide necessary goals for rebuilding, I strongly recommend the former. **The BPD should once again be authorized for 105 sworn officers.** This is distinct from budgeting for that number.

Returning the agency to an authorized headcount of 105 that routinely yields a headcount in the high 90s would allow the BPD to reconnect with the community, including in the schools. (Along with a repudiation of the headcount clause in the Racial Justice resolution, there should be a repudiation of the clause that removed SROs from the Burlington School District.) It would allow the BPD once again to adopt the hallmarks of progressive, community-oriented policing. It would allow officers to return to an area-based deployment model, wherein officers are assigned to specific parts of the city and come to understand the people, problems, and potential of those neighborhoods. It would allow the deployment of a dedicated Marketplace foot patrol team—as many as six officers, regularly assigned to the Marketplace and its environs, connecting with businesses and visitors alike. It would allow a Street Crime Unit, which would better address unacceptable public disorder, including open-air drug use—a crime that, with higher headcount, would once again be regularly disrupted. (See representations of deployment models in Appendix 09 and 10 and 11)

If one were to describe all of this to any current or retired BPD officer whose hire date is 2019 or earlier, he or she will exclaim, “but, but, that’s what we always had!” For two decades, Burlington was a nationally recognized, award-winning practitioner of community policing.²⁰

All of this is also part of Neighborhood Policing, which I helped design and implement as part of the NYPD’s Reengineering 2014 project. One of my greatest regrets about my tenure as Chief of Police is that the staffing crisis has prevented me from building on the BPD’s community policing model by adopting Neighborhood Policing, and the integral role of Neighborhood Coordination Officer, or NCO.²¹ But when the NYPD created the model in 2015, it did so by expanding staffing for the first time in more than a decade, not in the face of a 30% reduction. Indeed, the program was a response to the fact that, in understaffed patrol precincts, patrol had “devolved into answering calls for service and little else. ... The Neighborhood Policing Plan seeks to restore the patrol officer to the role of problem solver and community guardian, who knows the neighborhood and works closely with residents. ... It assigns the same officers to the

²⁰ See 2012 IACP Community Policing Awards, <https://gilee.gsu.edu/programs/community-policing/#1568923944814-e239bf5a-0792>

²¹ See <https://www.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page>

same sectors on the same tours, helping the cops to know the neighborhood and the neighborhood to know the cops.”²²

My belief that staffing needs to be returned to status quo ante doesn’t mean I believe in the status quo, however. Since 2020, the BPD has undertaken a number of responsive, progressive efforts to maintain our public safety posture, respond to community concerns, and innovate at the same time. As part of the Public Safety Continuity Plan, the BPD successfully augmented the number of CSOs, an unarmed, non-sworn role that provides low-level, quality-of-life services but cannot make arrests. The BPD has been able to hire people for these roles more quickly than for sworn officer positions, whose background checks, VPA training, and field training can take almost a year or more. We’ve also had a great deal of success using the CSO role as a proving ground for employees who want to become police officers; four of our current officers first served as CSOs. But CSOs aren’t cops, and the limits on what they can lawfully do and safely address has made it clear that they are not replacements for cops.

We have also continued to innovate with the creation of CAIP. Run by Assistant Director, CAIP, Lacey-Ann Smith, CAIP is a collaborative model that strives to provide seamless continuity of care and integrates change directly into public safety’s largest component: the police. The backbone of CAIP is the CSL position, which, when introduced as part of the Public Safety Continuity Plan, was the only position like it in Vermont. (Other agencies have since adopted similar programs, often after consulting with BPD, such as Brattleboro’s BRAT²³ and Rutland’s community resource specialists.²⁴) The CSLs are in-house social workers who address issues associated with chronic mental health needs, homelessness, and substance-use disorder. CSLs aren’t replacements for cops, either; they’re a police enhancement.

CAIP offers “lower barrier” assistance and supplements the existing social-service system—and bridges gaps. When a call for help comes in, an officer responds to the incident and establishes safety, by intervening in an unstable or dangerous situation, or sometimes by making an arrest. But when that officer also knows that the underlying causes are not solved by enforcement, the officer can call a CSL to bridge the gap between that 9-1-1 call and other services that might help the person—and potentially prevent a call in the future. CAIP also includes the Burlington CARES program (Crisis Assessment Response and Engagement Services), which provides clinical crisis response.

²² The Police Commissioner’s Report, “A New Cop In Town,” p10, <https://www.nyc.gov/assets/nypd/downloads/pdf/publications/pc-report-2016.pdf>

²³ See https://www.commonnews.org/issue/787/787resource_assist_team

²⁴ See <https://vtdigger.org/2022/09/09/former-rutland-police-commander-returns-as-civilian-community-liaison/>

I believe CAIP is part of the future of policing. AD Smith, Community Support Supervisor Anna Wagling, and I presented the model at the 2023 IACP conference and I think it's a template for what police agencies everywhere should create. An authorized headcount of 105 sworn would allow a next-stage expansion of CAIP: co-deployment with sworn officers. These would be officers who apply for the role and receive additional training in domestic-violence prevention, crisis intervention, and outreach. They would co-deploy with both CSLs and members of the Burlington CARES team. Additionally, School Resource Officers would be assigned to CAIP to enhance the relationship our CSLs have forged with Burlington's youth. Placing officers in the CAIP team, as shown in Appendix 12, would represent an important new career path for officers, and, I believe, would be a valuable recruitment opportunity. (See Appendix 12 for my vision of a fully staffed, integrated CAIP)

In addition to CAIP, we have improved our collaboration with the Police Commission and adopted Department Directive 40 *External and Internal Complaints, Supervisor Reviews, Administrative Reviews, Internal Investigations & Discipline* to guarantee the Commission's involvement and input. Our use-of-force directive became the template for the statewide policy. We have enhanced and expanded our data transparency, so that it is the most comprehensive of any law-enforcement agency in the state. We have conducted innovative, iterative fair and impartial policing training that we created with the Center for Policing Equity.

Data transparency fosters police legitimacy, but also police improvement. By recognizing areas where concerns exist, we can confront them when they are driven by factors that officers or the department can control. This includes tracking racial disparities and monitoring them for bias. It also includes making descriptions of every use of force public, and releasing a great number of them on video as well.

D. A COMPREHENSIVE ASSESSMENT OF ANY RECRUITMENT HURDLES AT THE BURLINGTON POLICE DEPARTMENT. The single biggest recruitment hurdle is the history described in the background section, above. It has engendered a sense that the City does not support police. This sentiment is described in the separating officers' exit questionnaires. (See Appendix 01) More recently, and applicable to our local recruitment pool, it is well articulated in a letter sent to the City Council by a BPOA executive board member Michael Moran. (See Appendix 13)

This history is now exacerbated by recent news reports about a survey describing greatly diminished morale and the parlous condition of our facility.²⁵ Regarding the building, it has been described by the recruitment team and officers as a tremendous obstacle to recruitment. Mayor Mulvaney-Stanak has made it a clear priority to address this.

²⁵ See <https://vtdigger.org/2024/11/22/we-are-in-a-crisis-internal-survey-shows-deep-discontent-among-burlington-police/> and <https://vtdigger.org/2024/11/29/burlingtons-dilapidated-police-building-is-dragging-down-department-morale-and-spurring-concerns-of-health-risks/>

Regarding the survey, I responded to it in August, during an internal event called an All In. I repeated the presentation for the public last week, at the Police Commission meeting on Tuesday, November 26. The presentation is available on Town Meeting TV.²⁶ As I said at both the August All In and the November Police Commission meeting, the survey had troubling feedback, but it was ultimately a positive experience to get that feedback—because it gave us a chance to address it.

I believe this report offers the Council and the city the same opportunity.

There are additional recruitment (and retention) hurdles that are outside the control of the department or the City Council. They have to do with how officers are supported by or interact with the next stages in the criminal justice process—specifically, how officers’ enforcement actions are followed by prosecutors, courts, and corrections. For most offenders, alternative practices like those offered by the Community Justice Center are preferable to using a backlogged, overburdened court system. (See Appendix 14) But, for the small percentage of recidivists who commit a plurality of our public order crimes, property crimes, and even significant numbers of violent crimes, the lack of accountability both frustrates officers and perpetuates our public-order and public-safety problems. For this small number of recidivists, the threat of apprehension is meaningless without consequence, particularly carceral consequence.²⁷ Carceral consequence has the added benefit of incapacitating wrongdoers for the duration of their incarceration. Whether or not it rehabilitates them or addresses so-called root causes is beside the immediate point: a jailed criminal cannot victimize neighbors.

1. The extent to which additional administrative support at the Burlington Police Department will allow officers additional time to actively engage in community policing. Over the past few years, we have had success rebuilding our professional ranks. Two key positions are missing. First, a Budget Manager, to ensure that critical function is being addressed in close coordination with the Chief Administrative Officer and the staff at the Clerk / Treasurer’s Office and needed to ease Executive Manager Shannon Trammell’s currently unacceptable workload. Second, a Network Administrator, to ensure that our critical, stand-alone technology infrastructure is appropriately managed and secured. Other than these, we are largely staffed for non-sworn positions. (See Appendix 15)

That said, the nature of this question seems directed more at the possibility of new positions, designed to reduce officers’ administrative workloads. It may be worth

²⁶ See <https://www.youtube.com/watch?v=SGj8oEAOcgc&t=3778s>, at minute 30:00.

²⁷ See <https://manhattan.institute/article/hardening-the-system-three-commonsense-measures-to-help-keep-crime-at-bay>

exploring the use of civilian analysts in the Detective Services Bureau, or DSB. Employees who could assist with video review and document preparation, such as affidavits, preservation requests, subpoenae duces tecum, nontestimonial identification orders, etc., could reduce workload and enhance efficiency.

2. How the current salary, paid time off, and benefits package for officers compares to market data for other police departments in our region. Regarding other regional competitors, the largest agency in the region—and the nation—offers a six-step pay scale that tops out at \$126,410. The NYPD starts at \$60,884 but rises to \$126,410 after five-and-a-half years. It offers 27 vacation days following five years of service; unlimited sick days with full pay; prescription, dental, and vision benefits; an annuity fund, deferred compensation plan, and 401(k); a lifetime pension at one-half salary after 22 years; an annual \$12,000 variable supplement fund upon normal service retirement (22 years); and excellent promotional opportunities through ten different ranks and a myriad of specialty roles.

Burlington is not New York City, and the BPD is not the NYPD, but the Queen City faces the most intense workload in the state of Vermont. By volume and variety, our officers see more than any of their peers. This was true even before the “Defund the Police” movement and its results, but it has been exacerbated by both the decrease in staffing and a change in the types of crimes experienced, particularly gun violence. Several new officers who separated gave the agency’s pace as their reason.

Chittenden County law-enforcement agencies are often vying for the same talent, and each of our agencies’ compensation packages affects the others.²⁸ Chart 06 shows our peer agencies’ current staffing, allotted staffing, and police officers’ starting and ending salaries. For example, Milton’s recent renegotiation is inevitably going to influence any other police bargaining that happens in 2025, including Burlington’s.

	STAFFING		SALARY	
	CURRENT	AUTH	START	TOP
BURLINGTON	65	87	76,717	99,324
COLCHESTER	26	31	51,131	84,625
ESSEX	31	25	59,633	106,412
MILTON	15	17	72,654	97,281
SHELBURNE	9	12	59,613	95,284
SOUTH BURLINGTON	30	40	61,588	89,585
UVM PD	18	24	60,195	76,690
WILLISTON	15	17	63,710	87,488
WINOOSKI	15	15	63,134	101,156

Chart 06

²⁸ Please note that these agencies’ salary figures are, if not apples to oranges, then at least Honeycrisps to Cortlands. Each agency offers different steps and some have different pay scales for corporals or detectives, to say nothing of comparisons of benefits and other fringe.

[REDACTED]

[REDACTED]

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[REDACTED]

It has been noted that other agencies are experiencing staffing issues, regionally and nationally. The table above appears to show that several Chittenden County agencies are down as much as BPD, at least as a percentage. But it must be noted that the table shows the BPD's current authorized count—which is insufficient. When compared to the BPD's historical numbers, to which I argue the agency should be returned, the diminishment is larger than any regional peer. In fact, compared to most departments across the country, the BPD saw a greater exodus.²⁹ In January 2023, a PERF survey of 182 agencies reported that, on average, sworn staffing decreased by 5% from January 2020 to January 2022, and then decreased another 1% from January 2022 to January 2023.³⁰ The BPD's situation was far worse than the PERF average: our sworn staffing decreased 25% during the first period, and then 9% during the second.

²⁹ One exception is Seattle, WA, which currently sits at 848 when its pre-COVID staffing target was approximately 1,600. See <https://mynorthwest.com/4015303/rantz-year-end-seattle-police-staffing-is-dire-but-union-warns-of-this-looming-crisis/>. But other agencies that were subject to “Defund the Police” pressures and have seen headcount crash, such as Austin, TX, and Portland, OR, are only down 19% and 16% respectively. See <https://www.kxan.com/news/local/austin/apd-staffing-shortage-continues-with-over-330-sworn-officer-vacancies/> and <https://www.portland.gov/police/documents/staffing-projections-study-0/download>. As another example, see Birmingham, AL, which is down 15% and has created a \$15.8 million plan to address it. <https://www.al.com/news/2024/10/woodfin-reveals-birmingham-police-staffing-shortfall-details-and-how-he-plans-to-address-it.html>

³⁰ See “New PERF survey shows police agencies have turned a corner with staffing challenges,” <https://www.policeforum.org/staffing2024>

3. The current level of hiring bonuses. We currently offer a \$15,000 bonus, based on a plan that I proposed and the City Council approved in September 2021. (In that plan I also proposed \$15,000 retention bonuses for officers who were employed at the time; the Council approved it but reduced the retention bonus to \$10,000.) The recruitment bonus was underpinned by American Rescue Plan Act funds, and is paid out in three installments: \$2,000 one week after an eligible recruit officer's or lateral officer's successful completion of field training; \$5,500 on the ten-month anniversary of the completion of field training; \$7,500 on the twenty-two month anniversary of the completion of field training. The BPD is strongly in favor of maintaining this incentive.

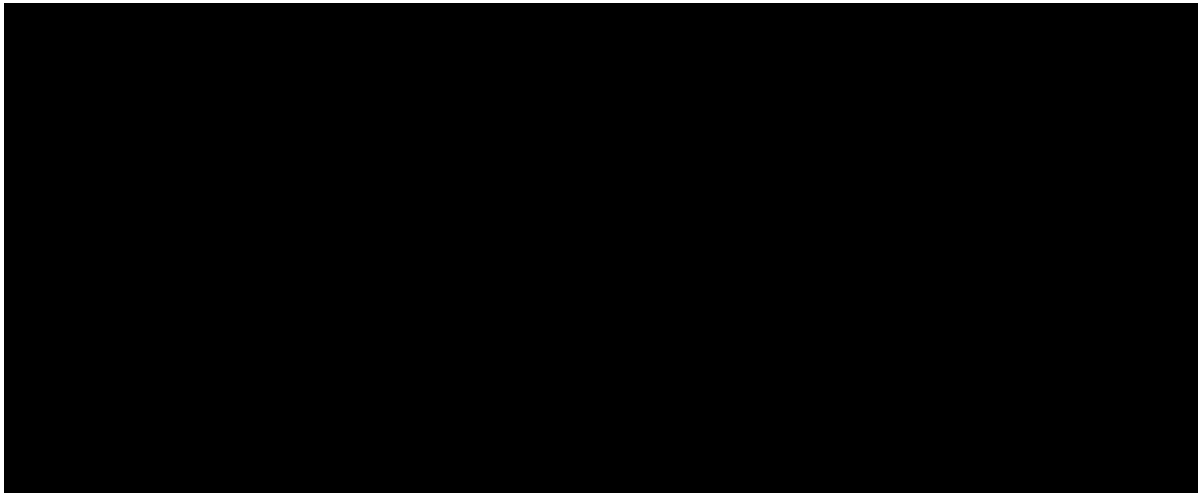
In FY22 and FY23, the BPD spent \$670,000 on retention bonuses for sworn officers, and \$180,000 was allocated for the recruitment bonuses. All of the retention bonuses have been distributed. Additionally, all of the FY22 recruitment allocation has been "spoken for," in that we have hired officers who are eligible for the funds. Not all the monies have been distributed, however, because some officers not yet received all three installments and some eligible officers separated prior to receiving all the money or portions of the money. Our two most recent hires, who graduated from the Academy on November 25, have been promised the bonuses but their payments will have to come from a source other than the ARPA funds.

4. The extent to which establishing positions for part-time officers who have obtained Level I or II certification may assist with staffing needs. I am not supportive of hiring Level I or Level II officers. I believe that the pacing of policing in Burlington exceeds their scope. Furthermore, the difference between Level I, Level II, and Level III officers is generally their respective ability to be accepted into and complete the VPA and its demanding physical and academic curriculum. Level III officers must be able to meet those standards, which are the minimum we expect for our officers. (After all, subsequent to the VPA, the BPD puts its officers through the longest field training program in Vermont—at least 580 hours.)

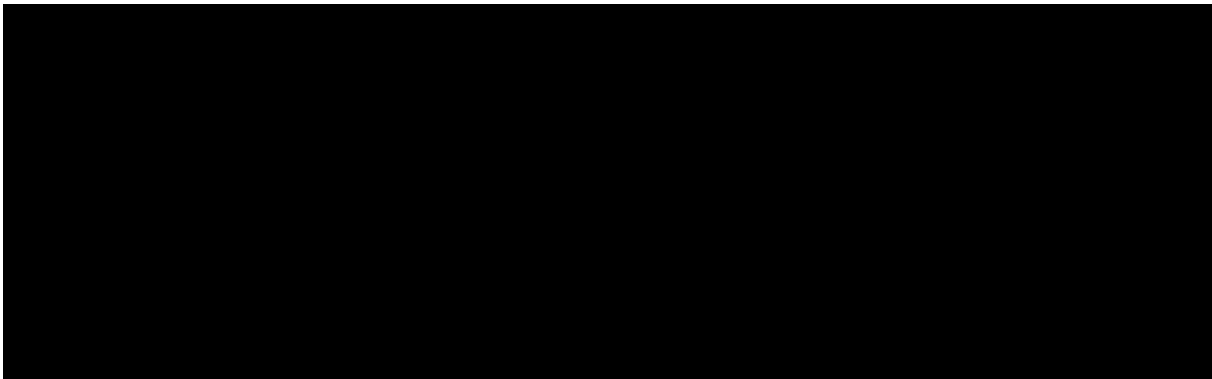
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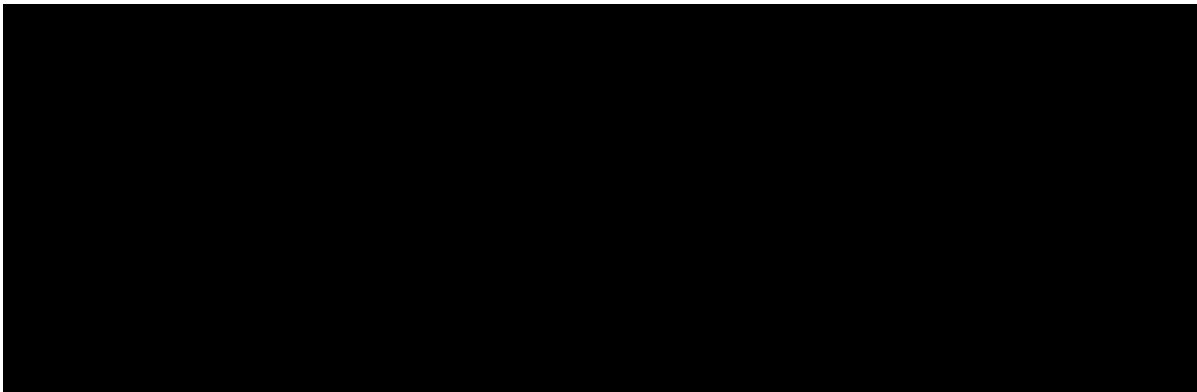
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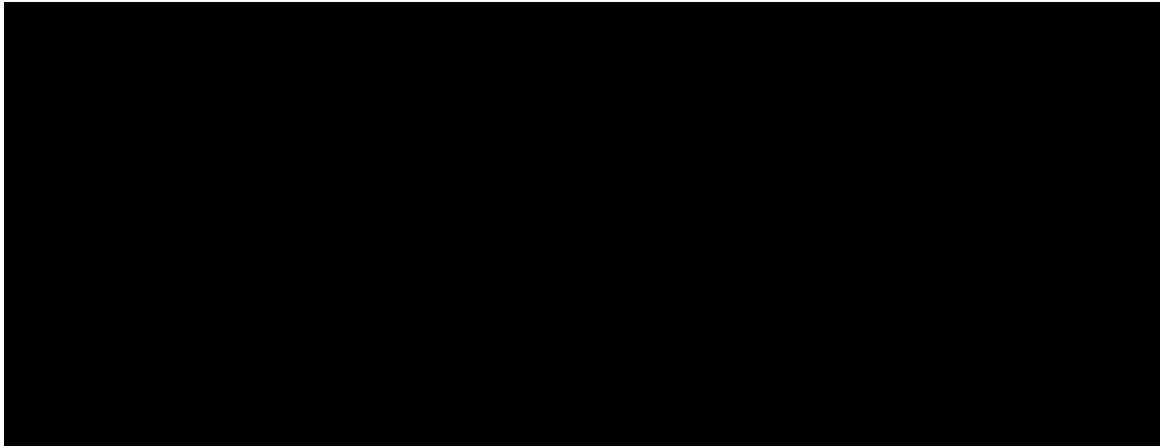
6. The extent to which Vermont’s residential training academy affects recruitment efforts. Mayor Mulvaney-Stanak notes that the Vermont Criminal Justice Council, which runs the VPA, is currently seeking a Project Manager for Alternative Paths to Law Enforcement Officer Certification. The VCJC seeks to facilitate establishing a non-residential alternative to the residential VPA. The VCJC anticipates the project manager will implement all aspects of this project over approximately four years.³¹



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³¹ See <http://vcjc.vermont.gov/about-us/rfp>



E. A PROPOSED TIMELINE FOR THE BURLINGTON POLICE DEPARTMENT TO FULLY STAFF UP TO THE REVISED STAFFING LEVELS RECOMMENDED IN RESPONSE TO THIS RESOLUTION. As I noted in the Executive Summary, an optimistic but achievable projection shows reaching 84 sworn officers is possible by the end of FY28. (See Chart 08 on the next page)

The projection in Chart 08 accounts for 13 known/anticipated separations or tenure retirements (i.e., two officers currently on terminal leave, myself, two officers currently eligible to retire, and eight officers who will become eligible for a 20-year service retirement prior to the end of FY28 on June 30, 2028). The projection assumes that there will be another nine unknown separations during the period, for a total of 22 separations.

The projection assumes that the agency will be able to hire a new Chief of Police and two new deputy chiefs. Finally, the projection assumes that the BPD will hire two recruits and one lateral officer in the remainder of FY25, ten recruits and four laterals in FY26, 11 recruits and two laterals in FY27, and ten recruits and two laterals in FY28. For context, the BPD hired nine recruits and three laterals in FY23, and six recruits and five laterals in FY24. Some good news is that there will be no tenure retirements in Calendar Year 2027, which could provide room to regain momentum. That said, with the way officers currently feel, 2027 seems a long way off.

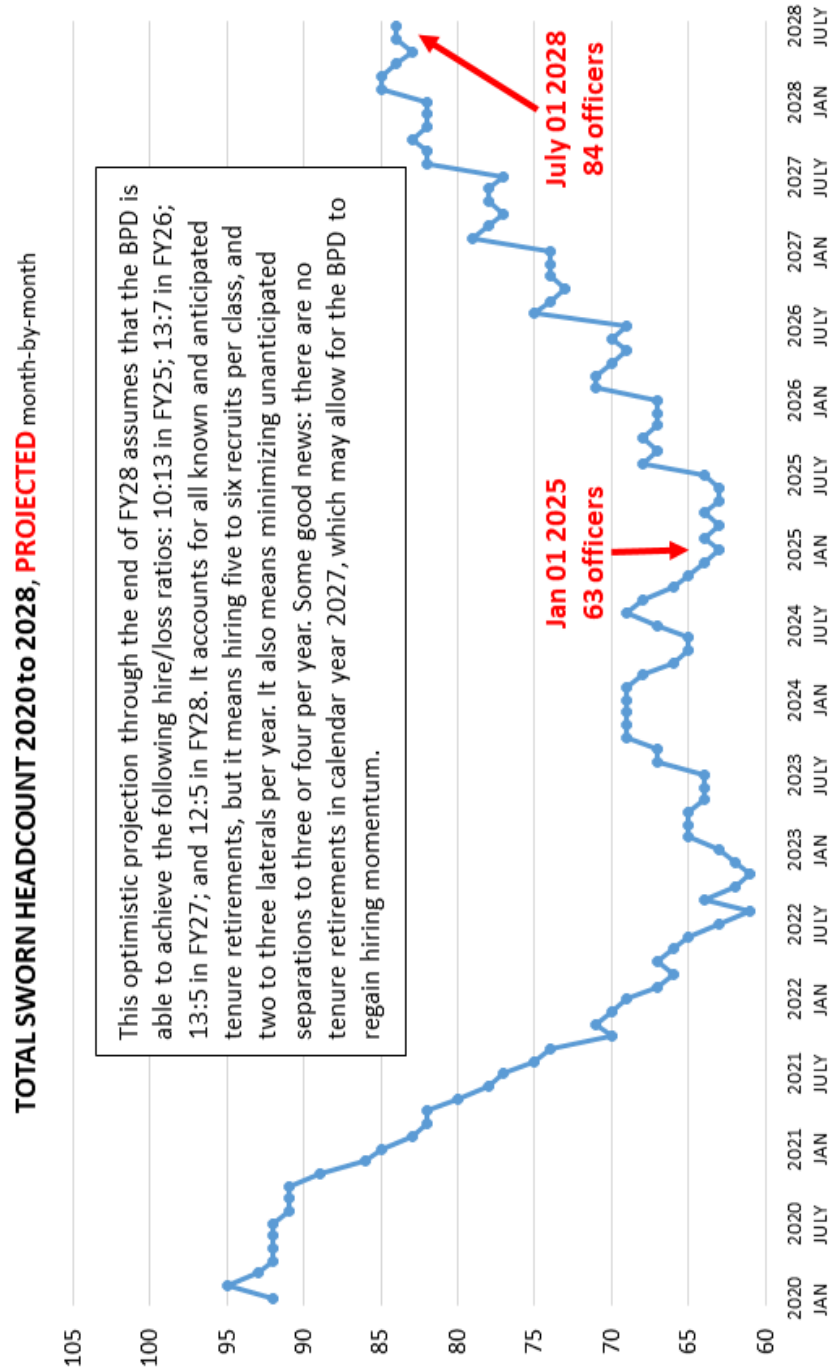
In short, the hiring-to-loss ratios have been, are, or are projected to be:

Historic: FY22 3:17, FY23 13:12, FY24 11:8

Current: FY25 10:13

Projected: FY26 13:7, FY27 13:5, FY28 12:5

Chart 08



With regard to a roadmap to achieving a return to staffing in the mid 90s, it's an open question. Part of the pattern shown immediately above involves what Jim Collins in "Good to Great" might call "the flywheel"—that is, the magic of momentum. It's a sense of forward motion that becomes self-reinforcing. If, in FY29 and FY30, the BPD could maintain a hiring pace similar to that projected for FY26 to FY28—that is, netting six or seven officers per year—it could potentially achieve 95 by the end of FY30.

Chart 09, however, shows that over the past 15 years the BPD's best net growth has been five. The optimistic projection above requires the BPD to exceed its best-ever year repeatedly for five years in a row. A glummer but possibly more realistic projection would essentially double the time to recovery: headcount in the 80s by FY30, and in the 90s by FY35.

Some good news here is that, while FY25 through FY27 have seen / will see 11 officers become eligible for service retirements, FY28 through FY30 will only see five officers reach the same milestone. In fact, no officers reach tenure in FY30. This may provide additional breathing room to regain momentum. (See Chart 10)

	IN	OUT	DELTA
2010	8	8	0
2011	13	4	9
2012	4	5	-1
2013	13	8	5
2014	12	11	1
2015	10	8	2
2016	13	11	2
2017	9	9	0
2018	12	18	-6
2019	13	12	-1
2020	5	12	-7
2021	1	17	-16
2022	7	13	-6
2023	13	9	4
2024	7	13	-6

Chart 09

# OFFICERS TENURE ELIGIBLE			
FY24	3	CY24	4
FY25	6	CY25	5
FY26	4	CY26	3
FY27	1	CY27	0
FY28	3	CY28	3
FY29	2	CY29	2
FY30	0	CY30	2

Chart 10

Maintaining momentum is easier conceived than done, however, as the drop from 2023 to 2024 attests. The police profession is fraught, and the possibility of a terrible incident, here or far away, and the return of the fervor that affected the nation in 2014 or in 2020 regarding police and police reform is always there.

Could the BPD get to 95 sworn as shown in Appendix 11, by the end of FY28? How many officers would the city need to hire? We will begin 2025 with 63 sworn, meaning the BPD needs 32 officers, net, to get to 95. But we know of 13 separations between now and then, so the BPD actually needs 45 officers. Furthermore, we have to factor in additional losses at the VPA or during field training or among officers who otherwise chose to leave. Chart 03 on page nine suggests that, over the long-term, we should plan for an average loss rate of 64%, although that chart's data are affected by the exodus following the City Council's June 2020 vote. Picking a more reasonable loss rate of 40%, which approximates the pre-2020 rate, yields 18 officers of 45. That means

that, to grow from 63 to 95 the BPD would actually need to hire 63 more officers (32 + 13 + 18). Could it do so?

In the category of “wish fulfillment,” our relatively modest goals (compared to Seattle’s need for more than 700 officers, say) could almost certainly be obtained within a shorter time frame if Burlington aggressively advertised. Returning to the “cheap, good, or fast—pick two” maxim, would there be an appetite for a multi-million-dollar ad buy if it could promise to get us to 95 police officers in a few years? There’s no advertising firm that can make such a promise, of course, and the business maxim is balanced by the Madison Avenue maxim: “half the money you spend on advertising is wasted, you just don’t know which half.” Nevertheless, the projection articulated above could be accelerated with sufficient spending.

It should be noted, however, that it would be highly unlikely that the VPA or the BPD’s Field Training Officers could accommodate 63 hires in 30 months. This would mean recurring recruit classes of seven or eight (a number the BPD has never sent to the VPA, which has limited space and only allots a certain number of seats to each agency) and four to five laterals per year, or smaller recruit classes but as many as ten laterals per year. The option that relies more heavily on laterals would potentially be more feasible for the VPA and our FTO program.

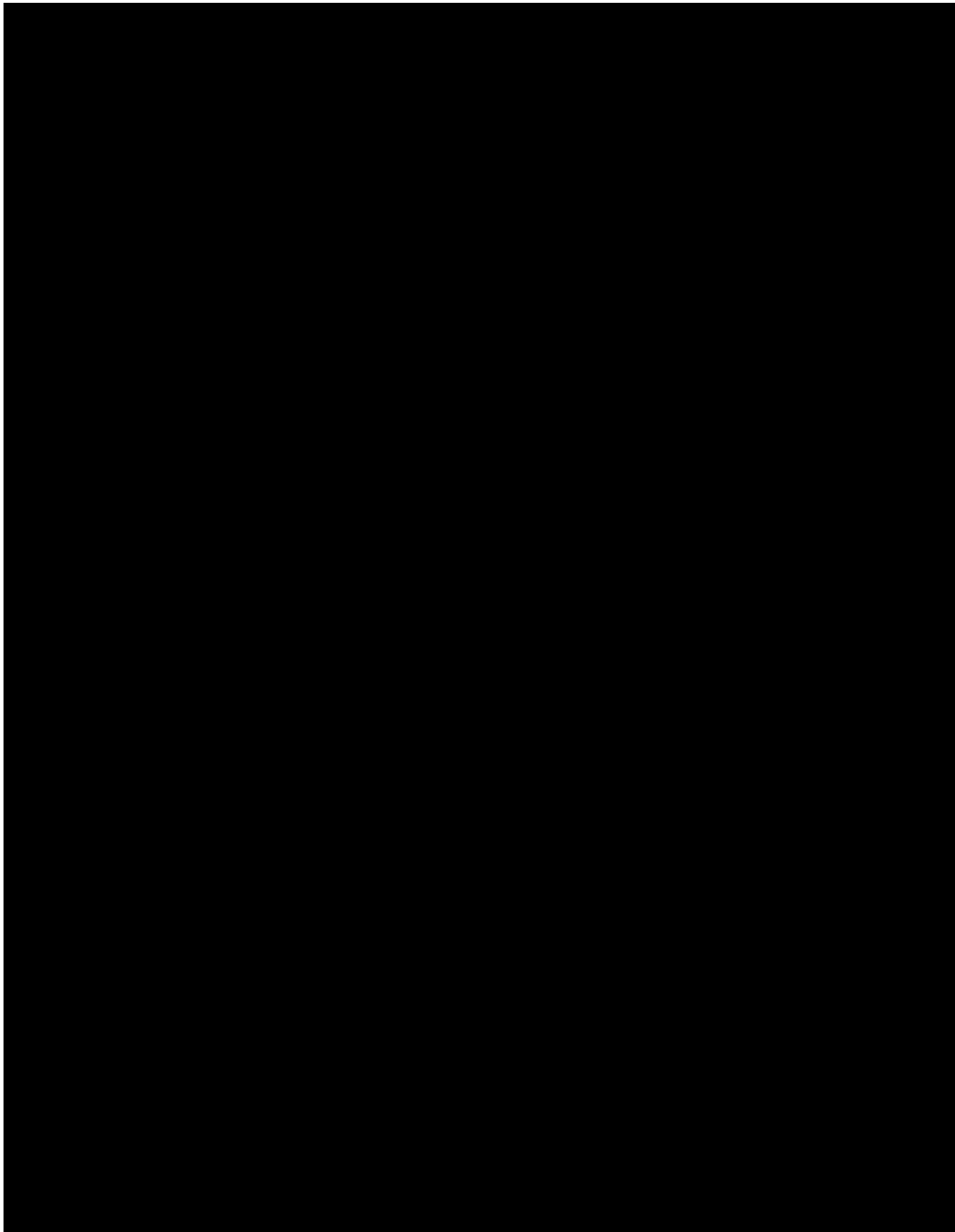
F. RECOMMENDATIONS ON WHAT TEMPORARY SUPPORTS ARE AVAILABLE TO ASSIST

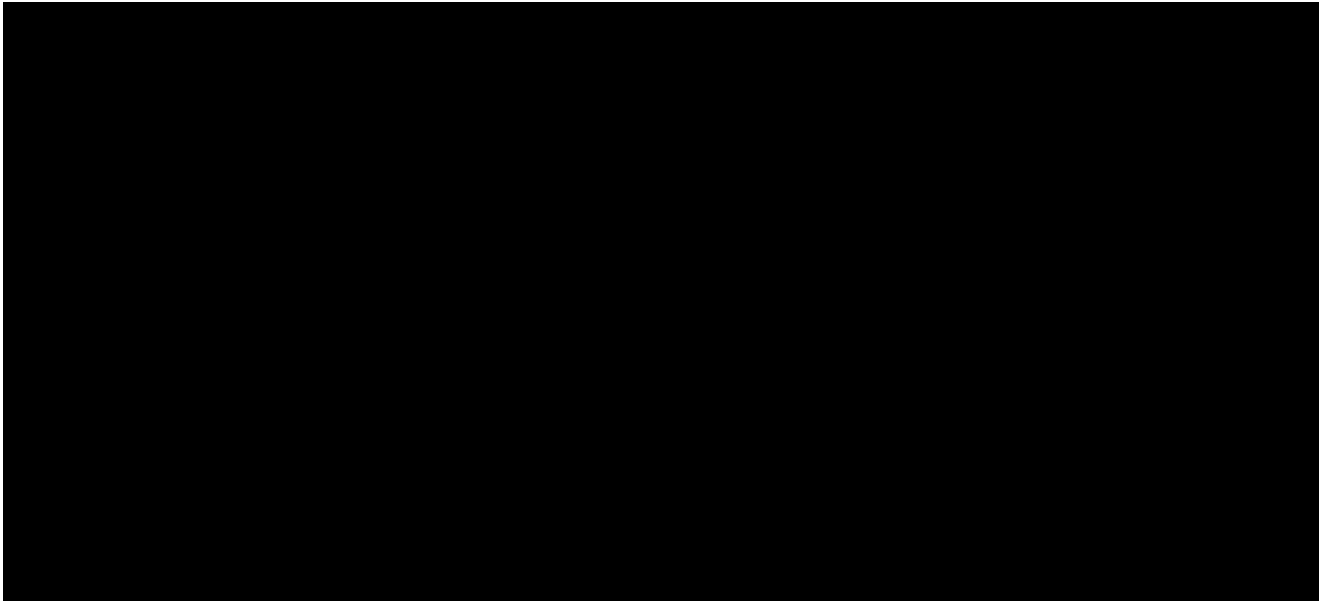
BURLINGTON. At the recent All In, and again at last month’s Police Commission meeting, I discussed the efforts we have already undertaken to ease workload, or make it more efficient. This includes linking our computer-aided dispatch system, Valcour, to our AXON body-worn cameras to reduce data entry via simplified tagging and a return to “see AXON” for certain “CFS non-event” incidents. It also includes using pre-charge referrals when appropriate, as per a new MOU with the Community Justice Center. And it includes simplified administrative tasks using a new system called Lefta, procured by Executive Manager Trammell. For his part, Deputy Chief of Administration Brian LaBarge, a seasoned investigator who oversees DSB, is ensuring that all burglaries, robberies, and aggravated assaults that are not solved by patrol on the shift will be assumed by DSB.

The BPD has benefited tremendously from the partnership of the Burlington Fire Department and their absorption of most overdoses. The BPD no longer goes to all ODs, although it still tracks them when they’re reported via 9-1-1. Instead, police go when there’s a safety element other than the medical overdose or a criminal element other than the drug possession.

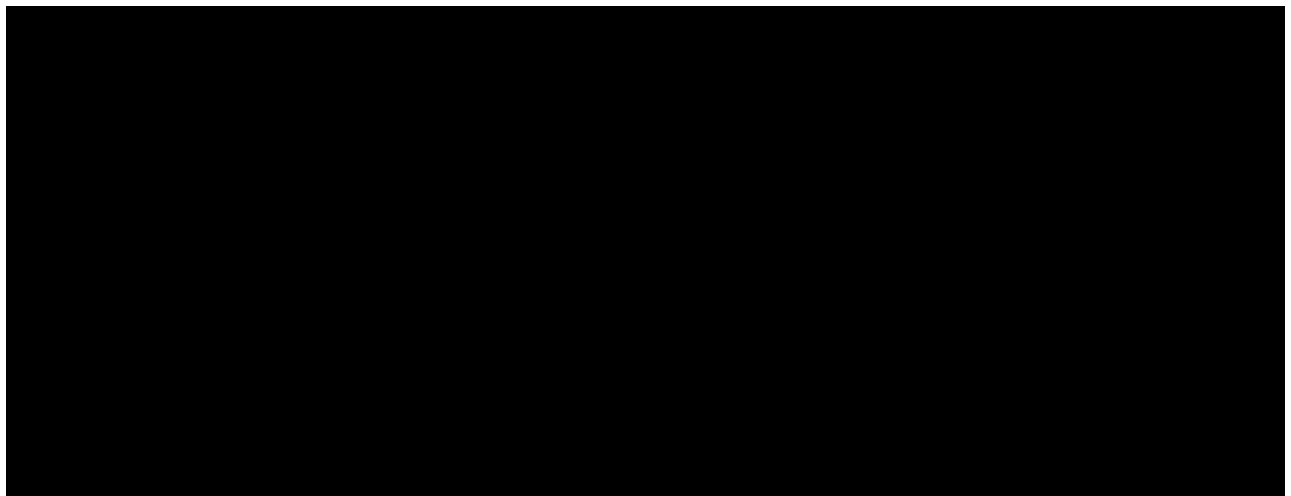
Additional avenues that other agencies have explored include “Drone as First Responder” programs, in which drones are used to assess scenes prior to officers’ arrival, and sometimes confirm that a police response is not necessary. Implementing a program here would provide another avenue for both officer career path and, potentially, civilianization.

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G. A PROPOSED SCHEDULE FOR THE BURLINGTON POLICE DEPARTMENT TO PROVIDE THE CITY COUNCIL REGULAR UPDATES ON STAFFING LEVELS, RECRUITMENT BENCHMARKS, AND RETENTION RATES. Every month I provide our staffing levels—which reflect both hiring and retention—to the Police Commission, the City Council, and the public via the monthly Chief’s Report to the Police Commission.

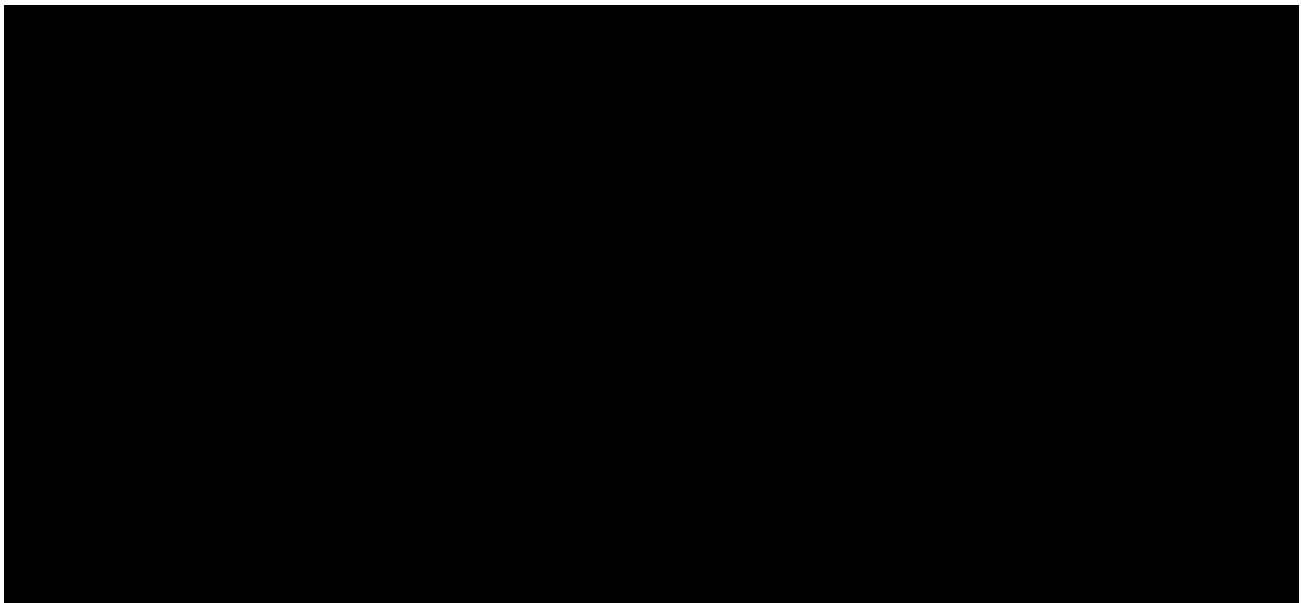


IV. RETENTION

One thing not explicitly mentioned in the point-by-point is retention. Retention is the foundation. If current officers cannot be retained, the police department will fail. With effective staffing at 58, every loss has an outsized impact. In the face of this, officer wellness is incredibly important. I have tried to maximize officers through development; minimize exhaustion by minimizing calls; and avoid ordered overtime, but the fact that four officers to a shift has become the new normal is taking a toll.

Of the 58 separations the BPD has experienced since the Racial Justice resolution, 26 employees have left the BPD for other law-enforcement agencies. Eighteen have been tenure retirements, in which the employee attained 20 years of service or more before leaving. Of those 18, six were among the 26 officers who separated and went to other police agencies, suggesting they still had gas in the tank and might have stayed but for some combination of factors. (For a tenure-based breakdown of all separations, see Appendix 01) Fifteen more officers will reach retirement eligibility by 2030. What can be done to keep some of them past 20 years? What can be done to keep ALL our officers? A strong contract is key, but there are other options, as well.

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B. TRAINING. From an administrative perspective, allowing officers to attend training is beneficial for officer wellness and training standards, but it can be challenging for operational staffing. Every officer attending training is an officer who's not on the road answering calls for

³⁴ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/final-report-presidents-task-force-21st-century-policing>

³⁵ <https://www.police1.com/iacp/iacp-2024-quick-take-how-the-rapid-city-police-department-turned-the-tide-on-recruitment-and-retention>

service. That said, it's worth the challenge, both for what the officers gain and for what the city gains as training helps officers grow and develop. Last year the BPD sent employees to programs like: wellness training, ALERRT active shooter, IA Investigations, Conflict Resolution, Gang Investigations, Reid Technique, mindfulness for the Crisis Negotiation Unit, Cybercrime & Digital Evidence, LLIM instructor, and others. Executive Manager Trammell worked with Mayor Mulvaney-Stanak to increase the FY25 training budget by 46%, to \$160,000. We have a number of goals, and have already accomplished some, including sending multiple employees on a first-ever "field trip" to the annual IACP conference in Boston.

C. SUPERVISORS. Another retention tool hinges on supporting our supervisors. Earlier, I described the multiple vacancies in our supervisor ranks. (See Appendix 04) This has caused two problems. The workload under which sergeants currently toil, with five sergeants instead of 11, means that they are exhausted—but it also discourages non-supervisory officers from attempting to promote. This, in turn, perpetuates the current sergeants' workload. One proposal to address this, to incentivize officers into promotion, and to improve retention is to address the salary compression that exists among the ranks. Supervisors in the BPD are compensated according to the Police Unified Pay Scale, or PUPS, which was created by Chief Michael Schirling and adopted by the City Council in 2014. The PUPS pegs supervisors' salaries to the salary negotiated by the BPOA. It's simple and effective, but after a decade it needs

FY25		FY26	
PO Step 15	\$99,324.96	PO Step 15	\$99,324.96
Sgt 1 6.0%	\$105,284.46	Sgt 1 8.0%	\$107,270.96
Sgt 2 1.5%	\$106,863.72	Sgt 2 1.5%	\$108,880.02
Sgt 3 1.5%	\$108,466.68	Sgt 3 1.5%	\$110,513.22
Sgt 4 1.5%	\$110,093.68	Sgt 4 1.5%	\$112,170.92
Sgt 5 1.5%	\$111,745.09	Sgt 5 1.5%	\$113,853.48
		Sgt 6 1.5%	\$115,561.29
		Sgt 7 1.5%	\$117,294.71
Lt 1 6.0%	\$118,449.79		
Lt 2 1.5%	\$120,226.54	Lt 1 8.0%	\$126,678.28
Lt 3 1.5%	\$122,029.94	Lt 2 1.5%	\$128,578.46
Lt 4 1.5%	\$123,860.38	Lt 3 1.5%	\$130,507.13
		Lt 4 1.5%	\$132,464.74
DC 1 8.0%	\$133,769.22		
DC 2 1.5%	\$135,775.75	DC 1 10%	\$145,711.21
DC 3 1.5%	\$137,812.39	DC 2 1.5%	\$147,896.88
DC 4 1.5%	\$139,879.58	DC 3 1.5%	\$150,115.33
		DC 4 1.5%	\$152,367.07

Chart 11

adjustment. Chart 11 compares the current FY25 PUPS to a *proposed version* of an FY26 PUPS. The larger percentage increases, from 6% to 8%, could incentivize promotion and retention. The greater number of Sergeant steps, from five to seven, could address another challenge we currently have: five of six lieutenant spots are currently filled and none of the five is expected to retire prior to 2031. If we successfully hire two outside deputy chiefs, we can anticipate very little movement in the sergeant-to-lieutenant progression for the next several years.

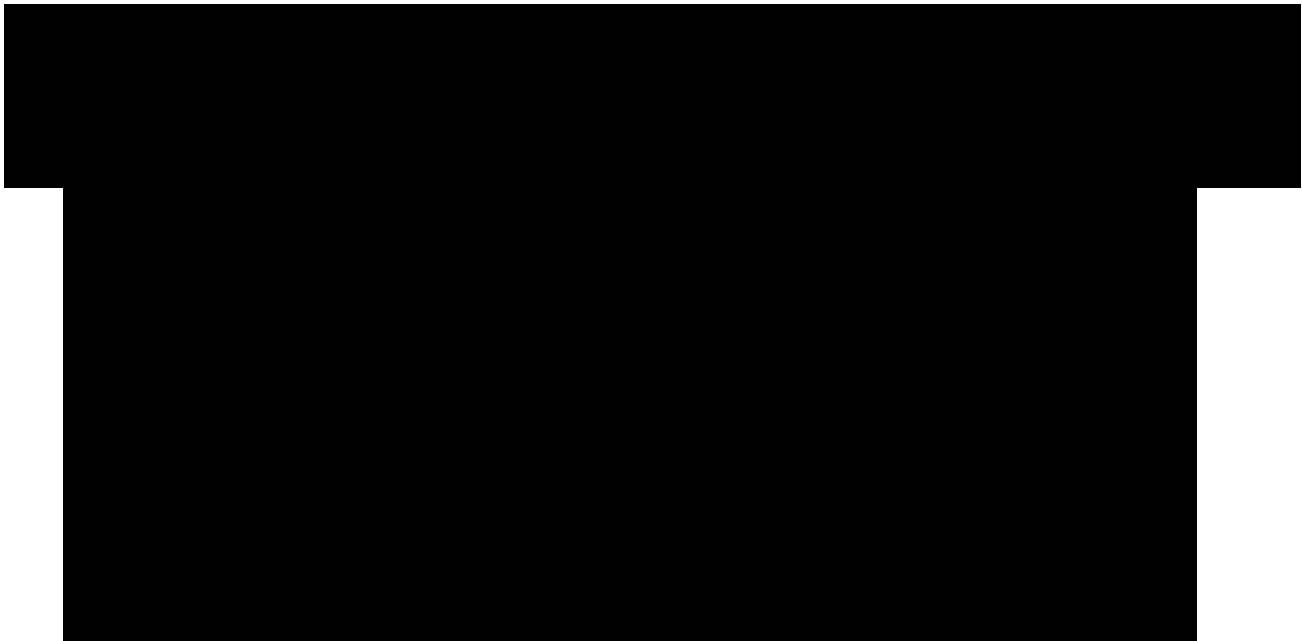
With regard to attracting new deputy chiefs, this adjustment could also make that salary more competitive as well. (For more information on supervisor and officer tenure, see Appendix 17)

D. RECONCILIATION. Of our 64 sworn officers, 72% were on staff during the Defund the Police movement. One of the most important retention tools would be for the City of Burlington to make a formal apology for and repudiation of lines 51 to 53 of the 2020 Racial Justice resolution.³⁶ This could be accompanied by a Council / BPOA pledge to work together to rebuild the police department to 105 sworn officers. Compared to new contracts, bonuses, incentives, and adjustments to the PUPS, this is the least expensive and possibly most effective retention tool, because it costs nothing and will have immediate impact.

³⁶ “BE IT FURTHER RESOLVED that the Burlington Police Department decrease through attrition, allowing officers to elect of their own accord to retire or leave for other reasons, the maximum total number of uniformed police officers by 30% from 105 to 74 uniformed officers” from the *Resolution Relating to Racial Justice Through Economic and Criminal Justice*, June 29, 2020, lines 51 to 53.

V. REBUILDING

The BPD's most important project is rebuilding. This means continuing to hire new dispatchers, CSOs, and CAIP members, and other professional staff, but, most pressingly, it means retaining the dedicated sworn police officers we have and adding experienced lateral officers and new police recruits to that foundation. Rebuilding also means addressing our facility. For BPD headquarters, it's past time for an overhaul or a wrecking ball. On this topic, Mayor Mulvaney-Stanak has been compellingly clear that both One North Avenue and Fire Station One need effective replacements, and about her vision for a new building.



Redacted 1 V.S.A. 317(c)(15)

B. LOOKING FORWARD. Six years ago, I applied for a deputy chief position in the BPD. I did so because my family and I wanted to move to Vermont, and return to the city in which I was born. But I also did so because the BPD was a stellar, forward-thinking, innovative agency. I took a 60% paycut to take the job and didn't regret it. My 15 months as a deputy chief had the best work/life balance of my career. I loved being part of such a responsive, connective, and effective agency. Then came the calls to "Defund the Police." Four years of crisis have necessarily affected how responsive and connective the BPD can be, and how much it can do. But the people who are its heart are still among the best police officers and police employees in the nation. I truly believe that there is a path by which the agency can return fully to what it was. That optimism is not about seeing the glass as half full rather than half empty. It's about seeing the glass for what it is and believing we can fill it up. The agency's legacy—and the work its people do, every day—show that the BPD can and will continue to meet its mission of keeping people safe, by preventing crime and disorder, with and for the community. With the support of that community, we can do more than continue, we can rebuild, so that every call for service becomes a chance to make Burlington safe and fair, everywhere for everyone.

VII. APPENDIX

Appendix 01: Exit Questionnaire Overview

From July 01, 2020, through October 15, 2024, there have been 57 separations of sworn police officers from the BPD. During this same period, the BPD has hired 30 sworn police officers.

Among the 57 separations there were 56 people (one employee separated twice). Of the 56, there were 50 men and 6 women. Of the 56 people, 48 have been white, three have been Asian, three have been Black, and two have been Hispanic.

The graph at right shows the tenure distribution for the separations.

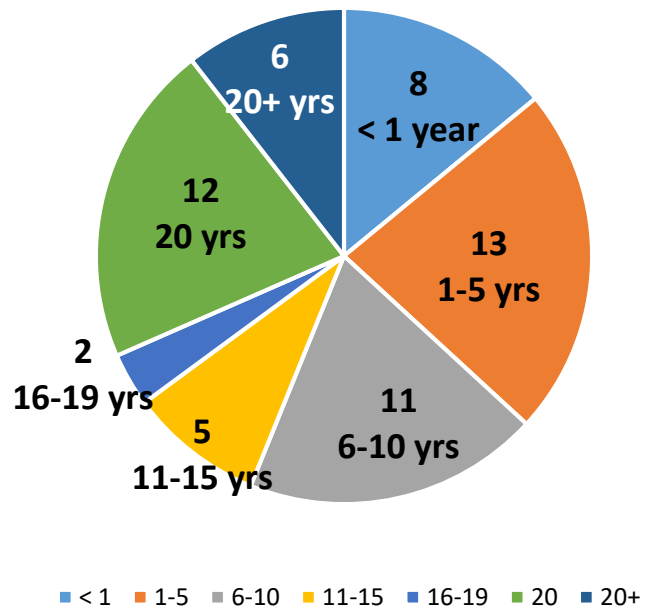
Four separations happened while the employees were at the Vermont Police Academy (VPA), and five happened while employees were on field training.

Two separations were the result of terminations for cause, and another occurred while the employee was suspended.

Twenty-seven officers found employment with other federal, state, or municipal law-enforcement agencies. But in four of those 27 instances, employees who separated and moved to other law-enforcement agencies ultimately returned to the BPD—and all four of those are currently employed at the BPD.

In two instances, employees who separated were transitioned into a Community Service Officer (CSO) role to undergo additional training while remaining employed by the BPD. Both those officers-turned-CSOs were later rehired as sworn police officers.

Years of Service at Separation



THIRTY-FIVE EXIT QUESTIONNAIRES

When employees separate from the BPD, the BPD provides an exit questionnaire. (Note: Ten separations occurred under circumstances in which the questionnaire was not used, such as

failure at the VPA, termination for cause, medical separation, etc.) Not all employees fill out the questionnaire, or every field in it. The following contains responses from 35 questionnaires, or 75% of questionnaire-eligible separations. In addition to numerical ratings questions, the questionnaires have seven fields in which employees may offer written comment.

REASON FOR LEAVING (mark as many as apply)

REASON	Total # responses in this category
1. Secured a different job	18
2. Dissatisfied with pay	0
3. Moving from area	7
4. Family circumstances	5
5. Health reasons	2
6. Dissatisfied with type of work	6
7. Dissatisfied with supervisor	0 (one respondent crossed out "supervisor" and replaced it with "city leadership")
8. Dissatisfied with co-workers	0
9. Other	25

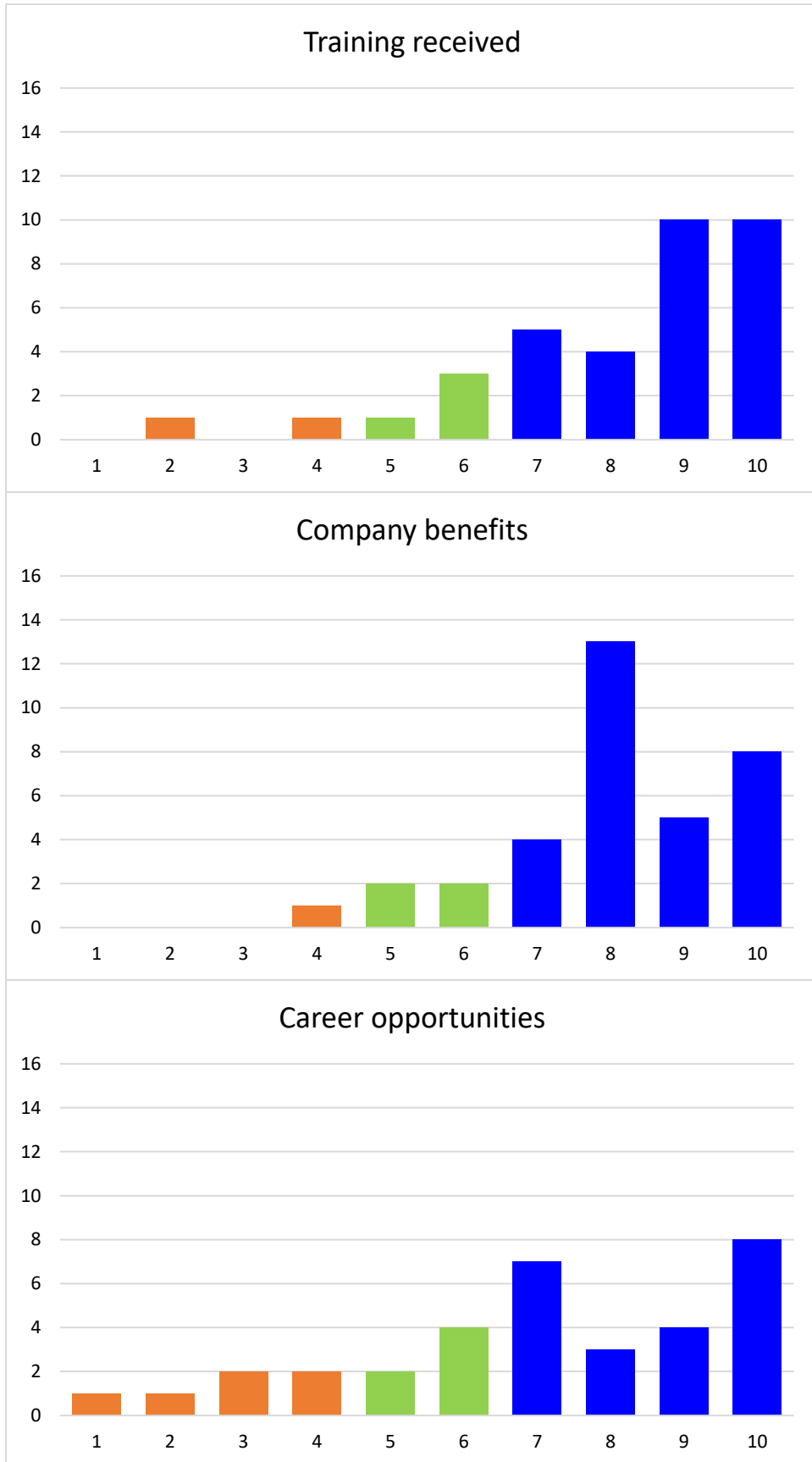
RATING SECTION

Please use the following ratings for the following section:

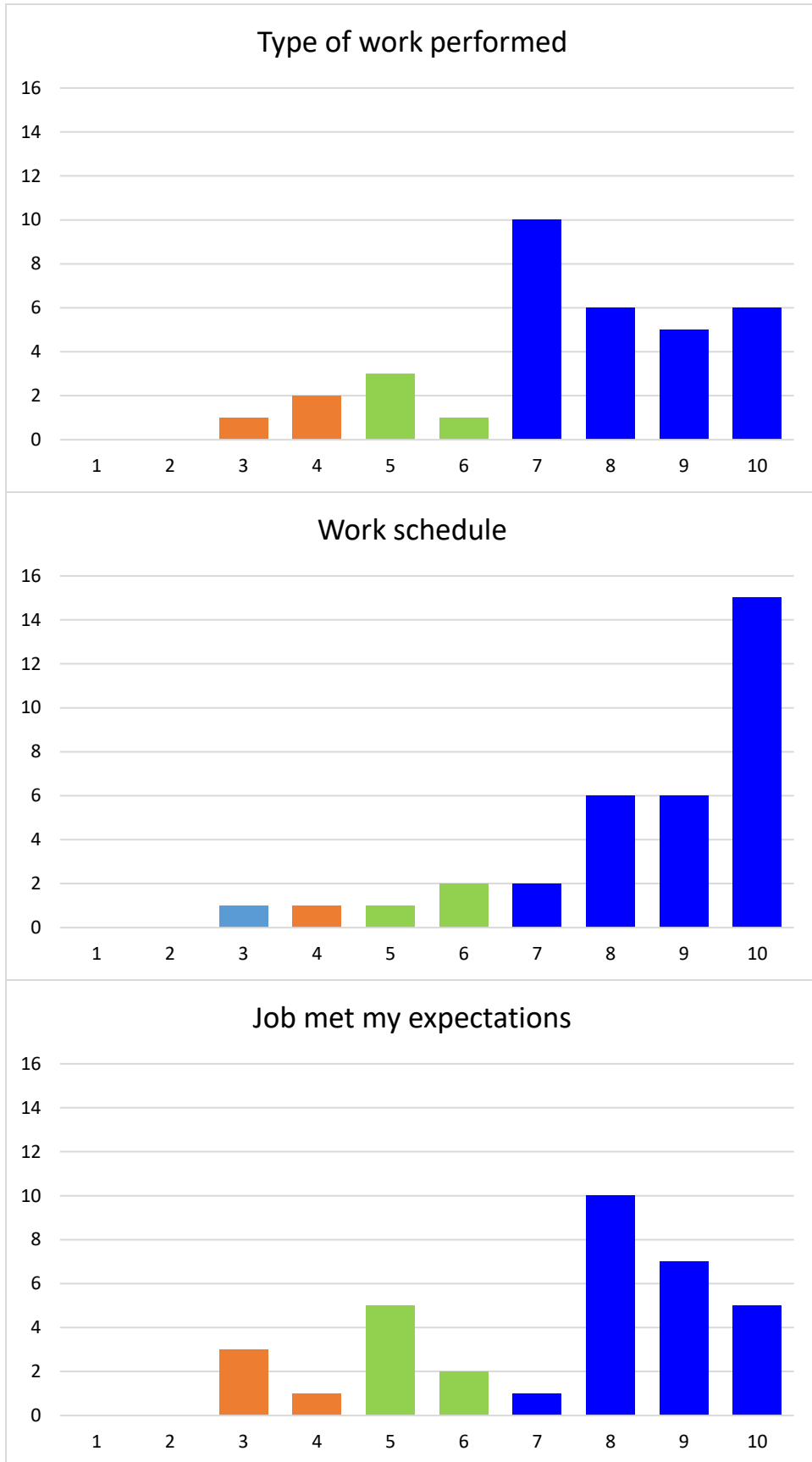
Not Satisfied – 1 2 3 4 // **Acceptable – 5 6** // **Satisfied 7 8 9 10**

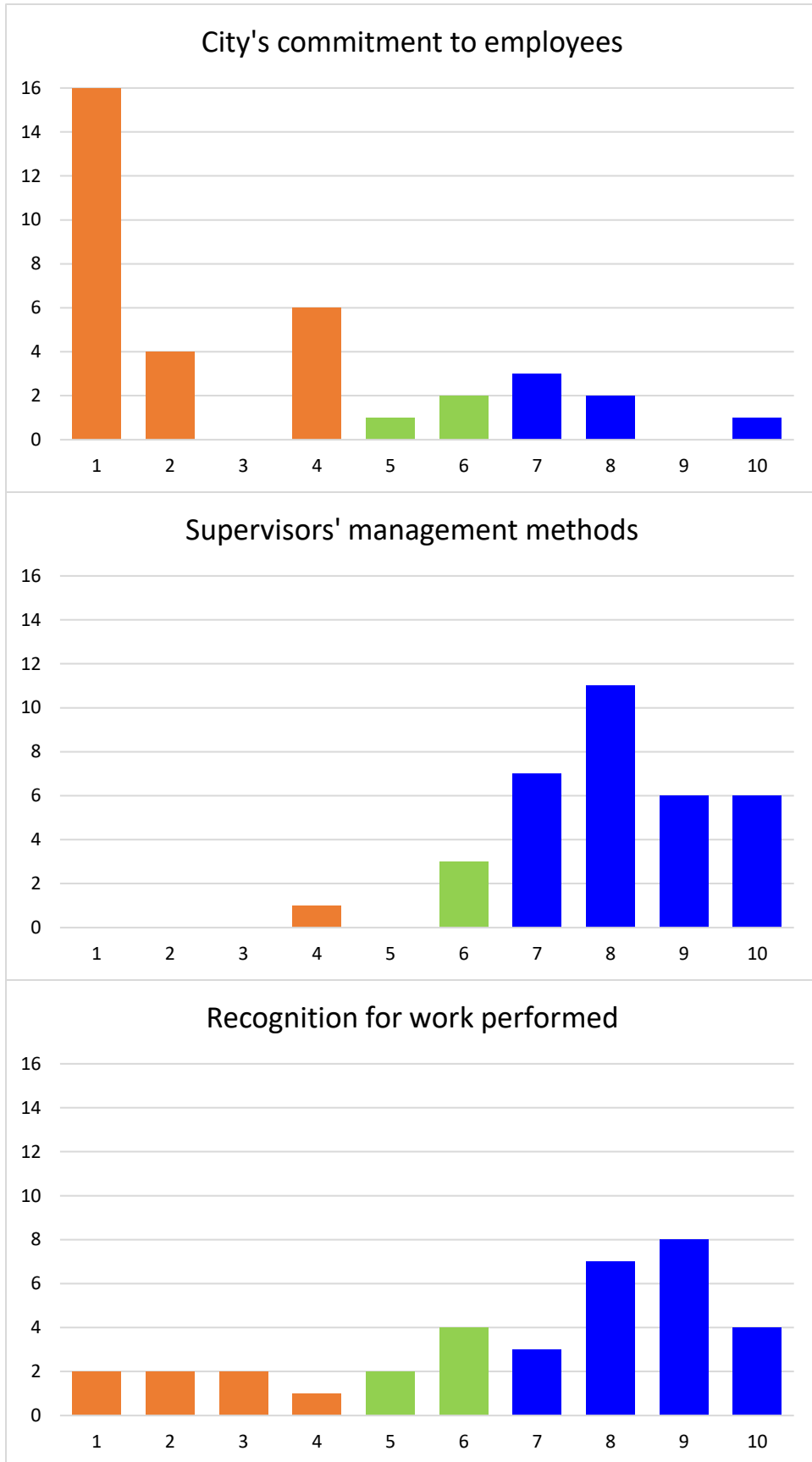
RATINGS	1	2	3	4	5	6	7	8	9	10
Training received	0	1	0	1	1	3	5	4	10	10
Company benefits	0	0	0	1	2	2	4	13	5	8
Career opportunities	1	1	2	2	2	4	7	3	4	8
Supervision received	0	0	0	0	0	1	7	13	9	5
Working conditions	1	3	7	2	4	2	5	5	2	3
Pay for work required	0	0	3	2	4	6	7	4	4	5
Type of work performed	0	0	1	2	3	1	10	6	5	6
Work schedule	0	0	1	1	1	2	2	6	6	15
The job met my expectations	0	0	3	1	5	2	1	10	7	5
City's commitment to employees	16	4	0	6	1	2	3	2	0	1
Supervisor's mgt methods	0	0	0	1	0	3	7	11	6	6
Recognition for work	2	2	2	1	2	4	3	7	8	4
Respect for work	7	1	1	0	5	5	3	3	6	3

[Each cell shows the number of employees who selected the respective rating for the respective category. The results for each question are represented graphically on the following pages. Some employees left some ratings categories blank; totals may not sum equally]





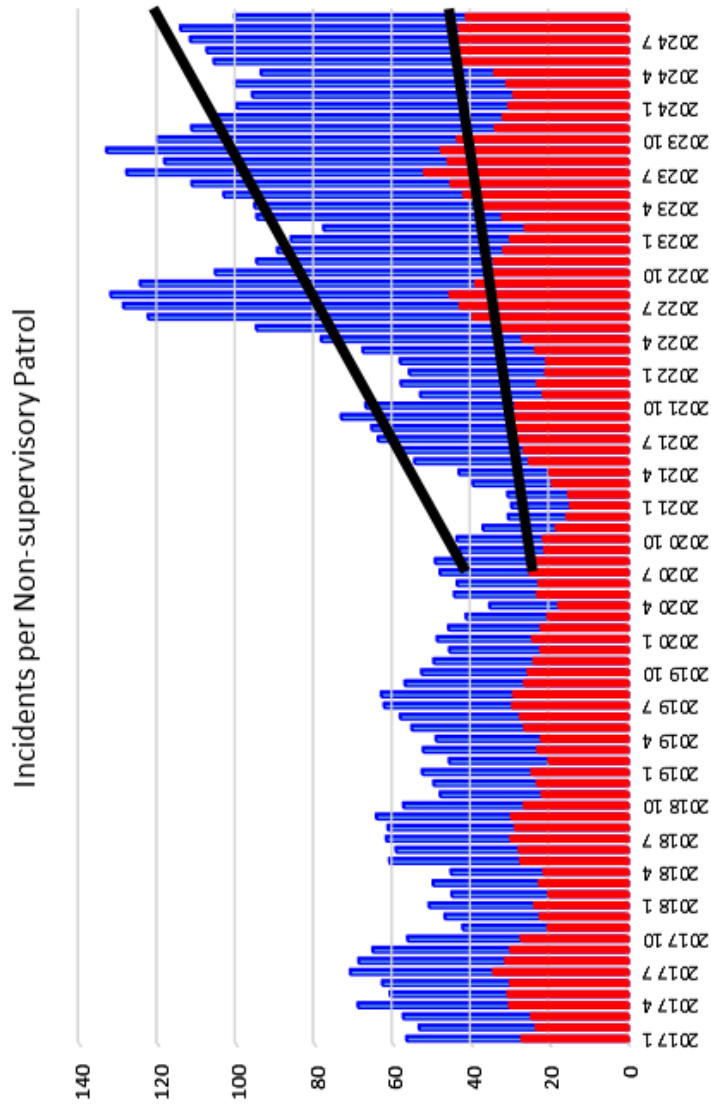






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Appendix 02: Headcount vs Incident Volume



Because headcount has fallen while incidents have risen, some officers are handling three times as many incidents. This graph compares month-by-month incident volume to month-by-month sworn officer headcount. It shows **incidents-per-officer for all sworn (red)** versus for **non-supervisory sworn on patrol (blue)**. The majority (>75%) of incidents are answered by non-supervisory patrol officers. Other incidents are answered at the airport, by detectives, by supervisors, or by CSOs and CSLs. (For example, CSOs were the primary officer on 16% of incidents in 2022, 12% in 2023, and 13% so far in 2024.) Therefore the true burden on sworn patrol officers lies somewhere between the red—a 100% trendline increase—and the blue—a staggering 200% trendline increase.

Appendix 03: Peer-reviewed academic studies demonstrating more police mean less crime.

Devi & Fryer, 2020, "Policing the Police: The Impact of 'Pattern-or-Practice' Investigations on Crime." Federal pattern-and-practice investigations that were preceded by "viral" incidents of deadly force have led to a large and statistically significant increase in homicides and total crime. The authors estimate that these investigations caused almost 900 excess homicides and almost 34,000 excess felonies. The leading hypothesis for why these investigations increase homicides and total crime is an abrupt change in the quantity of policing activity—i.e., police withdrawal.

Mello, 2019, "More COPS, Less Crime." By studying the natural experiment provided by the Great Recession and the effect of the American Recovery and Reinvestment Act's impact on funding for the Community Oriented Policing Services (COPS) hiring grants, this shows that, relative to low-scoring cities, those above the cutoff experience increases in police of about 3.2% and declines in victimization cost-weighted crime of about 3.5% following the distribution of hiring grants. The effects are driven by large and statistically significant effects of police on robbery, larceny, and auto theft, with suggestive evidence that police reduce murders as well.

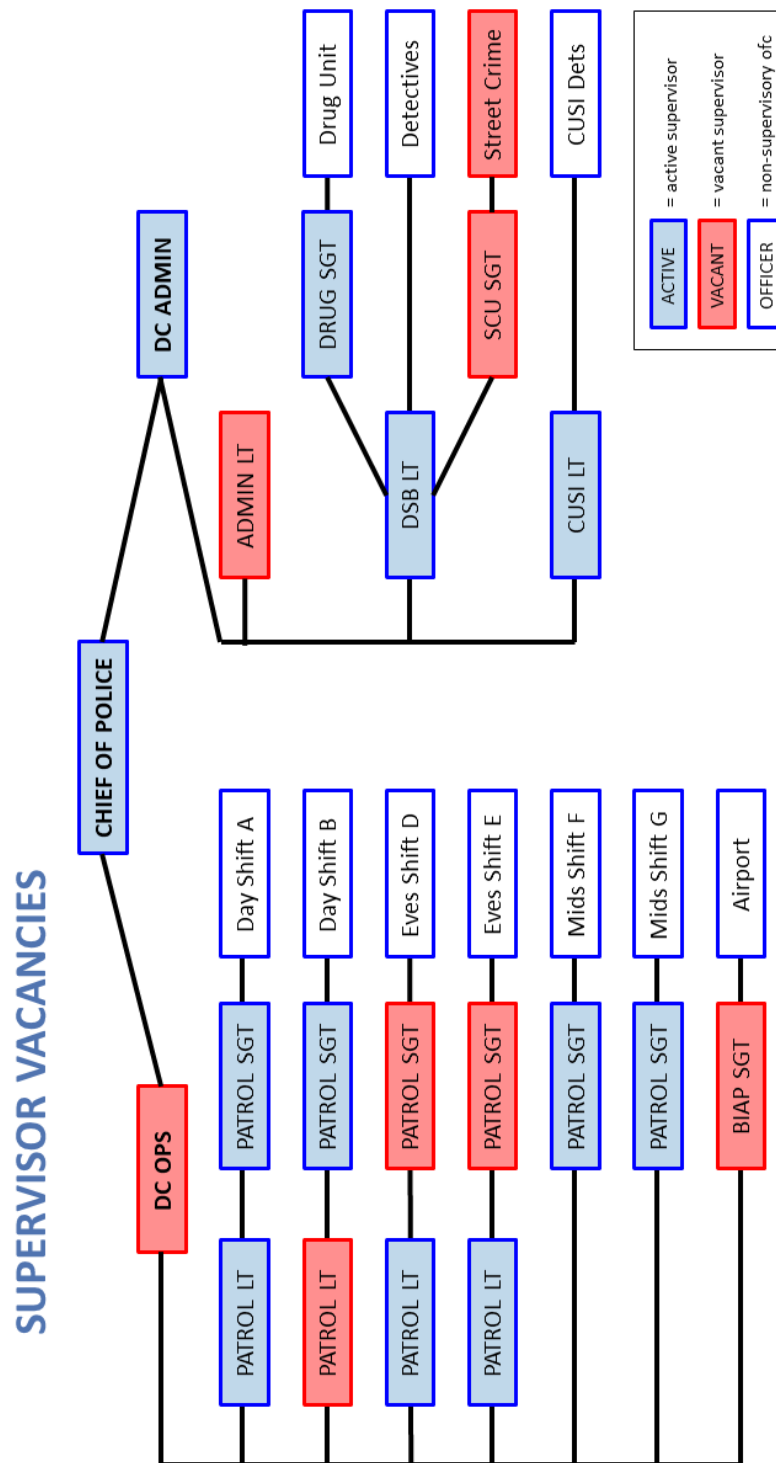
Cheng & Long, 2018, "Improving police services: Evidence from the French Quarter Task Force." The New Orleans French Quarter Task Force (FQTF), which increased police visibility in the French Quarter, reduced robberies, aggravated assaults, and thefts by 37.4%, 16.9%, and 13%, respectively. Second, our findings imply that the proper use of monitoring and incentive strategies has the potential to further improve police services.

Vidal & Kirchmaier, 2017, "The Effects of Police Response Time on Crime Clearance Rates." Shows a causal relationship between faster response times and better clearance rates; demonstrates response times are affected by staffing.

MacDonald & Grunwald, 2012, "The Effect of Privately Provided Police Services on Crime: Evidence from a Geographic Regression Discontinuity Design." Research demonstrates police reduce crime; in Philadelphia, extra police provided by the university generated approximately 45-60% fewer crimes in adjacent city blocks. Police cars spent as much as one extra hour per shift in each of the treatment areas. The study found that treatment areas experienced a 6-13% reduction in crime, with the largest effects observed for disorder violations.

Klick & Tabarrok, 2005, "Using Terror Alert Levels to Estimate the Effect of Police on Crime." Using daily crime data during the period the terror alert system has been in place, the authors show that the level of crime decreases significantly, both statistically and economically, in Washington, D.C., during high-alert periods.

Appendix 04: Supervisor Vacancies



Appendix 05: Deputy Chief Prospectus



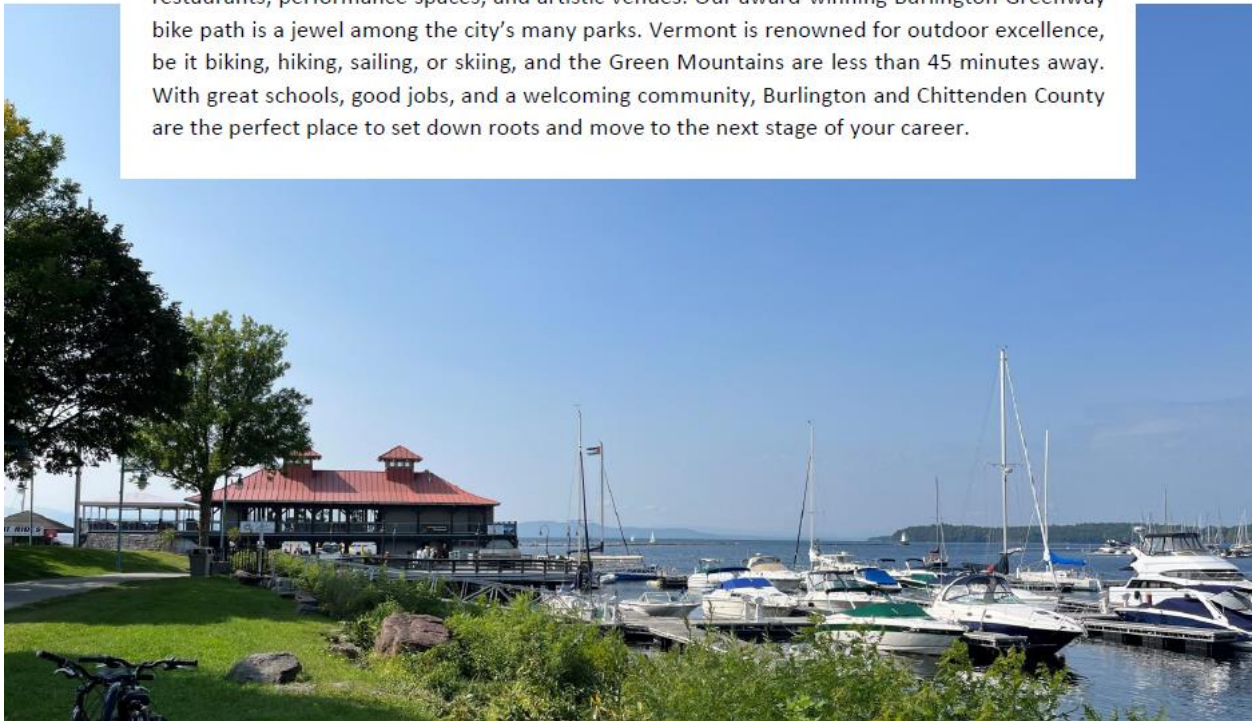
The Burlington Police Department in Burlington, Vermont, is seeking qualified applicants for the role of Deputy Chief of Police. The two Deputy Chief positions are second in the chain of command for the Burlington Police Department (BPD), reporting directly to the Chief of Police. There are two deputy chief positions. The Deputy Chief, Operations, manages the daily operations and activities of the Uniform Services Bureau, which is comprised of patrol, the airport, and the Community Service Officers (CSOs). The Deputy Chief, Administration, manages the Administrative Services Bureau and the Detective Services Bureau. These three bureaus, overseen by the two Deputy Chiefs, are the agency's largest organizational components.

Additionally, the BPD contains a business management component, overseen by the Executive Manager, and a social services component called CAIP, or Crisis Advocacy Intervention Programs, overseen by the Assistant Director, CAIP. The Deputy Chiefs, the Executive Manager, and the Assistant Director comprise the agency's executive staff, which works closely and collaboratively together, and reports to the Chief of Police.





Sitting on shores of Lake Champlain, Burlington is Vermont's largest city, with 44,000 residents and daytime populations that can be more than double. It's a vibrant community that frequently finds itself on "best of" lists for its lifestyle and great public spaces like the Church Street Marketplace. Home to important businesses and institutions like the University of Vermont, Patrick Leahy International Airport, Dealer.com, Burton Snowboards, Seventh Generation, the region's largest hospital, and more, the Queen City also has some of the state's best nightlife, restaurants, performance spaces, and artistic venues. Our award-winning Burlington Greenway bike path is a jewel among the city's many parks. Vermont is renowned for outdoor excellence, be it biking, hiking, sailing, or skiing, and the Green Mountains are less than 45 minutes away. With great schools, good jobs, and a welcoming community, Burlington and Chittenden County are the perfect place to set down roots and move to the next stage of your career.





The BPD has more than 150 years of accomplishment, and a wonderful future ahead. We have an authorized headcount of 87 sworn officers and 58 professional staff, including innovative roles like the unarmed CSOs, and in-house social workers in CAIP called Community Support Liaisons, or CSLs. We serve a diverse community and strive to reflect that diversity in our ranks.

We pride ourselves in being at the leading edge of policing, from operational advances like ICAT, to cutting-edge equipment like body-worn cameras and drones, to tactical innovations like our Emergency Response Unit, and new programs like our CAIP team and CARES program. By volume and variety of calls for service, our patrol officers are the most experienced in the state, and our detectives have an incredible closure rate for gunfire and homicide, including high-profile shootings and half-century-old cold cases.

The City of Burlington is seeking a seasoned law-enforcement professional with a strong leadership presence, a mind for progressive policing, and exemplary interpersonal skills. Our residents want an effective crime fighter and a community-oriented protector who understands that police keep people safe by working with and for their neighbors.



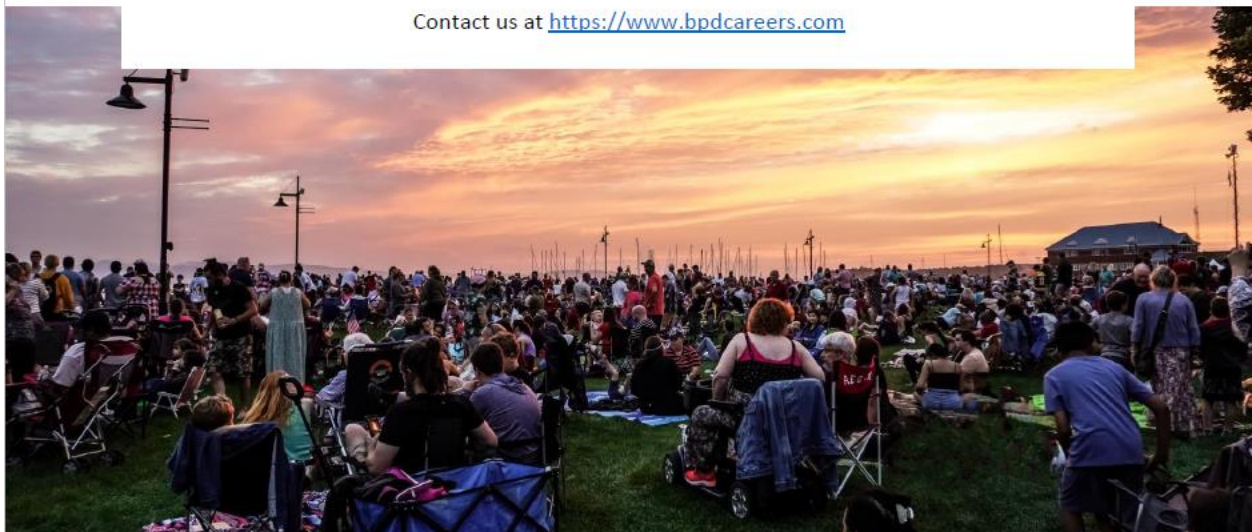


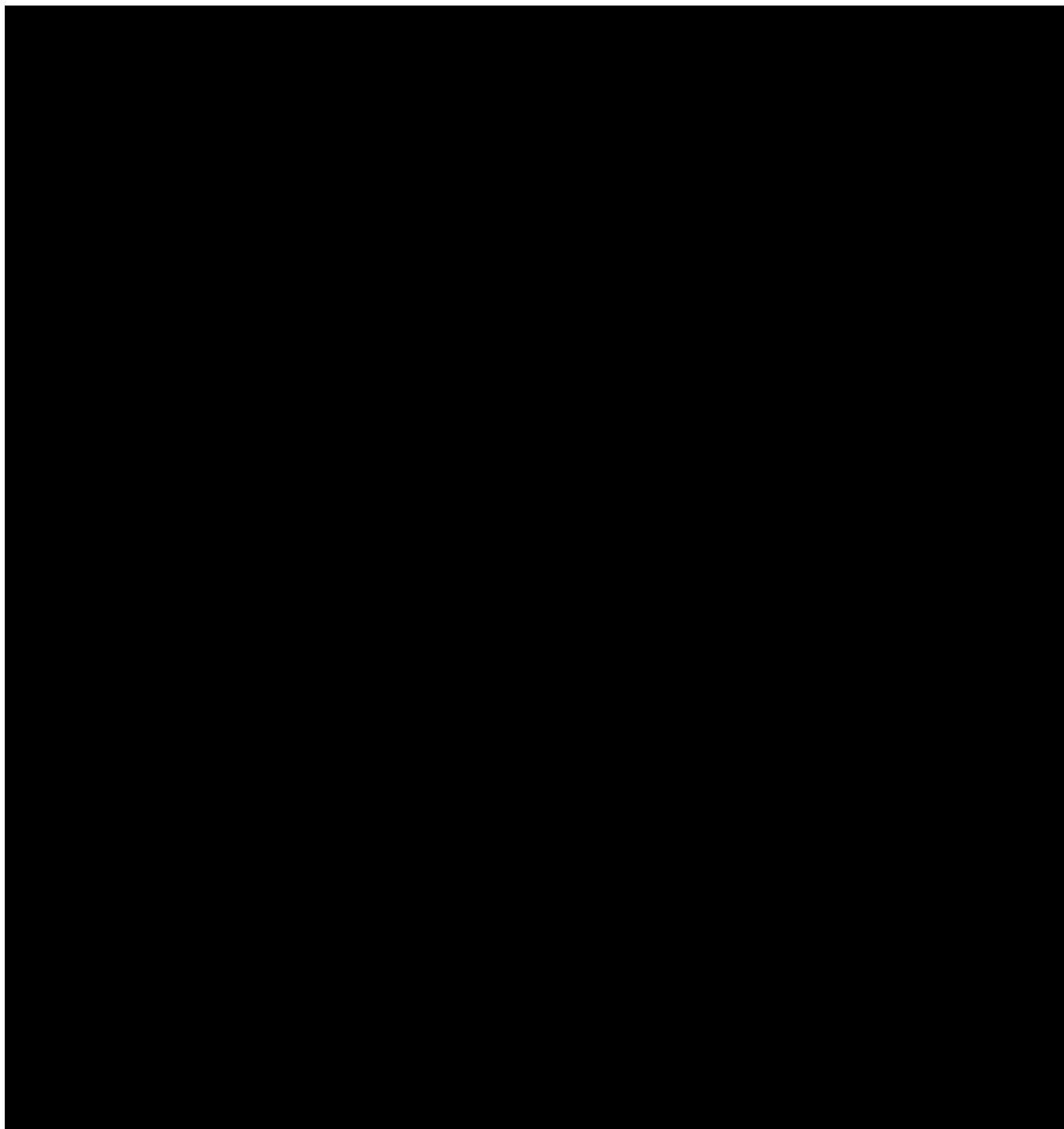
The incoming Deputy Chief must have the ability to engage with and be present in the community and the BPD. At the same time, Burlington is at the forefront of recognizing, embracing, and resourcing the idea that public safety is not a task for police alone—as evidenced by our robust professional staff and the myriad of services they provide. Our deputy chiefs must have excellent staff management and budgeting abilities. Creating innovative policy and gathering and analyzing data are also important skillsets.

Candidates must have a minimum of ten (10) years of police experience and a minimum of three (3) years in a supervisory police role. Candidates must possess, or be able to obtain within one (1) year, a Vermont Police Academy Law Enforcement Certification as a Level III officer. Out-of-state candidates must be current law-enforcement officers or have been separated from a certified law-enforcement role for no more than three (3) years. A bachelor's degree or higher is preferred; other experience, including military experience, may be considered. Attendance at a program like the FBI National Academy or PERF SMIP is strongly preferred. Candidates must possess, or be able to obtain within sixty (60) days, a valid Vermont Driver's License.

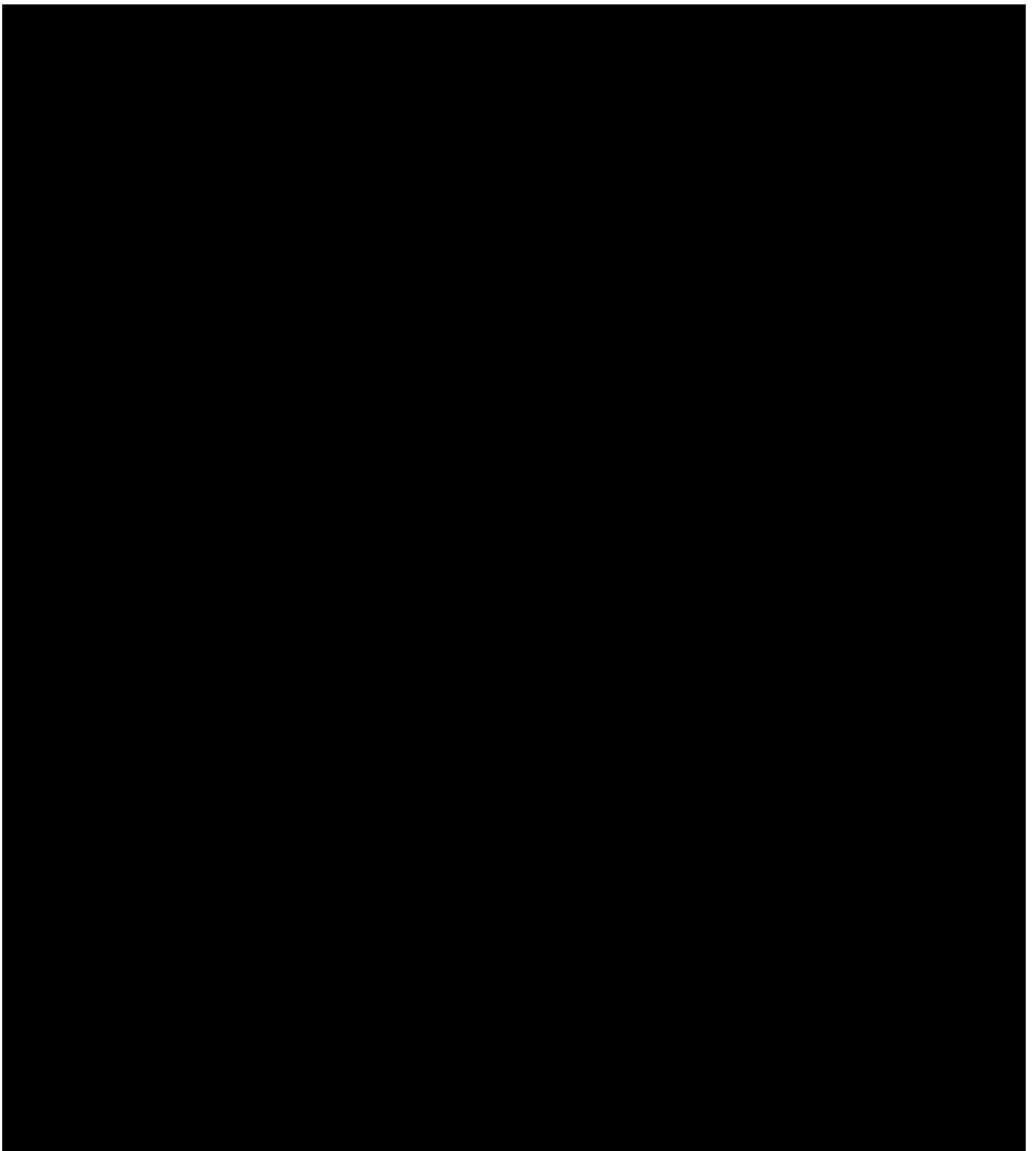
The Deputy Chief of Police is compensated according to the Police Uniform Pay Scale, or PUPS, which is defined by the police officer contract. The Burlington Police Officers Association, or BPOA, will renegotiate in July, 2025. The current PUPS for Deputy Chief ranges from \$133,769 to \$139,880, depending on experience. Additionally, the BPD currently offers a \$15,000 recruitment incentive, paid in three timed installments. The City of Burlington's benefits include retirement with five-year vesting, full medical benefits, and wellness incentives.

Contact us at <https://www.bpdcareers.com>





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Appendix 08: Burlington Police Staffing Calculation, provided by Deputy Chief Sullivan

In 1990, Rutherford Ruotolo Consulting Consortium, Inc. performed an evaluation for the City of Burlington regarding the Burlington Police Department and the appropriate level of staffing. The study used a mathematical formula to calculate proper staffing.

The formula used is as follows:

- 1) Calls for Service, plus
- 2) Add percent for calls requiring multiple officer response (e.g. what percentage of calls require more than one officer?) multiply this number by
- 3) Average time spent on a call (in hours) (add time for completing paperwork per call)
- 4) Hours per year in calls for service is multiplied by 3 to buffer for preventative patrol (visibility, service needs, etc.) This is the total hours required per year.
- 5) Total hours are then divided by 3,650 (This is the total number of hours required to staff one post on one 10-hour shift for one year = $10 \times 365 = 3,650$)

Quotient equals the minimum number of patrol posts needed for a particular shift.

In 1990 the percentage of calls answered by shift was:

Dayshift	34.81%
Evening Shift	40.12%
Midnight shift	25.07%

For the sake of simplicity, I used the same percentage of call volume per shift in 2020, as it is most likely very similar.

One important aspect of this exercise is to recognize that call volume is very fluid and is currently under reported for several reasons. Some of these reasons include the airport officers do not start incidents for many of the tasks they complete. One example of this is gate alarms. Another example is that dispatch will sometimes stack a particular card with multiple incidents downtown. An example of this is fireworks complaints.

2020 will be an anomalous year with very low call volume due to the COVID health pandemic. Thus, 2020 call volume numbers will not be a good measure of call volume. Call volume has been trending downward over the last few years and there are several factors that play into this. Some of the factors are that the Burlington police Department has been very proactive in addressing certain issues in the city. One example of this is quality of life issues in the Hill section where call volume has been reduced by almost 50% from 2012 until now. This was achieved through a partnership with UVM where UVM funded additional officers for targeted enforcement in the Hill Section. What we found was there was an inverse relationship between

officer-initiated calls and citizen-initiated calls. As more officers patrolled the neighborhood officer-initiated calls increased and as these calls increased, citizen-initiated calls decreased because officers were addressing issues proactively. Also noteworthy is the fact that UVM provided enough funding to double regular patrol numbers for the whole city, yet these additional officers focused almost exclusively on the Hill Section with measurable positive results.

The 1990 study found call volume at that time was approximately 40,000 calls for service per year. Contemporary call volume is as follows:

2013	34,278
2014	36,275
2015	37,324
2016	37,131
2017	32,671
2018	29,684
2019	28,476

The average call volume over the last seven years, 2013 to 2019, is 33,691 calls for service.

Another reason for the drastic drop in call volume is that officers self-initiated traffic enforcement has drastically declined. This was in part a result of then-Chief del Pozo directing officers to engage in more education than enforcement. The result of this direction is demonstrated by the number of traffic stops BPD engaged in with a high of 6,141 stops in 2015 falling to 2,019 stops in 2019. Lack of proactive traffic enforcement has resulted in a decrease in call volume of more than 4,000 calls per year.

For the sake of calculation I will use the average call volume of 33,691 calls for service. This is a conservative estimate due to under reported numbers.

Calls per shift:

Days	11,728
Eves	13,517
Mids	8,446

The percentage of calls that require more than one officer response is approximately 50%.

Days	11,728 plus 5,864 (50%) = 17,592
Eves	13,517 plus 6,758.5 (50%) = 20,276
Mids	8,446 plus 4,223 (50%) = 12,669

Each call takes an approximate average of one hour per call. This equals 1 for 1. (In 1990 they used .75 hours per call, but the job and paperwork requirements have increased.) Then apply the buffer multiplier of three. This is the same multiplier used in the 1990 study.

Days 17,592 x 3 = 52,776 hours required

Eves 20,276 x 3 = 60,828 hours required

Mids 12,669 x 3 = 38,007 hours required

Then divide the hours required by 3,650 to establish the number of posts required. Keep in mind that posts does not necessarily equal a ratio of 1 post to 1 officer. A post may require more than one officer. Posts required:

Days 52,776 divide by 3,650 = 14.459 posts = 15

Eves 60,828 divide by 3,650 = 16.665 posts = 17

Mids 38,007 divide by 3,650 = 10.413 posts = 10

Posts do not directly equate to one officer (please see page 29 and 30 of the 1990 study for explanation). An availability factor is used to determine 2.09 officers are required per post. This was calculated from 3,650 officer hours per year per post divided by 1,740 hours available equals 2.09.

Factors	Average days off	Average Officer Hours
Days Off	156 x 10	1,560
Holidays	11 x 10	110
Floating Holidays	2 x 10	20
Vacation	10 x 10	100
Sick Time	10 x 10	100
Personal Leave	2 x 10	20
Totals	191 x 10	1,910

The average hours off is then subtracted from the officer hours per year (per post).

3,650 minus 1,910 equals 1,740 hours available per officer on average.

The 3,650 hours per year is then divided by the hours available to determine the availability factor.

3,650 divided by 1,740 equals 2.09

Thus it will take 2.09 officers to cover each post.

These are officer posts, not including supervisory requirements.

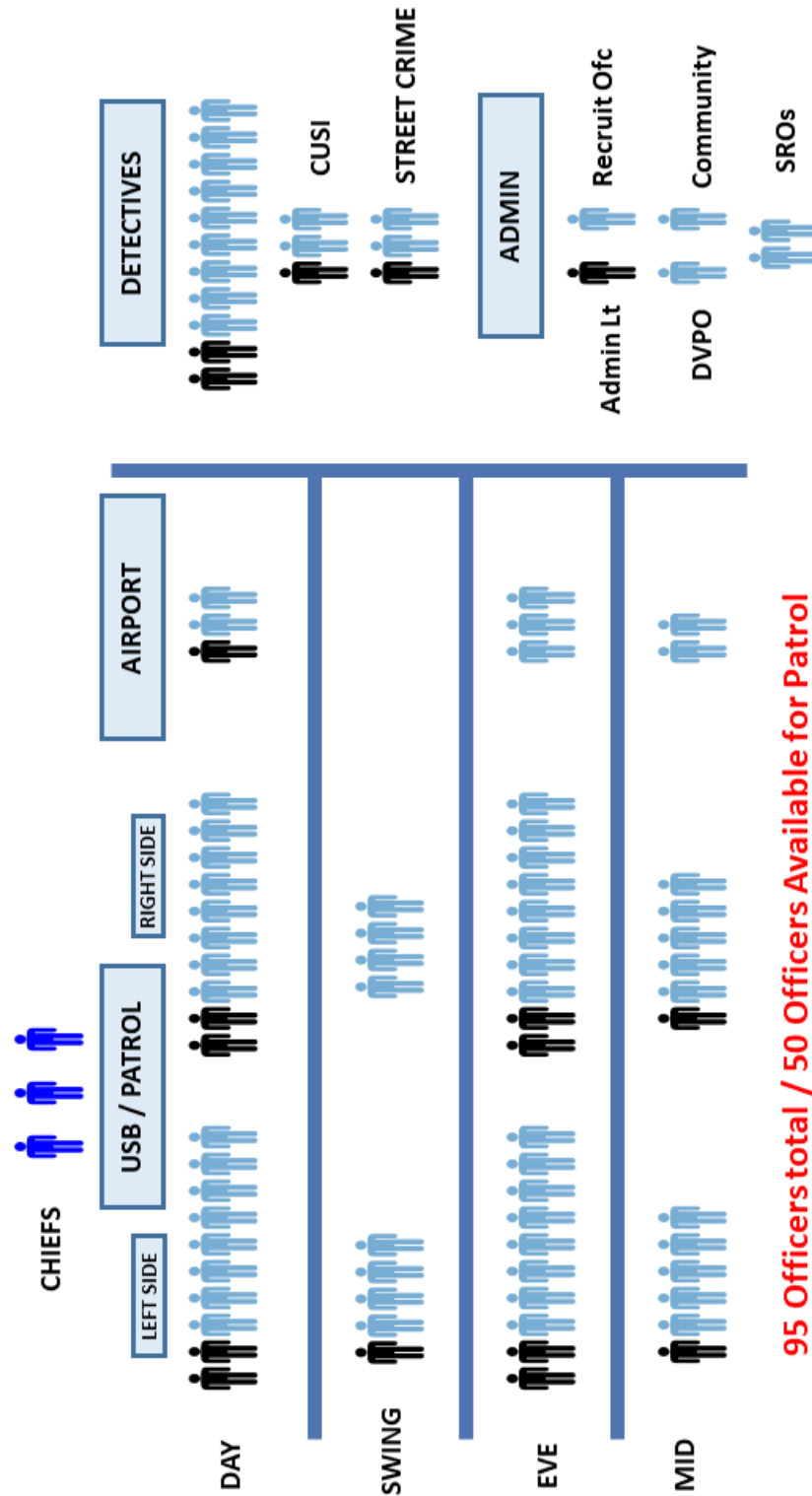
	0730-1730	1645-0245	2230-0830	Raw Score	Total
Post #1	2.09	2.09	2.09	6.27	6
Post #2	2.09	2.09	2.09	6.27	6
Post #3	2.09	2.09	2.09	6.27	6
Post #4	2.09	2.09	2.09	6.27	6
Post #5	2.09	2.09	2.09	6.27	6
Post #6	2.09	2.09	2.09	6.27	6
Post #7	2.09	2.09	2.09	6.27	6
Post #8	2.09	2.09	2.09	6.27	6
Post #9	2.09	2.09	2.09	6.27	6
Post #10	2.09	2.09	2.09	6.27	6
Post #11	2.09	2.09		4.18	4
Post #12	2.09	2.09		4.18	4
Post #13	2.09	2.09		4.18	4
Post #14	2.09	2.09		4.18	4
Post #15	2.09	2.09		4.18	4
Post #16		2.09			2
Post #17		2.09			2
				Total	84

This calculation determines 84 non-supervisory officers should be assigned to the Uniform Services Bureau to handle calls.

If 84 non-supervisory officers were assigned to USB, the shifts would have 15 assigned to each day shift, 17 to each evening shift, and ten assigned to each midnight shift. Compare this to the current 2021 fall tour: 30 total non-supervisory officers are assigned to USB. Seven are assigned to one dayshift and six are assigned to the other day shift, six are assigned to each evening shift, and two are assigned to one midnight shift and three to the other midnight shift.

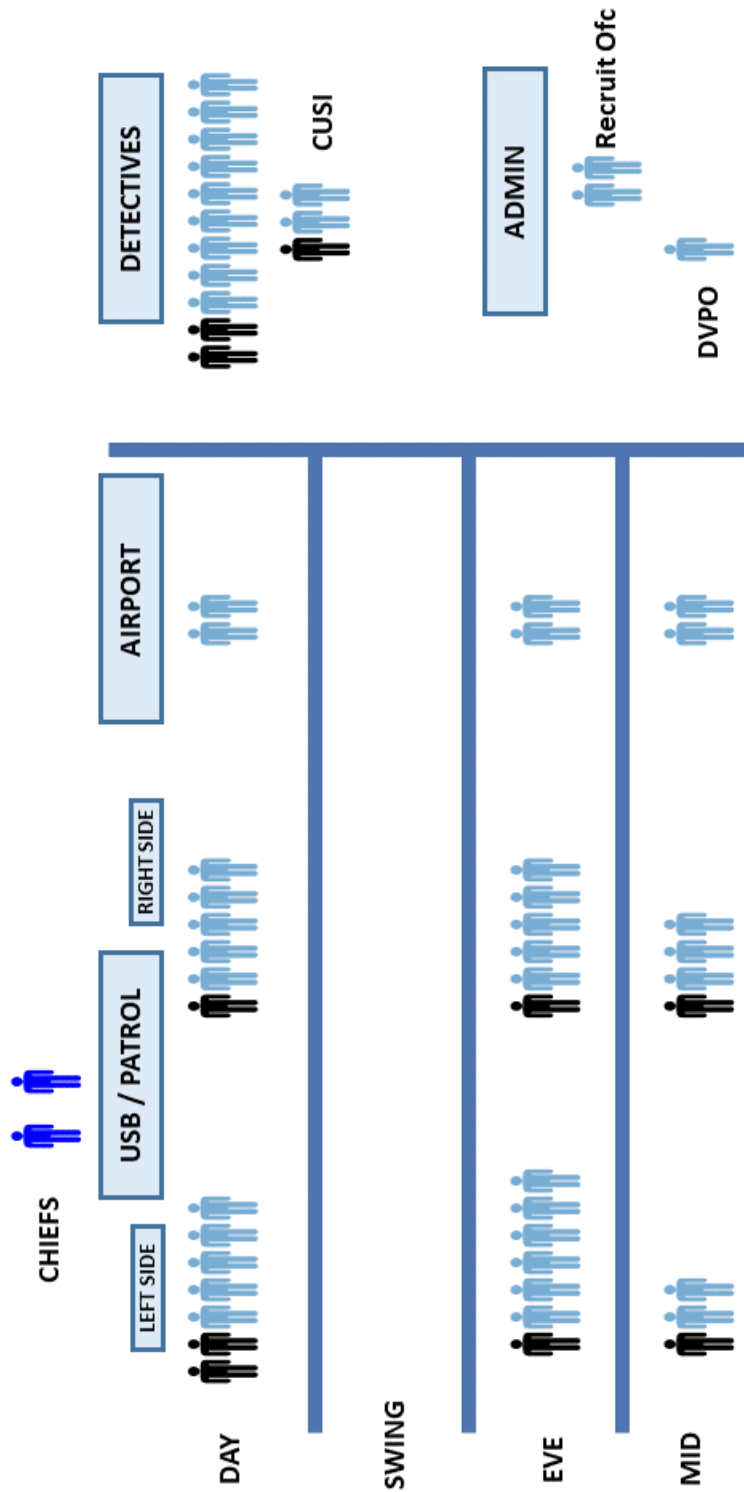
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Appendix 09: Historic deployment – 95 Effective



This is a visual of historical staffing, circa 2019. It has strong patrol coverage (including a swing shift); specialized roles like the DVPO, SROs, and a Community Affairs Officer; a Street Crime Team; and a full complement of detectives in DSB and CUSI. Area-based community policing and innovative protocols like ICAT require this level of staffing.

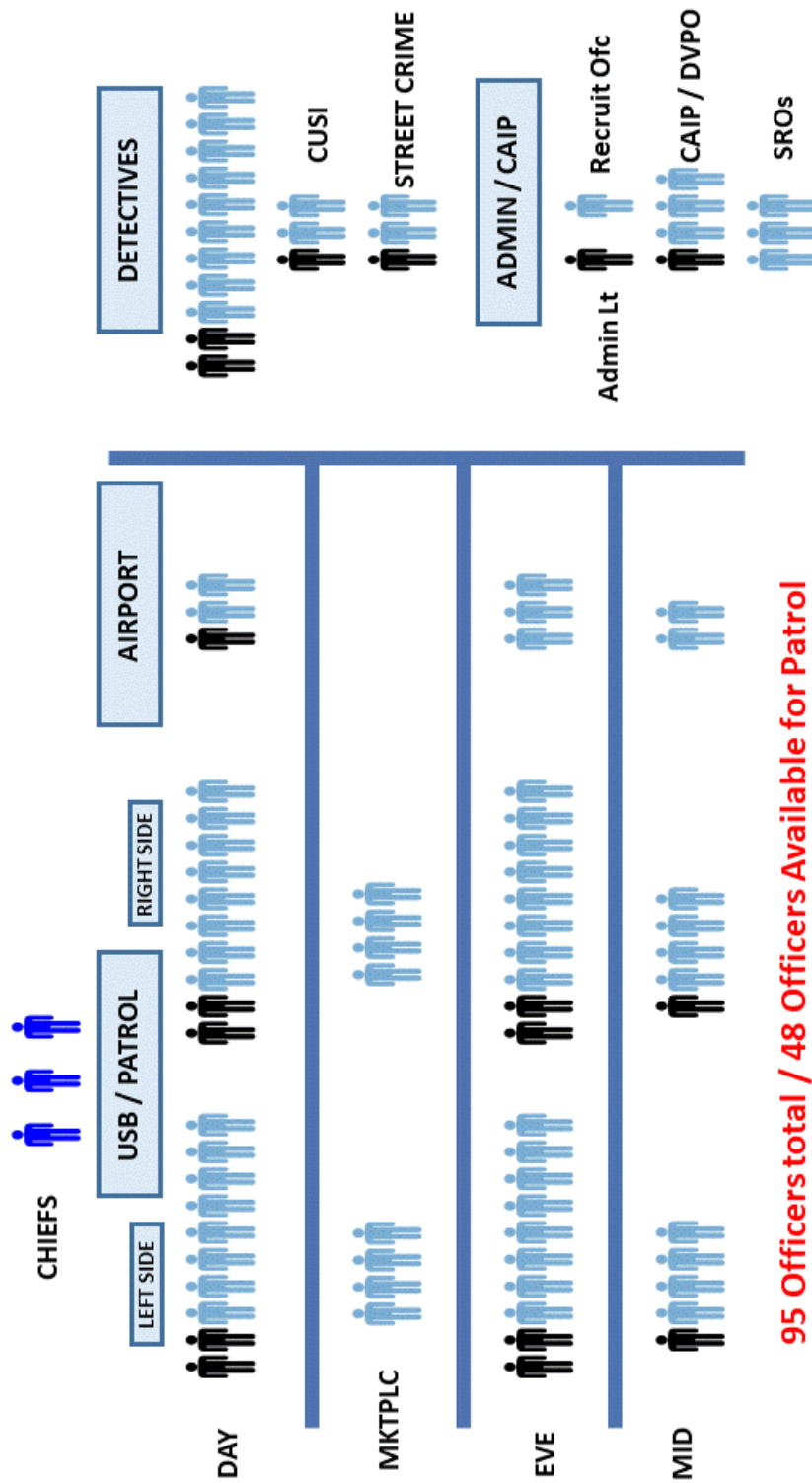
Appendix 10: Current deployment – 58 Effective



58 Officers total / 26 Officers Available for Patrol

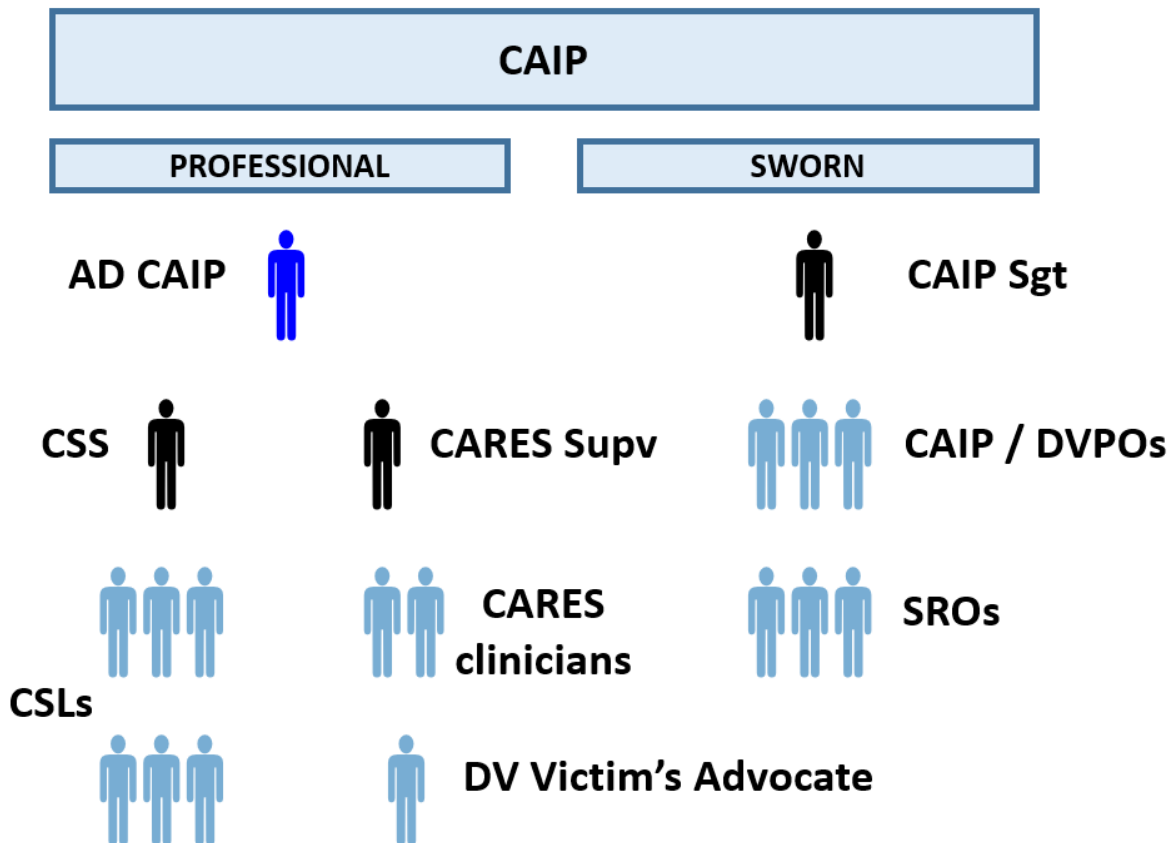
This is current staffing. BPD has no swing shift, no SROs, too few supervisors per shift, no supervisor at the airport, no Street Crime Team, no Administrative Lieutenant, and no Deputy Chief of Operations.

Appendix 11: Vision for Deployment – 95 Effective



This is my vision of full staffing. It has full, area-based patrol coverage; a dedicated Marketplace foot patrol team; a sergeant and three officers assigned to CAIP as DVPOs / crisis officers / outreach escorts, plus three SROs who report to the CAIP sergeant; a Street Crime Team; and a full complement of detectives in DSB, the Drug Unit, and CUSI.

Appendix 12: What CAIP Could Be



This is my vision of a fully-staffed **Crisis Advocacy Intervention Programs** team.

CAIP's professional staff is overseen the Assistant Director CAIP, an executive team member of the BPD. The Community Support Supervisor (CSS), Burlington Crisis Assessment Response Engagement Services (CARES) Supervisor, and the Domestic Violence Victim's Advocate report to AD CAIP. Six Community Support Liaisons (CSLs) report to the CSS and two CARES clinicians report to the CARES Supervisor. The CSLs handle non-emergent social work while the CARES team addresses crises and clinical issues.

CAIP's sworn staff is overseen by the CAIP Sergeant. Six officers report to the sergeant, including three School Resource Officers (one assigned to BHS and BTC; one assigned to Hunt, CP Smith, Flynn, and IAA; and one assigned to Edmunds MS and ES, Sustainability, and Champlain), and three officers cross-trained as DVPOs and outreach workers.

The various components can codeploy or operate independently as required. Both AD CAIP and the CAIP Sgt report to the Chief of Police.



Burlington Police Officer's Association

To Whom It May Concern,

I am writing to express my concern regarding the ongoing hiring and recruitment issues at the Burlington Police Department. Over the past several years, it is no secret that the number of candidates for law enforcement positions has seen a sharp decrease in Vermont and across the country. There are several opinions as to why the number of applicants has dropped, including the consistent high level of stress, the daily liability assumed, the demonization of officers, and poor public perception. At a time when officers are needed more than ever, I had a unique opportunity to gather insight into why Burlington is having difficulty attracting applicants.

This past week, I had the privilege of assisting the 118th Basic class in the role as a Training Assistant at the Vermont Police Academy. In that role, I assist in teaching and assisting the recruits for one week, for each Vermont Police Academy class. I spend the entire day with the class and help guide them through the week. During that time, I sat down with the recruits for a Q&A session to address any concerns they might have after graduation and provide insight about the profession. At the end of the session, I asked for a show of hands from those who live inside or near Chittenden County. Of the 44 recruits, approximately 17 raised their hands. I then asked those recruits if any had applied to Burlington. All recruits lowered their hands. After a short discussion with said recruits, it became overtly clear that they all shared the same concerns about working in the Queen City, a major lack of support from both politicians and the community. Many recruits mentioned that surrounding communities have a proven track record of support from both town managers and community members, where Burlington does not. Some recruits referenced the officers in Burlington who were demonized during the protests of 2020 and felt that Burlington has not been the same since. While a few were on the fence about choosing Burlington over other departments, they ultimately decided against applying due to the lack of support from the city and the potential for ostracizing officers and facing public ridicule.

Furthermore, Burlington had four recruits in the 118th Basic class. All four recruits were not originally from Vermont and some have recent ties to the area. Of the four hired, two have since left, with one specifically noting that the pay was not as advertised. I believe this fact alone highlights the struggles that the Burlington Police Department will face in the coming years, as we were unable to secure even one recruit with deep-rooted ties to Vermont, let alone Burlington. This shows there is a direct correlation between the applicants that Burlington police department receives compared to surrounding agencies.



Burlington Police Officer's Association

These people are ignorant to the local political climate and do not understand the circumstances of the department that they are applying. People who live in the area understand and recognize the lack of support from the city leadership and community, whereas out-of-state applicants do not grasp this as well as someone who has lived in the area for a portion of their adult lives.

I believe that the perception of the city, the city council, and the mayor's office is a major deterrent for people who live in the area and want to pursue law enforcement careers to serve their local communities. Some wounds heal over time, but without outspoken support from these offices, I do not foresee Burlington being able to once again be the pinnacle of policing in the state of Vermont. Without being able to attract people with deep connections to the area, and reach into a deeper candidate pool, Burlington Police Department will face many years of staffing issues.

The first and clear step to fix the issues that the Burlington Police Department faces is to fix the optics that officers are not supported among politicians. We need outspoken members of the mayor's office and city council to speak up and speak out about the need for qualified officers with emotional connections to the area. With the new administration in the Queen City, I believe there is an opportunity to rebuild this department with outspoken support for the officers who are on the streets on a daily basis. Burlington once was the gold standard of policing in the state of Vermont, and it can be again with continued outspoken support and deliberate meaningful actions/votes, by the politicians of this city.

Respectfully,

Officer Michael Moran
Badge #398
1 North Ave Burlington Vermont
802-658-2700 Ext. 9
mmoran@bpdvt.org

Appendix 14: Community Justice Center MOU



MEMORANDUM OF UNDERSTANDING BETWEEN

BURLINGTON POLICE DEPARTMENT

AND

BURLINGTON COMMUNITY JUSTICE CENTER

REGARDING DIRECT PRE-CHARGE REFERRALS TO ALTERNATIVE JUSTICE



This Memorandum of Understanding (MOU), between the Burlington Police Department, hereafter referred to as "BPD," and the Burlington Community Justice Center, hereafter referred to as "CJC," provides as follows:

Section 1. Purpose and Scope of Agreement

The purpose of this agreement is to clearly identify the roles and responsibilities of each party as they relate to post-arrest or post-citation pre-charge diversion (pre-charge direct referrals made by the BPD to the CJC's **Restorative Justice Program (RJP)**). The agreement outlines criteria for referral, case flow, completion procedures, and special considerations.

Section 2. Background

When a sworn police officer with the BPD arrests or cites an offender for certain crimes as described in the Vermont Statutes or tickets an offender for certain violations of the City of Burlington's municipal code, a direct referral to the CJC may provide a speedy alternative to the juvenile and criminal justice systems. Offenders are held accountable for their actions in a timely and meaningful way. Along with reducing the number of cases and the costs and time lag associated with the standard criminal justice process, RJP's increase community safety by attending to the needs of the victim and the needs of the offender.

Section 3. Criteria for Referral

A. Offender Age: An offender who is ten (10) years old and older may be eligible for direct referral to the CJC RJP.

B. Offender Criminal History: To be referred by the BPD directly to the CJC:

1. An offender shall have no more than one prior arrest, citation, or ticket for any similar offense(s), or

2. An offender shall have had no incidents for a period of five or more years as indicated by the offender's Valcour history.

Furthermore, an offender who has been listed as an "Arrestee," "Suspect," or "Person of Interest (POI)" in a high number of police involvements / Valcour entries for other, unrelated offenses may be deemed ineligible for referral on a case-by-case basis at the discretion of the arresting officer in consultation with a supervisor. Those determined to be on arrest warrant status are also ineligible.

C. Offender Voluntariness: The arresting officer explains to the person that a referral to Pre-charge Diversion is voluntary, but the person must take responsibility and work with the CJC to make amends to anyone impacted. The officer will further explain that if the person were to complete the program successfully the matter would be closed. The officer asks the person whether the person is willing to participate in the program. The person must answer affirmatively and must indicate that they/he/she is prepared to accept appropriate responsibility for the offense.

D. Victim Notification. If the crime or municipal-code violation has a victim, personnel with the CJC will inform the victim that the case has been referred to the CJC RJP. If after a full discussion of the options available through the CJC the victim is unsupportive of this referral, the case will be returned to the BPD for prosecution. Victims may also request that the BPD directly refer the case to Pre-charge Diversion.

E. Prosecutor Notification. The CJC will, in writing, inform the Office of the Chittenden County State's Attorney of each case that has been referred, including the name of the offender(s), the date of the offense(s), and the offense type(s).

F. Offense Types. When an officer arrests or issues a citation to an offender for any of the following charges, and there is no felony charge or allegation of concurrent misdemeanor Domestic Assault involving intimate partner violence, and the offender meets the criteria in A through C above, the following charges WILL be sent to the CJC, absent specific reasons for exception that are approved by a supervisor:

- Retail theft under \$300 (13 VSA § 2575)
- Unlawful Mischief under \$500 (13 VSA § 3701)
- False personation / pretenses (13 VSA § 2001)
- Petit larceny under \$500 (13 VSA § 2502)
- Bad checks / insufficient funds (13 VSA § 2022)
- Simple assault (13 VSA § 1023)
- Disorderly conduct (13 VSA § 1026)

- Disturbing peace by telephone or other electronic communications (13 VSA § 1027)
- False reports to law enforcement authorities (13 VSA § 1754)
- Unlawful Trespass (13 VSA § 3705)
- Burglary of an unoccupied premises (13 VSA § 1201)
- Possession of stolen property (13 VSA § 2561)
- Theft of services (13 VSA § 2582)
- Possession of deadly weapon in school (13 VSA § 4004)
- Possession Drugs (18 VSA § 4234)
- Negligent operation (23 VSA § 1091 a)
- Excessive speed (23 VSA § 1097)
- Leaving the Scene of an Accident (LSA) (23 VSA § 1128 a)
- Alcohol consumption (Municipal Code 21-37, 21-38, 22-22)
- Other offenses subject to agreement by the BPD and CJC

The BPD may also refer civil violations and neighborhood and school conflicts as deemed appropriate.

Section 4. Criteria for Non-Acceptance

The CJC may return a case to the BPD in the following instances:

A. Refusal to acknowledge accountability. The CJC may return the case if the offender does not acknowledge that he/she/they committed the offense. The BCJC does not offer a court process that determines guilt or innocence. If the offender denies the charge(s), the offender will be advised that the RJP cannot be of assistance and that the Court is the proper venue to hear from any person who claims to have been wrongly accused. The case will then be sent back to the referring officer with an explanation of why the CJC cannot accept the case.

B. Domestic and sexual violence. Any case involving intimate partner and/or sexual violence will be returned.

C. Greater harm. Members of the CJC staff and/or RJP believe the process could be harmful to the victim, offender, program volunteers, or the larger community. The Burlington CJC will consider whether other restorative approaches may be more appropriate.

D. Failure to appear. The offender refuses to participate in the process and/or is unreachable (after repeated phone/text/email/direct outreach attempts).

E. Lack of victim approval. As stated in 3. D., above, if a victim is unsupportive of the case being referred to the CJC RJP, the case will be returned to the BPD for prosecution.

Section 5. Case Flow

A. Offense. When a BPD officer handles an offense eligible for the CJC RJP, the officer will give the offender contact information for the CJC RJP Adult Restorative Services Manager. This must be documented in the officer's narrative, e.g., "RJP explained to suspect and contact information provided."

B. Officer's report. The officer will complete a narrative (that can become an affidavit if necessary) and the name jacket(s) for all offenders involved. The paperwork must be completed within five calendar days of the incident. A supervisor will review the incident for referral.

C. Referral. Once the report is approved by a supervisor, clerks in the Records unit or the Uniform Bureau Support and Administrative Coordinator (UBSAC) will email the incident narrative and name jacket(s) to the CJC with the RJP cover sheet containing contact and demographic information for both the person responsible and for the victim. Offenders are encouraged to contact the CJC within seven (7) days from the referral date to participate.

D. Completion. Upon completion of the RJP process, or earlier if specifically requested by the officer, the CJC will forward a case-status report to the referring officer and UBSAC.

Section 6. Confidentiality of Police Referrals

All information provided by the BPD to the CJC is considered the responsibility of the CJC . The CJC does not share copies of information in any format. In youth cases CJC staff, Support Center staff, and Student Assistant Program Coordinators are able to collaborate on and freely communicate without a release about non-criminal incidents that happen on Burlington School District campuses.

Upon referral to the CJC, the matter shall become confidential. All information related to any offense gathered in the course of the process shall be held strictly confidential and shall not be released without the person's prior consent, except under the following conditions:

1. Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.
2. When disclosure is necessary to report bodily harm any party causes another during restorative justice programming.

3. When disclosure to other community-based restorative justice providers is necessary to facilitate coordination for an individual who has more than one active referral before different community justice providers.
4. Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made pursuant to the provisions of 33 VSA § 4914 or 33 VSA § 6903 or to comply with any law.

Section 7. Completion Procedures

A. Failure to complete. If the offender does not contact the CJC, does not respond when contacted by the CJC, or does not complete the RJP process, the case will be referred back to the BPD for prosecution. When returning a case, the CJC will email a formal “referral-back letter” as an attachment to the referring officer and the UBSAC and the Office of the Chittenden County State’s Attorney. The UBSAC will forward the letter to the Records unit. The Records unit will attach the letter to the case file. The officers will refer the case to the Chittenden County State’s Attorney’s Office for prosecution.

B. Successful completion. Upon successful program completion, the CJC emails a formal completion letter within seven (7) days as an attachment to the referring officer, the UBSAC, and the Records unit. The BPD will consider the matter closed. The Records unit attaches the letter to the case file and follows the checklist outlined in Appendix A, which includes:

1. Altering the reference to the offender in the Valcour Records Management System (RMS) by changing the offender’s role to “Other.”
2. Notifying the VCIC to remove fingerprints and the arrest record. Notification should be submitted within seven (7) days of receiving notice of successful completion from the CJC. The CJC should be copied on the notification.

Section 8. Special considerations

In consideration of the community volunteers who give their time to make this program possible, and the need to screen these volunteers adequately, the BPD agrees to assist with checking the criminal histories of all CJC volunteers. This will be done through the Vermont Crime Information Center’s (VCIC) online portal. It is understood that such checks will only include a list of any convictions in the state of Vermont.

For potential volunteers who have lived outside of the state of Vermont, the BPD will assist the CJC with obtaining a fingerprint-supported background check by fingerprinting the potential volunteer free of charge and submitting the FAC form to VCIC. The CJC will be responsible for paying the federal fee charged by VCIC. It is understood that the typical turnaround time for

such requests is 1-2 weeks. The CJC will be responsible for scheduling volunteers' fingerprinting, and for submitting necessary paperwork to the BPD Records unit. The contact person for this will be the Deputy Chief of Operations and/or the Community Service Manager.

Section 9. Amendment/Termination of Memorandum

This MOU shall remain in effect from the date signed unless or until any party to the agreement requests amendment or termination in writing. It is recommended that this agreement be revisited annually.

In witness whereof, this Agreement has been executed and is effective as to each of the parties as herein provided.

Burlington Police Department

Jon Murad, Chief of Police

Date: Aug 09, 2024

Burlington Community Justice Center

Rachel Jolly, Director

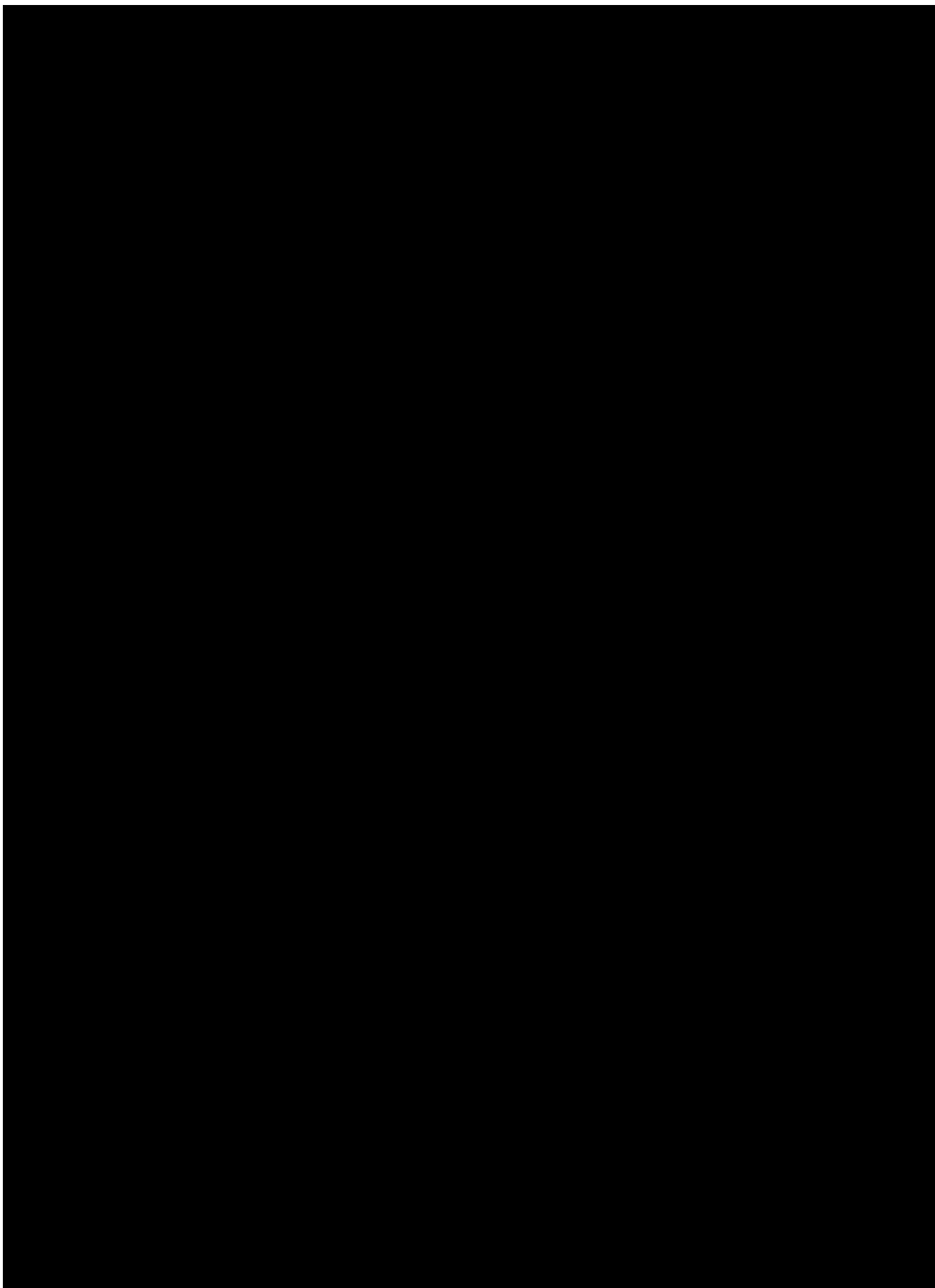
Date: Aug 13, 2024

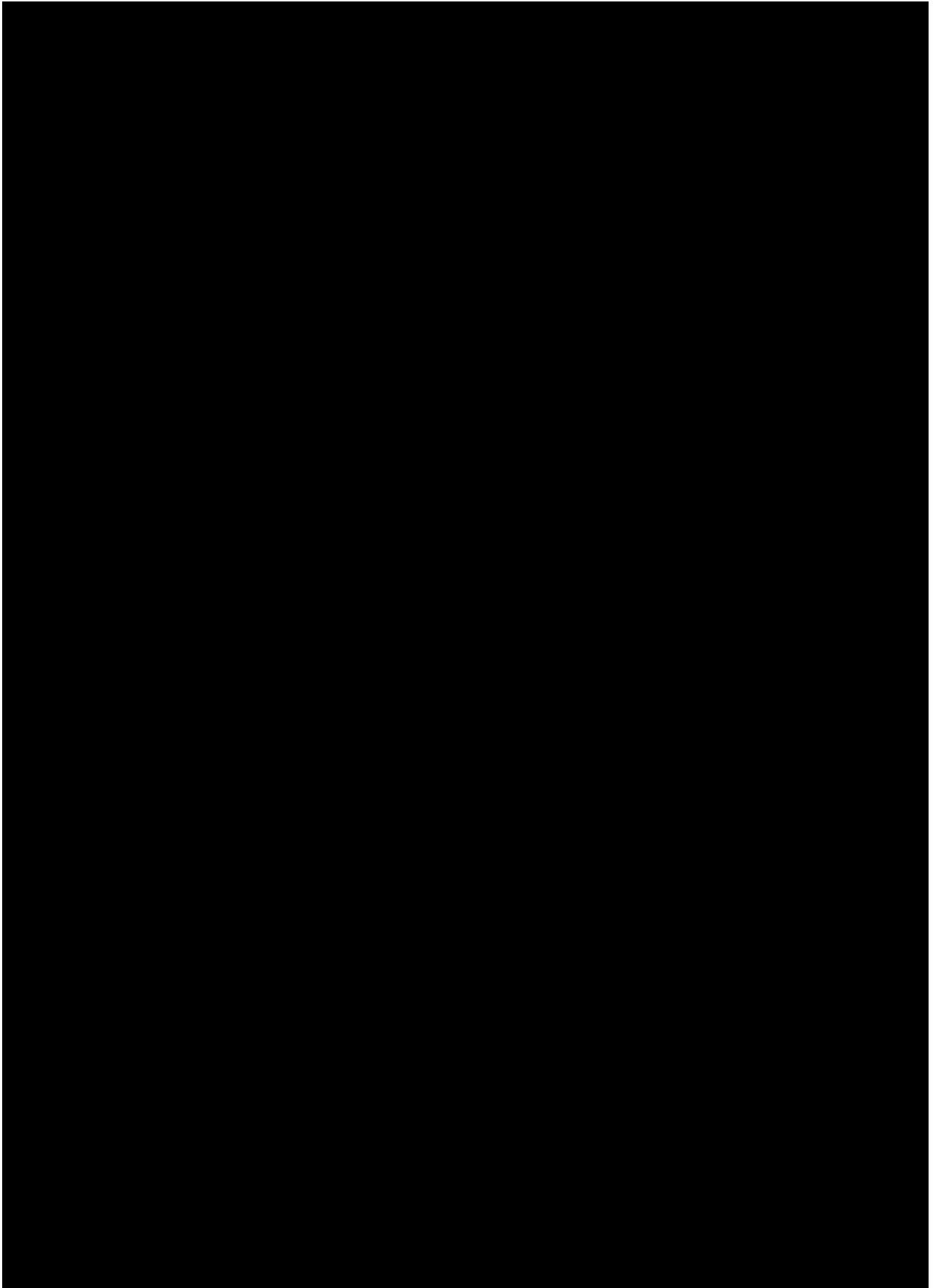
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Appendix 15: All BPD Positions, Sworn and Professional

	SWORN POSITION		# AUTH	# ON STAFF
1	Chief		1	1
2	Deputy Chief		2	2
3	Lieutenant		6	6
4	Sergeant		11	5
5	Police Officer		67	50
			87	64

	PROFESSIONAL POSITION	GRADE	# AUTH	# ON STAFF
1	Application and Technology Support Specialist	15	1	1
2	Assistant Director of CAIP	24	1	1
3	Beach & Parks Patrol		x	x
4	Burlington CARES Clinical Supervisor	20	1	1
5	Burlington CARES Clinician	19	2	1
6	Business Manager	20	1	0
7	Command Assistant	15	1	1
8	Community Service Manager (CSM)	18	1	1
9	Community Service Officer (CSO)	15	11	6
10	Community Support Liaison (CSL)	18	6	6
11	Community Support Supervisor (CSS)	20	1	1
12	Criminal Identification Technician	18	2	2
13	Digital Media Redaction Specialist	14	1	1
14	Domestic Violence Victims Advocate	17	1	1
15	Emergency Communications Manager (ECM)	19	1	1
16	Emergency Communications Specialist (ECS)	17	14	11
17	Executive Manager	21	1	1
18	Inventory Control Specialist	16	1	1
19	Police / Fire Accountant	18	1	1
20	Police Receptionist	13	1	0
21	Police Recruitment and Hiring Coordinator	16	1	1
22	Public Info & Community Engagement Coordinator	18	1	1
23	Records Clerk	[13]	4	4
24	Senior Network Administrator	19	1	0
25	Training and Special Projects Coordinator	18	1	1
26	Uniform Bureau Support & Administrative Coordinator	16	1	1
			58	46
			145	110







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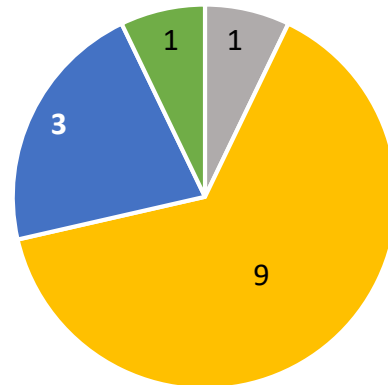
Appendix 17: Sworn Officer Tenure

These charts show the current tenure of the 14 supervisors currently employed by the BPD (although two of these are on terminal leave). We have an unusually high number of supervisors who are relatively early stages of their careers. This is exacerbated by the Tier 3 rules that prevent pension collection prior to age 50. A 35-year-old lieutenant hired at 22 will be eligible for a half-pay pension at 42, but cannot claim it for another eight years. He can work another five, and “max out” the pension, but even then he would be 47 and would still not be able to collect for three years. While this change has been described as an actuarial necessity, owing to people living longer lives, and may have also been intended as “golden handcuffs,” it actually disincentivizes longevity if other options exist for our hypothetical lieutenant.

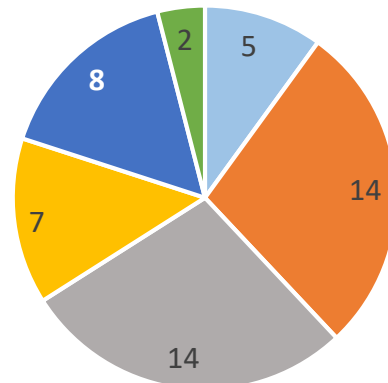
Officer tenure is more evenly distributed, but there is a gap in the historic presence of more seasoned “senior corporals,” the experienced officers who did not pursue supervisory roles but nevertheless create cultures of competence.

The good news about the tenure distribution of the department as a whole is that the BPD will see fewer tenure-based retirements over the next few years. Assuming officers do not leave prior to their service retirements (i.e., a minimum of 20 years’ service), this may provide an opportunity to keep officers and build on the foundation they provide.

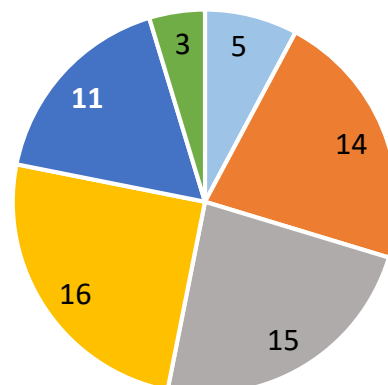
SUPERVISOR TENURE



OFFICER TENURE



ALL SWORN TENURE



> 1 year 1-5 years 6-10 years 11-15 years 16-20 years 20+ years



Office of Mayor Emma Mulvaney-Stanak

To: City Council
From: Mayor Emma Mulvaney-Stanak
Re: Response to the Chief of Police's December 2024 Recruitment Report
Date: December 16, 2024

I am writing to address the recent recruitment report submitted by Chief Murad. For several reasons I respectfully cannot endorse it at this time. After careful review of the report, I have identified several areas of concern. I communicated these concerns to the Chief, and though he made some changes, the majority of my concerns remain. Specifically:

1. **Impact on Bargaining Position:** Much of the information in the un-redacted report negatively impacts the city's bargaining position with the BPOA by unilaterally and prematurely recommending specific proposals. The City is just weeks away from commencing bargaining with both the Police and Fire Unions for their next three-year contract, and the Chief's report serves as a laundry list of possible contract-related offers, but without my review and feedback and at a time of significant budgetary challenges for the City. The Chief shared an early draft of this report with the Police Union, without my knowledge or consent and without the knowledge and review of Human Resources or the City Attorney. This ill-advised action has already diminished our bargaining stance; publishing the full report publicly will only serve to further complicate negotiations with both the BPOA and BFFA.
2. **Responsiveness to City Council:** The report does not adequately address the City Council's request for information about current recruitment efforts and future plans. This omission means the City cannot effectively assess what the Department is currently doing to recruit new officers, what is working, and what we might do next to improve our recruitment strategies and outcomes. As a legislator, I relied heavily on professional, well researched, and data rich reports to make policy decisions. That is critical for any part time legislative body. The Chief's report is not that.

Accordingly, I plan to commission an expert assessment for my office and Council, which will provide data-informed analysis and recommendations. As a starting point, please see the attached slides by Nancy Stetson, the City's Senior Policy and Data Analyst. Nancy presented this to the Bloomberg Philanthropies What Works Cities team on December 13, and she is available to present this and more data and thinking to the Council at an upcoming work session.

3. **Responsiveness to the Mayor's Office:** As the Chief indicates at the top of his memo, the report reflects his analyses and conclusions. The Mayor's Office reviewed the report and requested changes that would have made the report more directly responsive to questions about recruitment efforts while not compromising our bargaining position. In response, very few changes were made, leading to a report that the Administration cannot endorse while on the eve of bargaining.
4. **Resource Allocation:** The financial implications of many proposals outlined in the report exceed what is currently sustainable within our municipal budget. While I am fully committed to rebuilding the Department, supporting the current Department staff, improving morale, and employing data-informed recruitment and retention efforts, the City cannot commit to efforts and expenditures that exceed what we can afford.

The fact that I cannot endorse the report in no way changes my commitment to rebuilding the Department and to helping address recruitment challenges and low morale. I intend to do all three, but I cannot suggest to the Union or to the public that we have unlimited resources to do so. We need to be fiscally responsible in all of our decisions and negotiations with all City employees and in upcoming bargaining with the BPOA and the BFFA.

I remain committed to working closely with the Police Department leadership and staff and with all relevant stakeholders to revise the recruitment strategy in a manner that aligns with our shared goals, available resources, and the community's expectations. I look forward to engaging with the Department, the Senior Advisor on Community Safety, the Senior Data and Policy Analyst, and other experts to help identify workable, data-driven strategies for improving recruitment and retention at the Department.

Data-Driven Community Safety: **Rebuilding the BPD**

DECEMBER 2024

Background

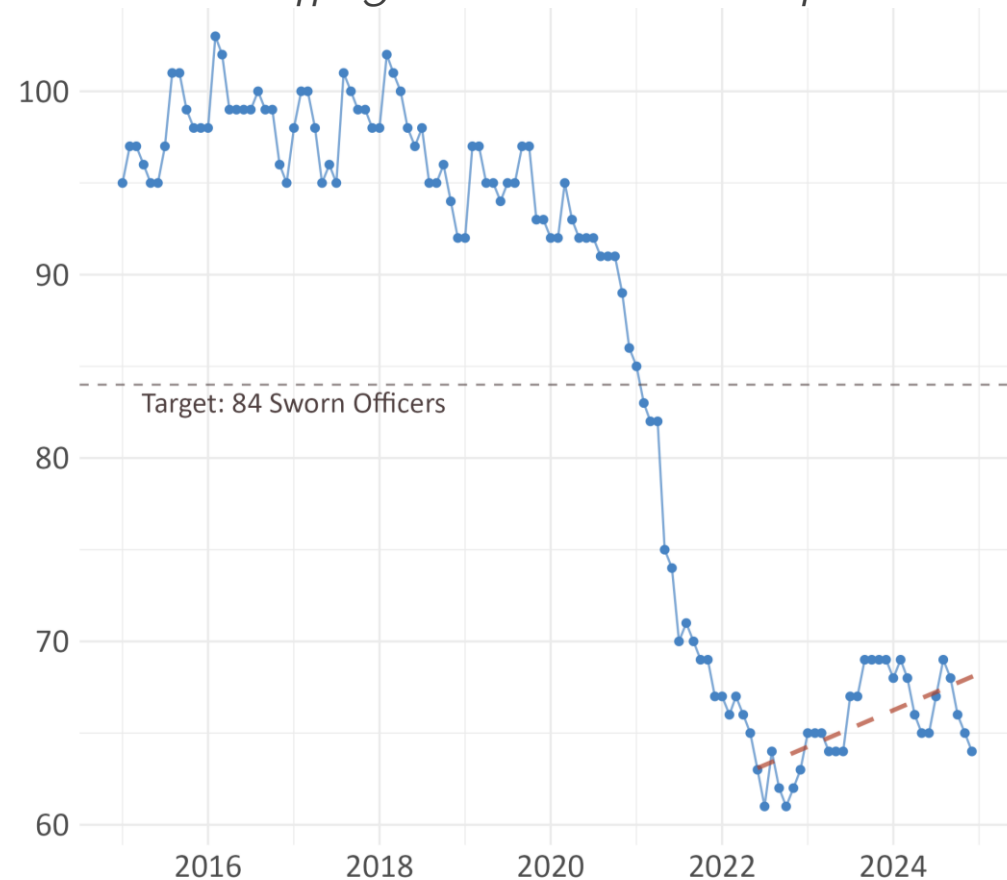
- Hiring freeze, with a goal of reducing headcount by 30%, set on June 29, 2020
 - Department limited to 74 total sworn officers
- Over next year, 22 officers resigned, dropping below the cap to 70 sworn officers
- Priority Response plan implemented in May 2021, allowing delayed or non-response to low priority types of incidents
- Hiring cap lifted to 87 October 2021
- Community Support Liaison/CARES and Community Services Officer programs expanded starting in 2021/2022

How do we rebuild a department that can respond effectively to all requests for service without overburdening our officers?

Recruitment

Sworn Officer Staffing

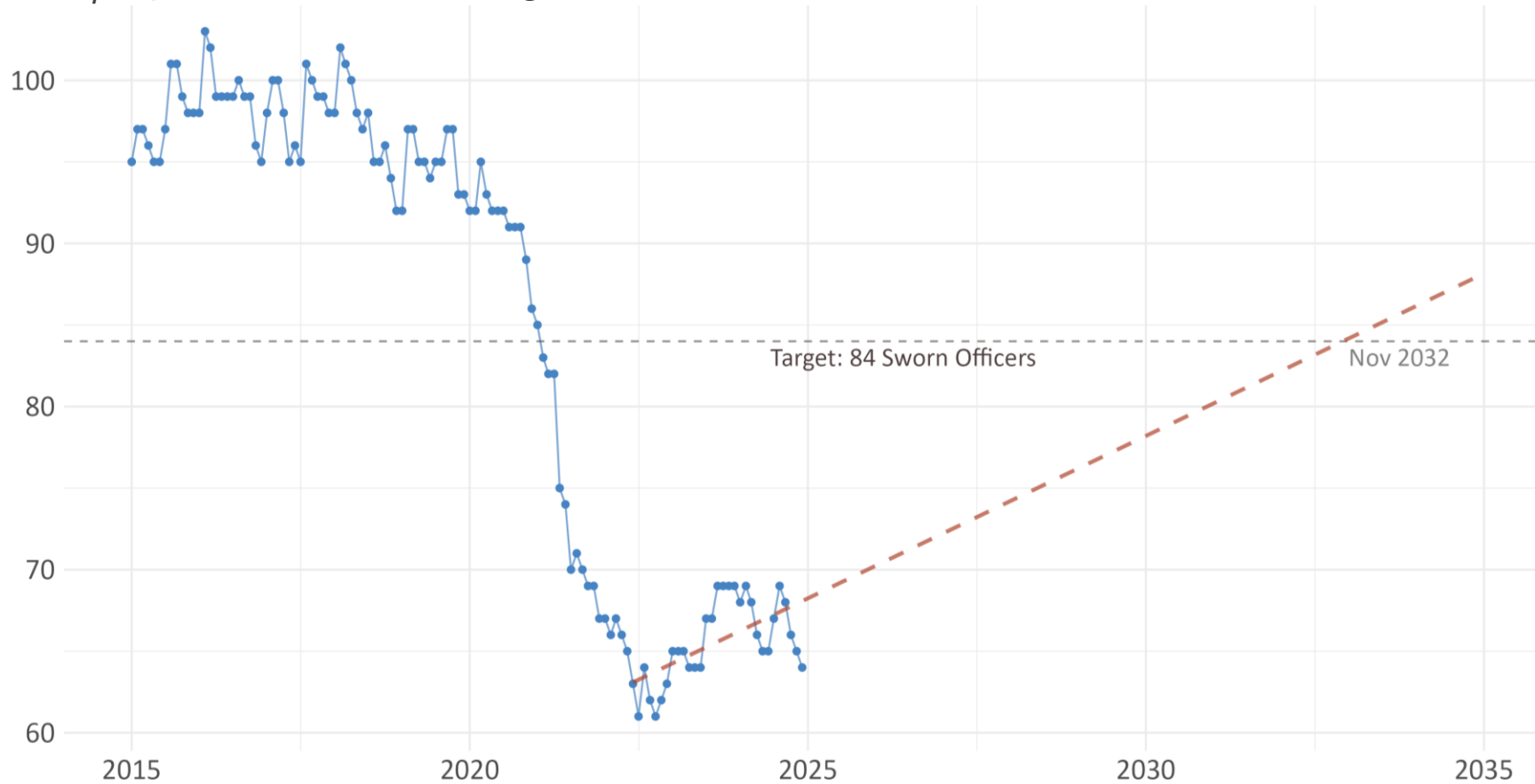
Between June 2020 and July 2021, 22 sworn officers left the department, and sworn staffing would continue to fall in 2022



Source: Headcount estimated via Dec 9 Report to CC

Sworn Officer Staffing

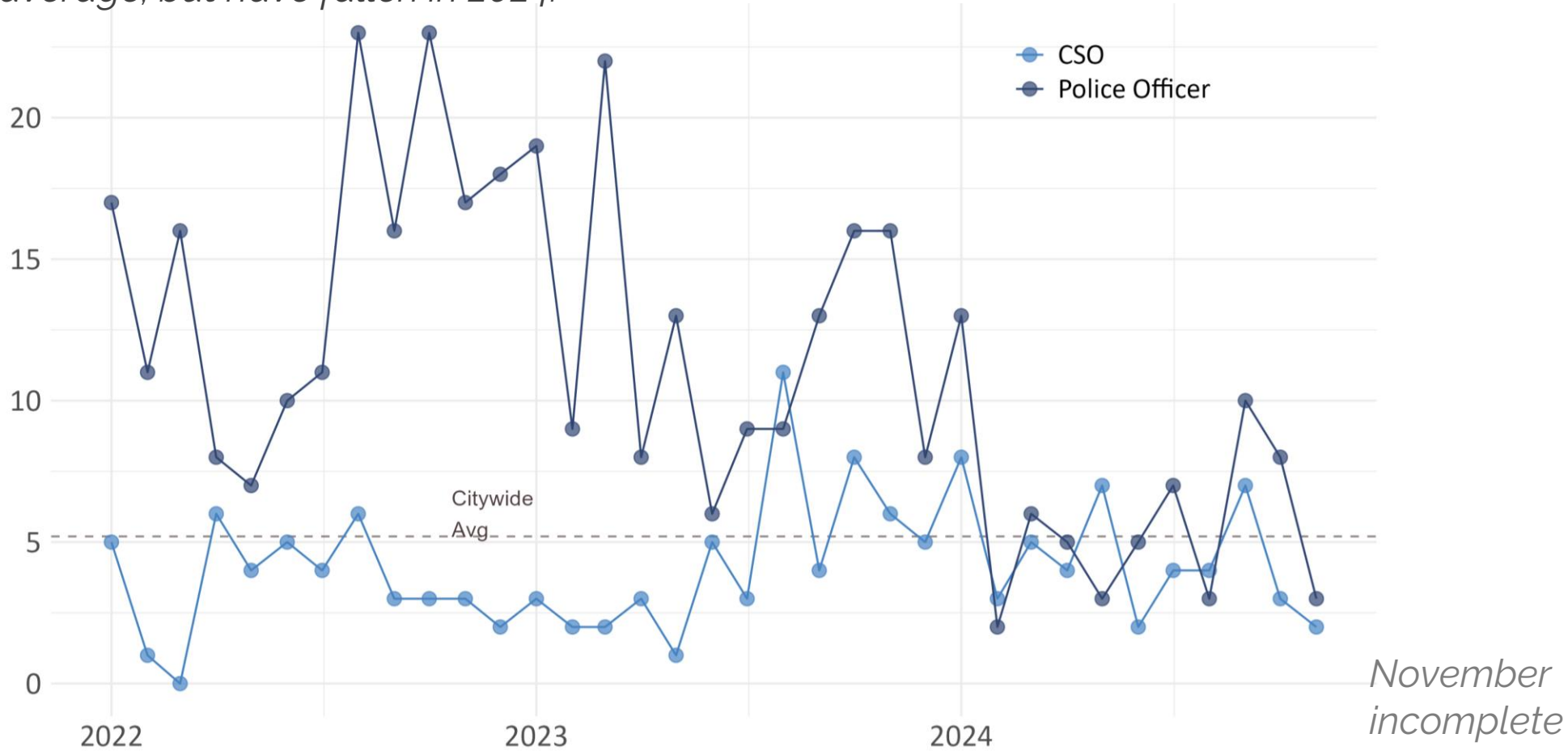
At the current rate of hiring, the department would not reach the target level of 84 sworn until late 2032.



Source: Headcount estimated via Dec 9 Report to CC

Recruitment

In 2022 and 2023, police officer applications consistently outpaced the city average, but have fallen in 2024.



TO: City Council
FROM: Nancy Stetson, Sr Policy and Data Analyst
DATE: Decemebr 16, 2024
RE: **Slides on Recruitment Data**

The December 16th City Council materials include a short presentation on Burlington Police Department recruitment data. This memo provides some additional explanation to accompany the data presented.

Slide 4

The first chart shows the total number of sworn officers employed by the police department, based on Chief Murad's current report to City Council and past reports to the Police Commission. The chart shows that prior to the summer of 2020, headcount hovered in the high 90s but fluctuated with hires and departures.

Total sworn officer headcount then fell precipitously through the summer of 2021, when the department was able to restart hiring. However, headcount continued to fall through the summer of 2022. Since that low point of 61 sworn officers, the department has added a net of three officers.

The dashed grey line represents Chief Murad's full staffing target of 84 sworn officers. The dashed orange line shows the trend in hiring beginning in July 2022 through December 2024.

Slide 5

The next chart uses the same data and trend line as in Slide 4 but extends the trend line out into the future to estimate when the City might reach the target of 84 sworn officers, based on the current trend in hiring and departures. The trend suggests that the BPD will reach 84 sworn officers in late 2032.

Slide 6

The final chart shows the number of applications per month for both Police Officer and Community Service Officer positions. The grey dashed line shows the average applications received per month, per position, for all posted City jobs.

The chart shows that the frequency of applications for the Police Officer position consistently outpaced both CSO and the citywide average in 2022 and 2023. In 2024, however, the number of applications dropped, hovering around five per month for both the CSO and Police Officer positions.