

ORDINANCE and CHARTER CHANGE JOINT COMMITTEE

Tuesday, May 23, 2023

Fletcher Room in the Fletcher Free Library and Remote

DRAFT MINUTES

Members Present: Councilor Traverse (Ordinance Committee Chair), Gene Bergman (Charter Change Committee Chair), Councilor Hightower, Councilor Carpenter, Councilor Doherty

Staff Present: Kim Sturtevant (Acting City Attorney), Kerin Durfee (HR Director), Jordan Redell (Mayor's Chief of Staff)

Others in Attendance: Council President Paul, Councilor Grant, Lee Morigan, Amy Malinowski, Bruce Wilson, Dave Maher, Romeo Von Hermann, Keren Sita, Andy Blanchet

Meeting called to order at 5:34 PM.

1.0 Agenda

Motion to adopt/amend agenda

Motion to Adopt Agenda as is.

Motion by Councilor Carpenter, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt the Draft Minutes from May 4, 2023

Motion to Adopt Minutes as is.

Motion by Councilor Bergman, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

3.0 Review of Draft Proposals and Public Comment

Bergman: The Committee's charge is to look at the recently failed ballot initiative, the charter amendment proposed by the administration in December 2020, and the Council's 2021 resolution and ordinance proposal. Oversight involves both investigation and auditing according the NACOLE guidelines. All of the documents relating to investigations and review/auditing are available online on this meeting's agenda.

Traverse: We have a conflict with the Police Commission meeting tonight, but they will have input on our next meeting on the 30th. We have a lot to get into, but I think we can move to a general public comment.

Dave Maher: I have lived in the Burlington area for 50 years. I hope that any oversight initiatives do not hinder the police force. We had five homicides in Burlington last year. We also have skyrocketing drug overdoses. We need oversight that will help the police department handle these issues and any oversight process should have input from the department. I believe this will lead to better oversight and better policing.

Lee Morigan: I live in Ward 7. I think a new oversight system will improve public trust in the police department. The only discipline we hear about is for things that are bad enough to reach the public. It is important for the public to see disciplinary outcomes that they agree with. There has to be a balance between confidentiality for employees and allowing the public to know the disciplinary process.

Romeo Von Hermann: I live in Ward 8 and work for Green Mountain Transit. We interact almost daily with the police. We need an independent oversight body that won't be looking over their shoulder. This body needs access to sufficient information to make good choices. We also need to look at recruiting process so we have good officers.

Keren Sita: I hope that Jon Murad is in this for good reasons. I always said that Chief Del Pozo should have resigned before he did. We don't want people to be pursuing power for power's sake.

Andy Blanchet: Referencing the BPD flowcharts that are online, I think that the disciplinary structure should not be a funnel toward one or two people.

Carpenter: I am also looking at the disciplinary flowcharts. I think I need to understand better the internal affairs structure going forward.

Bergman: I would like the Police Commission to comment on the December 2020 memo. I am curious what the commission thinks on the documents we have posted and if they have any further reflections today.

Traverse: I know of two items on the Police Commission's agenda tonight. They will be choosing a few commissioners to come to our meetings going forward. We can relay to the Commission that we would like their thoughts on the Mayor's memo from 2020 and the proposed charter change.

Hightower: I don't think getting too into the weeds with the particular memos is necessary. I feel like we are looking for something between those two ideas and we can get more targeted feedback without looking too much at past documents.

Carpenter: I agree with Councilor Hightower. We should be looking forward rather than back. I believe we need a charter change and we should not get too into details until we have an agreement on the big picture.

Bergman: The Commission shouldn't go line by line, but rather look at the big concepts in the past initiatives and get their comments on them.

Hightower: I think we should get a list of decision points to work on before we start drafting anything. We need an outline to begin with. The faster we can create a list of decision points the faster we can get to substantive discussion. I would prefer if Ben and Gene can send some big points to the Commission before they attend the next meeting.

Bergman: I am hesitant to do that before we hear from them at least for the first time. I think after the first meeting, that would be appropriate.

Jordan Redell: I intended to bring a memo from the Mayor's Office to this meeting, but it is still forthcoming. The Mayor's position on a charge change has changed since the veto memo was put out last year. I hate to add one more document to the long list already, but I advise all the

Committee members to read a memo from City Attorney Eileen Blackwood on police oversight models.

Bergman: There were several versions of that memo that we looked at in Charter Change.

Melo Grant: We want to get the Commission's opinion on an oversight model. I know we have gone over these questions many times in the last few years, but this issue has not gone away. This oversight body is important to protect residents and we can't lose sight of that. I will read Attorney Blackwood's memo, but I am more interested in the models in places like New Haven, Connecticut.

4.0 Presentation from HR Director Kerin Durfee on City Discipline Procedures and Public Comment

Director Durfee's presentation is available in the CivicClerk meeting agenda and meeting files.

Carpenter: I know HR has staff that work with each department. Does HR have a staff person that helps manage police management issues?

Director Durfee: Yes. My staff handles low-level issues with their departments, but I manage police discipline myself. I have been the liaison with BPD and the Chief.

Bruce Wilson: I sit on the Human Right's Commission. Does BPD have a fair and impartial policing policy?

Jordan Redell: That is part of the Departmental Directives.

Bruce Wilson: I talk with police chiefs around the state and often FIP trainings are brief and online. I believe that these trainings should be done by someone that looks like me and or have the same experience.

Romeo Von Hermann: Is there a tiered process for complaints from the public? Or does this only apply to personnel?

Director Durfee: Complaints from the public have a specific process and there is an online portal for that.

Romeo Von Hermann: How does DEI training work in the City?

Director Durfee: The REIB Department handles the DEI trainings with the HR Department. The HR Department handles the onboarding portion.

Traverse: Is every discipline issue in the police department able to be grieved?

Director Durfee: Yes, but only if there is some issue under the bargaining contract.

Traverse: If BPD pursues an internal investigation, is HR part of that process?

Director Durfee: Yes, I am informed and consult on every mid to high level infraction. The Mayor expects the Chief to work with me on every BPD disciplinary process.

Bergman: I think we should codify this process in some way. Employees do not stay forever and it should be written down.

5.0 Review and Discussion of the CNA Report and Talitha Consultants and Public Comment

Councilor Hightower went through the executive summaries of the CNA report and Talitha report.

6.0 Any Other Committee Business

The next Joint Committee meeting is Tuesday, May 30th at 6:30 in Bushor Conference Room or remote.

7.0 Adjournment

Motion to Adjourn.

Motion by Council Bergman, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 7:53 PM.