



City Council

Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/97115828820>

Phone one-tap:

+13052241968, 97115828820# US

Join via audio:

+1 689 278 1000 US

Webinar ID: 971 1582 8820

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

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

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

To participate in Public Forum via ZOOM sign up here:

<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	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda

2. Executive Session Regarding Potential Litigation Settlement (15 mins.)

Subject	2.1. Executive Session Regarding Potential Litigation Settlement — Presenters: Kim Sturtevant, Assistant City Attorney, Director of Litigation; Kara Alnasrawi, Director, CEDO; Laura Wheelock, City Engineer, DPW
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Executive Session Regarding Potential Litigation Settlement (15 mins.)
Department	City Attorney
Type	Action Procedural
Recommended Action	Motion 1: Move that the Board find that premature general public knowledge of legal advice and information concerning the details of pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Board go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in pending civil litigation matters, 1 VSA §313(a)(1)(E).

3. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**

Subject	3.1. Verbal Comments
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

4. Mayor - General City Affairs (up to 10 mins.)

Subject	4.1. Verbal reports
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. Mayor - General City Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

5. Committee Reports

Subject	5.1. Verbal reports
----------------	----------------------------

Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Committee Reports
Department	Council and Board
Type	Information

6. Consent Agenda

Subject	6.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda and take the actions indicated

Subject	6.2. Accountability List -- C/T
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file

Subject	6.3. Tobacco License and Tobacco Substitute Endorsement License Renewals (2026-2027): Stewart's Shop #526, 1555 North Avenue
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent)
Recommended Action	approve the 2026-2027 Tobacco License And Tobacco Substitute Endorsement Renewals for Stewart's Shop, 1555 North Avenue

Subject	6.4. August 24, 2026 Local Control Commission Meeting Minutes - C/T
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Information Minutes
Recommended Action	approve the minutes
Subject	6.5. August 24, 2026 City Council Meeting Minutes - C/T
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Information Minutes
Recommended Action	approve the minutes
Subject	6.6. Request to execute a contract with Jones Payne Group Inc. (JPG) for the construction oversight services for an amended previous authorization for approximately 58 housing units including Bid 1 and pending bid 2 of the Airport's Residential Sound Insulation Program (RSIP), funded by the Office of Local Defense Community Corporation (OLDCC) - Airport
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Patrick Leahy Burlington International Airport
Type	Action (Consent)
Recommended Action	to authorize the Director of Aviation to execute a contract agreement with Jones Payne Group, Inc. for up to \$1,666,838.00 amended from the prior authorized amount of \$1,151,233.00 with a 10% contingency, for an amount up to \$1,833,521.00 from the prior authorized amount of \$1,266,356.00 for the construction oversight services for improvements for approximately 58 housing units by the OLDCC funded Residential Sound Insulation Program, subject to review and approval of the City Attorney's Office
Subject	6.7. Resignation of Burlington Trustee - Winooski Valley Park District
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration

Type	Action (Consent)
Recommended Action	waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Catherine Bock thanking for her time served as a member of the Winooski Valley Park District
Subject	6.8. Straight Talk Vermont Education - Jobs - Mentoring - Bruce Wilson, Public Forum 08/24/26 CC
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	6.9. Communication: Pike Porter, re: 2025 PM2.5 data attached for inclusion in agenda packet
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	6.10. Communication: Chris McGrath, Public Forum 082426 CC
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	6.11. Adoption of 2026 VTrans Town Road and Bridge Standards — DPW
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Public Works Department

Type	Action (Consent)
Recommended Action	to adopt Sections 1 through 8 of the 2026 Vermont Agency of Transportation Town Road and Bridge Standards, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of the City Council
Subject	6.12. FIO Documents
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration
Type	Action (Consent) Communication Information
Recommended Action	for information only

7. Deliberative Agenda

Subject	7.1. Special Event Outdoor Entertainment Permit Application (two days only): Oktoberfest Burlington LLC, 377 Pine Street, September 18 - 19, 2026
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Department of Finance and Administration
Type	Action
Recommended Action	approve the two day only special event outdoor entertainment permit application for Oktoberfest Burlington LLC, 377 Pine Street, September 18 - 19, 2026
Subject	7.2. Special Event Outdoor Entertainment Permit Application (one day only): Mojo Burlington, Waterfront Park, September 26th, 2 pm - 10 pm
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Department of Finance and Administration
Type	Action
Recommended Action	approve the one day only special event outdoor entertainment permit application for Mojo Burlington, Waterfront Park, September 26th, 2 pm - 10 pm
Subject	7.3. Indoor Entertainment Permit Application (2026-2027): Jamaican Taste, 177 Church Street
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	7. Deliberative Agenda
Department	Department of Finance and Administration
Type	Action
Recommended Action	approve the 2026-2027 Indoor Entertainment Permit Application for Jamaican Taste, 177 Church Street, with all standard conditions
Subject	7.4. Indoor Entertainment Permit Application (2026-2027): Community of Sound Corp, 1 Main Street (Box 14)
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Department of Finance and Administration
Type	Action
Recommended Action	approve the 2026-2027 Indoor Entertainment Permit Application for Community of Sound Corp, 1 Main Street (Box 14), with all standard conditions
Subject	7.5. Resolution: Recognizing The Contributions Of Burlington's Latin American Community And Supporting Cultural Festivals (Councilors Sanchez-Parkinson, Schachter, Grant, Carpenter, Litwin, Bergman, Neubeiser, Broderick)(20 mins.)
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.6. Aging Council FY27 Appointments - REIB (10 mins.)
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Deliberative Agenda
Department	Racial Equity, Inclusion, & Belonging (REIB)
Type	Action
Recommended Action	move to approve recommended appointees for the Aging Council for Fiscal Year 2027 as presented
Subject	7.7. Work Session Regarding Act 181 City Tier 1A Application — Planning (25 mins.)

Meeting September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Planning

Type Information
Presentation

Subject 7.8. Community Safety work session - Mary Danko, Chief Burke and DC Ruggles (30 mins.)

Meeting September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Mayor's Office

Type Presentation

Subject 7.9. City Circle - CJC (20 mins.)

Meeting September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Community & Economic Development Office (CEDO)

Type Information

Recommended Action for information only

Subject 7.10. Burlington Forward Committee Updates (30 mins.)

Meeting September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Council and Board

Type Discussion

Subject 7.11. Ordinance: BCO Chapter 21, Offenses and Miscellaneous Provisions, Sec. 21-45A(F)(3) Trespass on City Property - Appeal Hearing Scheduling Timeline (Councilor Singh)(10 mins.)

Meeting September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Council and Board

Type Action
Ordinance - First Reading

Recommended Action First reading: suspend the rules and waive the reading, and refer to the Ordinance Committee.

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

Subject	8.1. Verbal reports
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. City Council - General City Affairs (to include Climate Emergency Reports & Public Health & Safety Updates: up to 5 mins. per Councilor)
Department	Council and Board
Type	Information

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

Subject	9.1. Verbal reports
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

10. Adjournment

Subject	10.1. Motion to adjourn
Meeting	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

11. Informational and Non-Discrimination Statements

Subject	11.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Council and Licensing 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	September 14, 2026 - City Council Meeting - Monday, September 14, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

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, Council and Licensing Coordinator

9/14/2026

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	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
2	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
3	9/23/2024	Resolution: The Establishment Of A Downtown Public Safety HUB	the Public Safety Committee shall engage the community on its vision for a public safety hub, and this engagement shall include consultation with interested community partners, including, but not limited to, Neighborhood Planning Assemblies, the DPW Commission, Board of Health, Director of Business and Workforce Development and Church Street Marketplace Commission, Burlington Police Department & Crisis Advocacy Intervention Programs (CAIP), Burlington Fire Department and its Critical Response Team (CRT), Howard Center Street Outreach Team, Burlington Community Justice Center, Burlington Business Association and the general business community	the Public Safety Committee shall report back on the needs and input from the community to the City Council on or by January 21, 2025, including any specific options or recommendations for a public safety hub (e.g.) new or existing freestanding structures, existing storefront space, a mobile public safety hub, etc.); and BE IT FURTHER RESOLVED that after receiving this report from the Public Safety Committee, it is the stated intent of the full City Council to act on specific options or recommendations from the Public Safety Committee on or by March 10, 2025
4	1/27/2025	Resolution: Establishing A Violation Reporting Incentivization Pilot (VRIP)	referred to the Ordinance Committee, to report back to the City Council; CJC to report back to the City Council and Ordinance Committee	on or before March 24, 2025; by March 10, 2025 UPDATE: The note with the action should state that the attorney-client privilege was waived for this communication by the Ordinance Committee and approved for publication at our September 18, 2025 committee meeting and that the committee deliberated and decided to table the matter to an unspecified future date.
5	7/14/2025	Ordinance: An Amendment to Appendix D, Sections 2 and 5, Updating Parks Rules and Regulations	referred to to the Parks, Arts and Culture Committee	not-specified
6	8/25/2025	Resolution: Welcoming President Marlene Tromp, Re-affirming Our Longstanding Partnership With the University of Vermont, And Acknowledging Our Shared Commitment to Affordable, Safe, and High Quality Housing for Students	it was requested that the Mayor provide an update on the City and UVM's shared goals on housing, safety, and well-being	end of this calendar year
7	9/8/2025	Resolution: Consumer Choice And Disclosure For Fuel Purchases Made With Debit Cards	referred to the Ordinance Committee	not-specified
8	9/8/2025	Resolution: Consumer Choice And Disclosure Of Parking Terms & Rates In Privately Owned Lots	referred to the Ordinance Committee	not-specified
9	10/6/2025	Resolution: Financial Disclosure For Local Elected Officials	referred to the Ordinance Committee	not-specified
10	10/21/2025	Resolution: March 3, 2026 Annual City Meeting - Charter Change re: General Fund Tax Fairness (Referral to Charter Change Committee)	referred to the Charter Change Committee	12/1/2025
11	10/21/2025	Resolution: March 3, 2026 Annual City Meeting - Charter Change re: City Council Authority to Pledge Credit of the City (Referral to Charter Change Committee)	referred to the Charter Change Committee	12/1/2025
12	1/26/2026	Ordinance: CDO-planBTV Downtown Code Fences ZA-26-02	referred to the Ordinance Committee	not-specified
13	4/13/2026	PaintCare Memo from the CDNR Committee Chair Evan Litwin	referred back to the CDNR Committee to draft a resolution establishing a Graffiti Abatement Committee and recommending sustainable funding sources for the Committee's work	not-specified
14	5/11/2026	Resolution: Reinstating The Burlington Aging Council And Implementing The Age-Strong BTV Plan	report due back from the Aging Council	within one year with progress on implementation of the Age-Strong BTV Plan and recommendations for any updates or additional actions needed to ensure Burlington is an age-friendly community
15	8/3/2026	Resolution: Burlington Forward: A Comprehensive Framework For Safe Public Spaces And A Stronger Community	refer the resolution to the Committees on Public Safety, REIB, CDNR, and PAC and request a report back to the full Council on any recommended amendments on items within each committee's jurisdiction by September 14, 2026, and further specifically request that the Mayor's Office collaborate with Council leadership on any proposed amendments to the Resolution's State Partnership provisions contained in Article V, with any recommended revisions also presented to the Council on or by September 14, 2026.	by September 14, 2026

Recommended Action Motion to adopt the consent agenda and take the actions indicated

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

Motion made by Commissioner Schachter, seconded by Commissioner Grant, to adopt the consent agenda and take the actions indicated. Motion passed unanimously.

Subject 2.2. First, Second, Third Class Liquor License and Outside Consumption Permit Renewals (2026-2027): see attached list

Meeting August 24, 2026 - Local Control Commission Meeting - Monday, August 24, 2026, 6:25 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 2. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)

Recommended Action approve the 2026-2027 First, Second, Third Class Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions

2.2. First, Second, Third Class Liquor License and Outside Consumption Permit Renewals (2026-2027): see attached list

Subject 2.3. Outside Consumption Permit Expansion (one day only): Pascolo Ristorante, 83 Church Street, September 18, 2026, 12 pm - 10 pm

Meeting August 24, 2026 - Local Control Commission Meeting - Monday, August 24, 2026, 6:25 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 2. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)

Recommended Action approve the one day only outside consumption permit expansion for Pascolo Ristorante, 83 Church Street, September 18, 2026, 12 pm - 10 pm

2.3. Outside Consumption Permit Expansion (one day only): Pascolo Ristorante, 83 Church Street, September 18, 2026, 12 pm - 10 pm

3. Deliberative Agenda

3. Deliberative Agenda

Subject 3.1. Outside Consumption Permit Application (2026-2027): Alimentari, 196 St. Paul Street

Meeting August 24, 2026 - Local Control Commission Meeting - Monday, August 24, 2026, 6:25 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 3. Deliberative Agenda

Department Department of Finance and Administration

Type	Action
------	--------

Recommended Action	approve the 2026-2027 Outside Consumption Permit Application for Alimentari, 196 St. Paul Street
--------------------	--

3.1. Outside Consumption Permit Application (2026-2027): Alimentari, 196 St. Paul Street

Motion made by Commissioner Grant, seconded by Commissioner Singh, to approve the motion as presented. Motion passed unanimously.

4. Adjournment

4. Adjournment

Subject	4.1. Motion to adjourn
----------------	-------------------------------

Meeting	August 24, 2026 - Local Control Commission Meeting - Monday, August 24, 2026, 6:25 PM, Contois Auditorium, 149 Church Street, 2nd Floor
---------	---

Category	4. Adjournment
----------	----------------

Department	Council and Board
------------	-------------------

Type	Action Procedural
------	----------------------

Recommended Action	Motion to adjourn
--------------------	-------------------

4.1. Motion to adjourn

City Council President Traverse adjourned the meeting at 7:20 pm.

Type	Action Procedural
Recommended Action	Motion 1: Move that the Council find that premature general public knowledge of information regarding security at City Hall and related legal advice would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client privileged information regarding, and to discuss, security at City Hall, pursuant to and receive confidential attorney-client communications VSA §313(a)(1)(F) and (a)(10), and including representatives from the Mayor's Office, the DFA, Human Resources, CEDO, and the City Attorney's Office.
2.1. EXECUTIVE SESSION regarding security at City Hall and related legal advice Motion 1: Made by Councilor McKnight, seconded by Councilor Schachter. Motion 2: Made by Councilor McKnight, seconded by Councilor Singh. The City Council went into Executive Session at 6:11 pm. The City Council came out of Executive Session at 6:45 pm.	

3. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**

3. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**

City Council President Traverse opened Public Forum at 6:45 pm.
City Council President Traverse closed Public Forum at 7:07 pm.

Subject	3.1. Verbal Comments
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Public Forum: Time Certain: 6:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

3.1. Verbal Comments

BTV residents (in person):

Bruce Wilson: Straight Talk Program
Lisa Denatale: General Statement re: Burlington Forward
Pardhasaradhi Namburi: direct democracy
Chris McGrath: Burlington Forward Resolution
Charlie Messing: Burlington Forward/Issues
Faried M.: City Hall Park Food Program

BTV resident (online):

Romeo von Hermann: Team BTV

Non-BTV resident (in person):

Chris Morash: New Proposal

4. Mayor - General City Affairs (10 mins.)

4. Mayor - General City Affairs (10 mins.)

Subject	4.1. Verbal reports
----------------	----------------------------

Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
---------	---

Category	4. Mayor - General City Affairs (10 mins.)
----------	--

Department	Council and Board
------------	-------------------

Type	Information
------	-------------

4.1. Verbal reports

5. Committee Reports

5. Committee Reports

Subject	5.1. Verbal reports
----------------	----------------------------

Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
---------	---

Category	5. Committee Reports
----------	----------------------

Department	Council and Board
------------	-------------------

Type	Information
------	-------------

5.1. Verbal reports

6. Consent Agenda

6. Consent Agenda

Subject	6.1. Motion to adopt the consent agenda and take the actions indicated
----------------	---

Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
---------	---

Category	6. Consent Agenda
----------	-------------------

Department	Council and Board
------------	-------------------

Type	Action (Consent) Procedural
------	--------------------------------

Recommended Action	Motion to adopt the consent agenda and take the actions indicated
--------------------	---

6.1. Motion to adopt the consent agenda and take the actions indicated

Motion made by Councilor Litwin, seconded by Councilor Singh, to adopt the consent agenda and take the actions indicated. Motion passed unanimously.

Subject	6.2. Accountability List - C/T
----------------	---------------------------------------

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Communication
Information

Recommended Action waive the reading, accept the communication and place it on file

6.2. Accountability List - C/T

Subject 6.3. Transferring Fund Balance between Special Revenue Bonds — DPW - Traffic Division

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Public Works Department

Type Action (Consent)

Recommended Action to approve and authorize a budget amendment to the Traffic Fund (264) for the purposes described herein and the Director of the Department of Public Works to move \$500,000 from the Traffic Fund (264) into the Parking Facilities Fund (265) to put directly toward paying down the principal of the outstanding RAN; and further authorize the Chief Administrative Officer or designee to make a principal only payment in the amount of \$820,284 towards the RAN in accordance and compliance with the terms and conditions of such note, all subject to the review and approval of the Chief Administrative Officer or designee

6.3. Transferring Fund Balance between Special Revenue Bonds — DPW - Traffic Division

Subject 6.4. Five-Year Authorization to Extend Fines for Food Program — DPW - Traffic Division

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Public Works Department

Type Action (Consent)

Recommended Action to authorize the Director of the Department of Public Works to make a charitable donation to Feeding Champlain Valley in an amount equal to one-half of revenues received from delinquent parking ticket during the period of December 1 through December 31, for the years 2026 through 2030

6.4. Five-Year Authorization to Extend Fines for Food Program — DPW - Traffic Division

Subject	6.5. Request for approval to sign a utility easement with Green Mountain Power - Airport
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Patrick Leahy Burlington International Airport
Type	Action (Consent)
Recommended Action	to grant an electrical utility easement to Green Mountain Power upon the identified Easement Area on Eagle Drive in South Burlington, Vermont, and in furtherance, authorize the Mayor of Burlington to execute an easement deed, and any related documents necessary or convenient to effect the easement, subject to final review and approval as to form by the City Attorney's Office

6.5. Request for approval to sign a utility easement with Green Mountain Power - Airport

Subject	6.6. Lease of Childcare Space at the Robert Miller Community Center - BPRW
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and recommend that the City Council approve and authorize the execution of a five year lease agreement, with the City's option to renew for five (5) additional, one (1) year terms, with The Greater Burlington YMCA, to perform Childcare services at the Robert Miller Community & Recreation Center, such specific portion of the building to be leased as further described in Attachment A and to authorize Mayor Emma Mulvaney-Stanak, to execute the lease and any related documents necessary or convenient to completing the transaction, subject to the review and approval as to form of the City Attorney's Office

6.6. Lease of Childcare Space at the Robert Miller Community Center - BPRW

Subject	6.7. August 3, 2026 Regular City Council Meeting Minutes - C/T
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Department of Finance and Administration

Type Action (Consent)
Information
Minutes

Recommended Action approve the minutes

6.7. August 3, 2026 Regular City Council Meeting Minutes - C/T

Subject 6.8. August 3, 2026 Board of Civil Authority Meeting Minutes - C/T

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Information
Minutes

Recommended Action approve the minutes

6.8. August 3, 2026 Board of Civil Authority Meeting Minutes - C/T

Subject 6.9. August 3, 2026 Local Control Commission Meeting Minutes - C/T

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Information
Minutes

Recommended Action approve the minutes

6.9. August 3, 2026 Local Control Commission Meeting Minutes - C/T

**Subject 6.10. Notice Under 10. V.S.A. Sec. 6302(d) — Acquisition of Interest in
Real Property, Auer Family Boathouse Property, 3181 North Avenue,
Burlington, Vermont - WVPD**

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Council and Board

Type Action (Consent)
 Communication
 Information

Recommended Action waive the reading, accept the communication and place it on file

6.10. Notice Under 10. V.S.A. Sec. 6302(d) — Acquisition of Interest in Real Property, Auer Family
Boathouse Property, 3181 North Avenue, Burlington, Vermont - WVPD

Subject 6.11. Communication: Elise Pecor, re: Burlington Forward resolution

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
 Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
 Communication

Recommended Action waive the reading and place the communication on file

6.11. Communication: Elise Pecor, re: Burlington Forward resolution

**Subject 6.12. Communication: Dylan Shelby, re: Comments on the Burlington
 Forward**

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
 Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
 Communication

Recommended Action waive the reading and place the communication on file

6.12. Communication: Dylan Shelby, re: Comments on the Burlington Forward

Subject 6.13. 2026 RunVermont Sponsor Report

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM,
 Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
 Information

Report

Recommended Action waive the reading, accept the report and place it on file

6.13. 2026 RunVermont Sponsor Report

Subject 6.14. Creation of two new positions within the CJC

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Community Justice Center

Type Action (Consent)

Recommended Action to approve the creation of a Communications, Volunteer and Operations Specialist within CEDO, a Regular Service, Full-time, Union, Grade 13, position, as well as the creation of a Parallel Justice Program Specialist, a Limited Service, Full-time, Union, Grade 16 position

6.14. Creation of two new positions within the CJC

Subject 6.15. Communication: Burlington Street Culture Coalition & Concerned Citizens, re: Modernizing Ordinances to Revitalize Public Art and Busking

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

6.15. Communication: Burlington Street Culture Coalition & Concerned Citizens, re: Modernizing Ordinances to Revitalize Public Art and Busking

Subject 6.16. Resolution: Designation Of Ward Four Polling Place (Councilors Barlow and Carpenter)

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Resolution

Recommended Action waive the reading and adopt the resolution

6.16. Resolution: Designation Of Ward Four Polling Place (Councilors Barlow and Carpenter)

Subject 6.17. Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Traffic Division Of The Public Works Department (Board of Finance)

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Department of Finance and Administration

Type Action (Consent)
Resolution

Recommended Action to waive the reading and to adopt the proposed resolution approving the renewal of an existing revenue anticipation note for the Parking Facilities Fund, in an amount not to exceed \$2.5 Million and with an interest rate not to exceed 7.5%

6.17. Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Traffic Division Of The Public Works Department (Board of Finance)

7. Deliberative Agenda

7. Deliberative Agenda

Subject 7.1. Special Event Outdoor Entertainment Permit Application (three days only): SEABA, South End Arts District, Art Hop, September 11th - 13th, 2026, various hours

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Department of Finance and Administration

Type Action

Recommended Action approve the three day only special event outdoor entertainment permit application for SEABA, South End Arts District, Art Hop, September 11th - 13th, 2026, various hours

7.1. Special Event Outdoor Entertainment Permit Application (three days only): SEABA, South End Arts District, Art Hop, September 11th - 13th, 2026, various hours

SEABA Director Christy Mitchell spoke to this agenda item.

Motion made by Councilor Grant, seconded by Councilor Litwin, to approve the motion as presented. Motion passed unanimously.

Subject **7.2. Special Event Outdoor Entertainment Permit Application (one day only): CSM, Opera Block in front of Pascolo Ristorante, September 18th, 5 pm - 8 pm**

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Department of Finance and Administration

Type Action

Recommended Action approve the one day only special event outdoor entertainment permit application for CSM, Opera Block in front of Pascolo Ristorante, September 18th, 5 pm - 8 pm

7.2. Special Event Outdoor Entertainment Permit Application (one day only): CSM, Opera Block in front of Pascolo Ristorante, September 18th, 5 pm - 8 pm
Motion made by Councilor Grant, seconded by Councilor Litwin, to approve the motion as presented. Motion passed unanimously.

Subject **7.3. Resolution: Request For Immediate & Short-Term State Action To Alleviate & Mitigate The Serious State & Federal Issues Of Houselessness, Mental Illness, Substance Use Disorder, & Criminal Activity Negatively Affecting Burlington And The Rest Of Vermont (Councilors Bergman, Schachter, Sanchez-Parkinson, Traverse, Grant, Litwin, Broderick, Singh, Neubieser, Carpenter, Barlow)(25 mins.)**

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Mayor's Office

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

7.3. Resolution: Request For Immediate & Short-Term State Action To Alleviate & Mitigate The Serious State & Federal Issues Of Houselessness, Mental Illness, Substance Use Disorder, & Criminal Activity Negatively Affecting Burlington And The Rest Of Vermont (Councilors Bergman, **Schachter, Sanchez-Parkinson, Traverse, Grant, Litwin, Broderick, Singh, Neubieser, Carpenter, Barlow**)(25 mins.)
Motion made by Councilor Schachter, seconded by Councilor Sanchez-Parkinson, to waive the reading and adopt the resolution. Motion passed unanimously by a voice vote.

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

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

Subject **8.1. Verbal reports**

Meeting August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	8. City Council - General City Affairs (to include Climate Emergency Reports & Public Health & Safety Updates: up 5 mins. per Councilor)
Department	Council and Board
Type	Information

8.1. Verbal reports

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

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

Subject	9.1. Verbal reports
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

9.1. Verbal reports

10. Adjournment

10. Adjournment

Subject	10.1. Motion to adjourn
Meeting	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Adjournment
Department	Council and Board
Type	Action Procedural

Recommended Action Motion to adjourn

10.1. Motion to adjourn

City Council President Traverse adjourned the meeting at 8:13 pm.

11. Informational and Non-Discrimination Statements

11. Informational and Non-Discrimination Statements

Subject	11.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Council and Licensing 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	August 24, 2026 - City Council Meeting - Monday, August 24, 2026, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

11.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Council and Licensing 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.

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

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

DATE: August 24, 2026
September 14, 2026

SUBJECT: Request to execute a contract with Jones Payne Group Inc. (JPG) for the construction oversight services for an amended previous authorization for approximately 58 housing units including Bid 1 and pending bid 2 of the Airports Residential Sound Insulation Program (RSIP), funded by the Office of Local Defense Community Cooperation (OLDCC).

Request

The Patrick Leahy Burlington International Airport (Airport or BTV) seeks to:

1. Execute an Agreement with Jones Payne Group, Inc (JPG) for construction improvements construction oversight services for approximately 58 housing units (Bids 1 & 2) for the RSIP - OLDCC funded program.

Background Information

The Patrick Leahy Burlington International Airport has a residential sound insulation program for those households affected by aircraft noise. BTV had requested funding from the Office of Local Defense Community Cooperation (OLDCC) through the Department of Defense to implement this program to increase the number of homes to be mitigated in the five-year horizon. This grant opportunity is the first time appropriations have been made available through the DOD to assist in funding Federal Aviation Administration (FAA) Noise Compatibility Programs (NCP) at National Guard Facilities. BTV has been awarded a grant in the amount of \$7,320,760.00 plus the local share of \$813,418.00 for a total project amount of \$8,134,178.00 consistent with the previous request to City Council in August of 2025 to authorize the Airport to accept this funding. To meet the timing requirement of the OLDCC grant we needed to split the requests for bids in 2. This was due to a change in FAA acoustical requirement during this grant funding opportunity. We will have a second request for bids later this year. However as outlined in the request JPG will be under contract for construction oversight services for the entire project.

On June 29, 2026, City Council authorized the director of Aviation to sign an agreement for these services with JPG, however there was an error in the amount provided by the contractor. Therefore, we are requesting new authority to proceed with signing the agreement, as amended, due to the amended project cost. The error was due to the fact that one total line in the detailed spreadsheet was not added in the project total. The level of work and scope was reviewed by an independent cost analysis and deemed reasonable, however the error was still carried forward. So we are fixing this.

Previous request: Execute a contract agreement with Jones Payne Group, Inc. for up to \$1,151,233.00 with a 10% contingency, for a total approved amount up to \$1,266,356.00 for the construction oversight services

New request: Execute a contract agreement with Jones Payne Group, Inc. for up to \$1,666,838.00 amended from the prior authorized amount of \$1,151,233.00 with a 10% contingency, for an amount up to \$1,833,521.00 for construction oversight services.

OLDCC

The Community Noise Mitigation Program through OLDCC, is intended to facilitate the installation of sound insulation in covered facilities. Through the Consolidated Appropriations this funding is for airports at or near guard or reserve installations, The Office of Local Defense Community Cooperation must obligate the remaining funds through a counter-signed grant agreement no later than close of business on September 30, 2025.

RSIP

The Residential Sound Insulation Program (“RSIP”) is an approved measure of the 2020 Federal Aviation Administration (FAA) approved 14 Code of Federal Regulations (CFR) Part 150 Noise Compatibility Program. The overall Program allows airports to access federal funds to mitigate noise such as installing sound insulation materials like windows, doors, insulation, HVAC systems and includes approximately 2,400 residential units located within the 65-75 Day Night Average Sound Level (DNL) contours of the approved 2024 Noise Exposure Map (NEM). It’s important to note that without an approved NCP or NEM, no federal funds can be obligated towards these programs. Homes in this project will be located in the City of South Burlington, City of Winooski, or Town of Williston. Properties will be selected based upon their location within or adjacent to the approved 2024 Noise Exposure Map (NEM) 65 - 75 DNL with a goal of balancing the program homes between the most affected cities/town of South Burlington, Winooski and Williston. Home selection is to be determined as part of this scope of work outlined in these grants. For further information, all of our NCP and NEM documentation can be found at btvsound.com

Benefits Anticipated:

The project will reduce interior noise levels of the eligible properties by installing an acoustical treatment package which will provide relief from aircraft noise by upgrading interior eligible living areas. Upgrades may include replacement of windows and doors with acoustically rated products and installation or upgrade of ventilation systems. The sound insulation treatments are designed to reduce the interior noise levels to below 45 DNL and provide a minimum noise level reduction of 5dB, all of which is a requirement of the FAA. It is anticipated that this project construction improvements will benefit an estimated 39 housing units and ultimately

approximately 58 units after the second bid. The entire program once completed is anticipated to benefit approximately 2400 homeowners, which equates to approximate 5500 occupants.

Project approach

Jones Payne Group, Inc. (JPG) was selected to provide construction oversight and resident representative (RPR) services through the Airports selection process by meeting standards by the FAA for this project. This price was determined through an extensive pricing process established by the FAA for all airport improvement projects (AIP) grant funded projects. For FAA AIP projects, a qualifications-based process with an independent fee estimate (IFE) is completed for projects. Anything over \$100,000 requires it to be reviewed by an independent engineer/reviewer of scope and fee. Once this is completed a record of negotiations (RON) is completed if needed, dependent on the results of the IFE.

Funding:

The funding is from the OLDCC program, as outlined which provides 90% funding. The remaining 10% is the local share which will be supplemented with Passenger Facility Charges (PFC). We also receive a portion of the local share reimbursement from an agreement with Vermont Gas Systems (VGS) when these improvement balance/compare with their home energy efficiency program.

PROPOSED MOTIONS:

Board of Finance:

1. "To approve and recommend that the City Council authorize the Director of Aviation to execute a contract agreement with Jones Payne Group, Inc. for up to \$1,666,838.00 amended from the prior authorized amount of \$1,151,233.00 with a 10% contingency, for an amount up to \$1,833,521.00 from the prior authorized amount of \$1,266,356.00 for the construction oversight services for improvements for approximately 58 housing units by the OLDCC funded Residential Sound Insulation Program, subject to review and approval of the City Attorney's Office."

City Council

1. "To authorize the Director of Aviation to execute a contract agreement with Jones Payne Group, Inc. for up to \$1,666,838.00 amended from the prior authorized amount of \$1,151,233.00 with a 10% contingency, for an amount up to \$1,833,521.00 from the prior authorized amount of \$1,266,356.00 for the construction oversight services for improvements for approximately 58 housing units by the OLDCC funded Residential Sound Insulation Program, subject to review and approval of the City Attorney's Office."

CITY OF BURLINGTON
DRAFT CONSULTANT CONTRACT

This Consultant Contract (“Contract”) is entered into by and between the City of Burlington, Vermont (“the City”), and The Jones Payne Group (“Consultant”), a Massachusetts corporation licensed to do business in Vermont located at 123 North Washington St. 3rd Fl. Boston, Massachusetts 02114.

Consultant and the City agree to the terms and conditions of this Contract.

1. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. “Contract Documents”** means all the documents identified in Section 4 (Scope of Work) of this Contract.
- B. “Effective Date”** means the date on which this Contract is approved and signed by the City, as shown on the signature page.
- C. “Party”** means the City or Consultant, and “Parties” means the City and Consultant.
- D. “Project”** means the Patrick Leahy Burlington International Airport Sound Insulation Program OLDCC construction phase.
- E. “Work”** means the services described in Section 5 (Payment for Services) of this Contract, along with the specifications contained in the Contract Documents as defined in Section 4 (Scope of Work) below.

2. RECITALS

- A. Authority.** Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party’s obligations have been duly authorized.
- 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 Contract.
- C. Purpose.** The City seeks to employ the Consultant to provide administrative and technical assistance for noise related issues.

3. EFFECTIVE DATE & TERM

- A. Effective Date.** This Contract shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Contract before the Effective Date and shall have no obligation to pay Consultant for any performance or

expense incurred before the Effective Date or after the expiration or termination of this Contract.

- B. Term.** This Contract and the Parties' respective performance shall commence on the Effective Date and expire on **December 31, 2030** or upon the satisfaction of the City, unless sooner terminated as provided herein.

4. SCOPE OF WORK

The Consultant shall perform the services listed in Attachment A (Request for Proposals) to the reasonable satisfaction of the Director of Aviation or designee and as described in Attachment B (Consultant's Response to Request for Proposals), subject to Section 7.B hereof and the reasonable directions of Director of Aviation or designee.

5. PAYMENT FOR SERVICES

- A. Amount.** The City shall pay the Consultant for completion of the Work in accordance with Attachment B (Consultant's Fee Proposal), subject to the Maximum Limiting Amount in Paragraph C, below.

Consultant agrees to accept this payment as full compensation for performance of all services and expenses incurred under this Agreement.

- B. Payment Schedule.** The City shall pay the Consultant in the manner and at such times as set forth in the Contract Documents. The City seeks to make payment within thirty days of receipt of an invoice and any backup documentation requested under subsection D (Invoice) below.
- C. Maximum Limiting Amount.** The total amount that may be paid to the Consultant for all services and expenses under this Contract shall not exceed the maximum limiting amount of **\$1,666,838**. The City shall not be liable to Consultant for any amount exceeding the maximum limiting amount without duly authorized written approval.
- D. Invoice.** Consultant shall submit one copy of each invoice, including rates and a detailed breakdown by task for each individual providing services, and backup documentation for any equipment or other expenses to the following:

Larry Lackey, Director of Engineering, Planning, and Sustainability
1200 Airport Drive, Suite 1
South Burlington, VT 05403

Madison Reagan, Environmental Compliance and Project Manager
1200 Airport Drive, Suite 1
South Burlington, VT 05403

The City reserves the right to request supplemental information prior to payment. Consultant shall not be entitled to payment under this Contract without providing sufficient backup documentation satisfactory to the City.

6. SECTION & ATTACHMENT HEADINGS

The article and attachment headings throughout this Contract are for the convenience of City and Consultant and are not intended nor shall they be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

7. CONTRACT DOCUMENTS & ORDER OF PRECEDENT

- A. Contract Documents.** The Contract Documents are hereby adopted, incorporated by reference, and made part of this Contract. The intention of the Contract Documents is to establish the necessary terms, conditions, labor, materials, equipment, and other items necessary for the proper execution and completion of the Work to ensure the intended results.

The following documents constitute the Contract Documents:

Attachment A: Consultant's Scope of Work dated April 28, 2026

Attachment B: Consultant's Fee Proposal dated April 28, 2026

Attachment C: Burlington Standard Contract Conditions for Consultants

Attachment D: Burlington Livable Wage Ordinance Certification

Attachment E: Burlington Outsourcing Ordinance Certification

Attachment F: Burlington Union Deterrence Ordinance Certification

Attachment G: Consultant's Certificate of Insurance & Endorsements

- B. Order of Precedent.** To the extent a conflict or inconsistency exists between the Contract Documents, or provisions therein, then the Contract takes precedent. Any Invitation for Bids, Additional Contract Provisions, and the City Ordinance Certifications shall prevail over any inconsistency with the Contractor's Scope of Work and Cost Proposal.

8. [Reserved]

— Signatures follow on the next page —

SIGNATURE

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. This Contract may be executed in counterparts, each of which may be deemed an original. This Contract may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

Consultant
The Jones Payne Group, Inc.

By: _____
John Hansen III, President

Date: _____

City of Burlington
Patrick Leahy Burlington International Airport

By: _____
Nic Longo
Director of Aviation

Date: _____

Attachment A:
Consultant's Scope of Work dated March, 2026

**PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT
RESIDENTIAL SOUND INSULATION PROGRAM
OLDCC CONSTRUCTION PHASE SERVICES – 58 HOMES
MARCH 2026**

This task order will focus on the construction administration up to 58 homes. The homes are split into two separate bid packages/construction contracts. The schedule presumes a 52 week duration for package 1 and a 44 week duration for package 2. While there may be some calendar overlap between the packages, it is minimal- the closeout of one overlaps with the preconstruction of the next. We have included a draft schedule with the scope of work which reflects our schedule assumptions for this scope and fee. Also included in this scope is a resident construction representative and post construction acoustical testing.

For this scope of work, a “home” is defined and counted as:

- A single building containing no more than two dwelling units counts as one (1) home.
- A single condominium unit counts as one (1) home.
- A three-family apartment building counts as one and one-half (1.5) homes.
- A four-family apartment building counts as two (2) homes.
- A five-family apartment building counts as two and one-half (2.5) homes.
- A six-family apartment building counts as three (3) homes.

For this scope of work, a property is defined as:

- A parcel or plot of land, including all structures located on that parcel.

The following activities will occur:

Task 1. Program Oversight and Coordination

- ***Project Management/Reporting***

The Team will provide oversight and management for all task-related services identified in this scope of work. Management and coordination will include project procedures, policies, reporting, and communications, both written and verbal.

Reports and data required by OLDCC will be coordinated and provided.

Task 2. Conduct Post-Construction Acoustical Testing & Report

The Team will conduct two rounds of post-construction acoustical testing for up to 6 properties constructed in accordance with the ATP's established procedures. Following each round of testing, the Team will prepare a report comparing pre- and post-NLR values to verify that the performance of the acoustical treatments meets the Project's goals. The Team shall review these reports and coordinate any revisions prior to their submittal to the Airport.

Travel Assumptions:

HMMH: Up to three (3) staff members will participate in each 2-day measurement effort. One (1) senior staff member will also perform on-site management and technical oversight for up to two (2) days during each round of acoustical testing. For budgeting purposes, it is assumed that two of these staff are local (based in HMMH's Burlington, Massachusetts office, and traveling by car) and that two additional staff are based in California (requiring airfare). A total of twenty-four (24) hotel nights should be budgeted for the out-of-state staff members. Principal Consultant (2x3 night trip), Senior Consultant (2x3 night trip), Consultant (2x3 night trip), Consultant (2x3 night trip). Budgeting assumes one rental car is large enough to carry all equipment for the duration of the testing.

Task 3. Construction Activities – 58 Homes

- ***Local Agency Coordination***

The Team will coordinate with local utilities and the building department during the construction phase. Upon receipt of the final contractor work schedule for the Project, the Team will inform the agencies and participating homeowners on a weekly basis where work will take place and at which residences. This will be carried out as a courtesy to the agencies and as an essential part of keeping the homeowners informed.

- ***Conduct Pre-Construction Conference/Walk-Through***

The Team will conduct a pre-construction conference and walk-through with the contractor. A house-by-house walkthrough will be scheduled to take final measurements of the products for the units and to discuss and resolve issues related to atypical installation conditions. Resolution regarding architectural, mechanical, electrical, and ventilation systems (including equipment locations, line set routing, duct sizing and routing, and electrical system upgrades) will occur during the walk-through.

Travel assumptions:

JP Architect will travel up by car for one full day of house walkthroughs. One day of travel time. Two hotel nights.

- ***Review Contractor Submittals and Work Schedules***

The Team will receive shop drawings, project submittals, schedule of values, schedule and technical information from the contractors to review for conformance with the contract documents.

- ***Inventory Materials at Contractor's Warehouse***

The Team will inventory all contractor materials, including window and door products, mechanical equipment, miscellaneous trim, insulation, among other acoustical products, to determine that the materials are being provided as specified and to ensure that all the products and materials for each unit are in the contractor's local warehouse prior to approving the start of work in each unit.

- ***Respond to RFI's & Issue Field Directives***

The Team will respond to all Requests for Information (RFI's) from the contractor and issue Field Directives regarding how the work will proceed, including negotiation and preparation of Field Directives, RFI responses and processing.

- ***Monitor Contractor Schedules / Work Progress***

The Team will observe the contractor's work and monitor actual progress against the approved schedule. Any deviations from the schedule will be noted. Any issues that arise in the field will be monitored and background information on the issue(s) will be provided for Airport review. We assumed 2 house starts per week.

Travel assumptions:

JP Architect will make 4 two-night trips to the site for observation. Four days of travel time, 8 hotel nights.

- ***Conduct Construction Progress Meetings***

The Team will conduct weekly construction progress meetings and create minutes/action items for distribution to all parties. Meetings shall be attended by the Contractor, all Sub-Contractors, a Consultant representative, and the Airport. These meetings will be held in conjunction with pre-construction and construction phase activities.

- ***Provide Construction Representative(s)***

In addition to the construction administration tasks noted herein, the Team will provide a qualified construction representative to be available throughout the term of the construction contract to: observe and monitor construction progress, create photographic documentation and prepare daily logs, verify that the correct materials/products are being installed, address questions in the field or refer issues to the Team for clarification, investigate claims and initiate documentation for any changes in the work. The construction representative will complete and maintain and submit a daily report each day that construction is taking place. Additionally, any daily reports submitted by the contractor will be reviewed on a daily basis by the construction representative for accuracy and completeness.

- ***Review of Hazardous Materials Abatement Procedures***

The Team will review procedures used by the contractor as it relates to the abatement of the hazardous materials. This will include review of the contractor's lead paint abatement procedures and work practices, and review of the contractor's abatement procedures. The Team will also prepare air clearance monitoring reports for asbestos-containing materials and testing for lead-based paint. The Team will provide lead remediation oversight, and air clearance testing.

- ***Review & Process Contractor's Application for Payment***

The Team will review contractor's monthly "Application for Payment" forms, including a "pencil" copy to be agreed to by the architect, the construction manager, and the Airport's Project manager. Upon satisfactory resolution of discrepancies and consistency with completed work in accordance with the contract documents for the project, a final draft payment application will be generated by the Team and forwarded to the Airport for processing (in some cases, whether there is full agreement with the contractor or not).

- ***Transmittal of Contractor's Certified Payroll Records***

The Team will transmit the contractor's certified payroll records to the Airport. It is the responsibility of Airport to verify workforce composition, the accuracy of payroll records, and compliance with State and Federal Wage Rates.

This effort is captured in the Application for Payment subtask

- ***Review & Resolve Contract Claims***

The Team will review the RFI / Proposal file, analyze the contract changes in scope, contract schedule and sum. Should a contractor's claim be submitted, the Team will review and negotiate the change and make a recommendation to the Airport for resolution and/or approval.

- ***Substantial Completion***

Upon written notice by the contractor that the work in a home is substantially complete, the Team shall conduct a substantial completion walk-through and verify that all products are installed and operational. The Team will prepare a punch list and issue a "Certificate of Substantial Completion". A copy of the punch list will be provided to the Contractor, the Construction Representative, and the Airport.

Travel assumptions, Rimkus: 1 Day Onsite + 1 Travel Day X 2 People, 30 Trips

- ***Conduct Final Inspections***

The Team will conduct a final inspection of each residence in the Project. The Team will verify that all of the punch-listed items have been satisfactorily completed in order to close out the contract.

Travel assumptions, Rimkus: 1 Day Onsite X 2 People, 15 Trips

- ***Review As Built Drawings***

The Consultant will coordinate with the Contractor to ensure that they complete As-Built drawings of the work as actually performed. The Consultant will review these drawings for consistency with the Consultant's own records.

- ***Provide Contract Closeout Documents***

The Team will assist in the preparation of a reconciliation change order for close out of the contract, as required, as well as a contractor performance evaluation.

The Team will receive all required warranties, operating manuals, maintenance data, and instructions required by the Contract Documents and review them for compliance with contract requirements. Completed warranty packages will be distributed to the Homeowners.

The Team will administer other contract closeout procedures with the General Contractor (upon receipt of the Final Application for Payment, Bonds, Release of Liens, As-Built Drawings, and Contract Photos). The Team will submit the contract closeout documents to the Airport.

- ***Prepare Final Project Report***

The Team will prepare a Final Project Report for all participating dwellings that summarizes the Project experience from a cost analysis, acoustical performance, and DBE goals.

DELIVERABLES:

All deliverables will be in an electronic format (MS Word/ Excel / Project / PDF) unless otherwise specified.

Task 1: Program Oversight and Coordination

- Meeting Summary for each meeting associated with Airport, contractor, OLDCC or other non-team related entities

Task 2: Conduct Post-Construction Acoustical Testing & Report

- Draft and Final Post Construction Acoustical Test Report

Task 3: Construction Activities

- Preconstruction meeting summary
- Review and approval of all submittals and shop drawings
- Request for Information responses
- Daily construction observation reports
- Construction meeting agendas and summaries
- Review and approval of contractor's hazardous materials abatement procedures
- Air clearance monitoring reports for ACM, if required
- Testing reports for lead-based paint, if required.
- Review and approval of contractor's application for payment
- Recommendation regarding proposed change orders
- Documentation of home and contract substantial completion
- Documentation of home and contract final completion
- Verified As-built Drawings
- Transmittal of contractor's closeout documents as required by the contract documents
- Final project report for use by Airport for submittal to OLDCC

Attachment B:
Consultant's Fee Proposal dated June 5, 2026

Patrick Leahy Burlington International Airport

OLDCC Construction Phase Services for 58 Homes

Includes:

Construction Administration for 58 homes in two separate bid packages

Resident project representative

Acoustic post-testing & report

PRIME CONSULTANT:

The Jones Payne Group

FIRM	AMOUNTS		
	FEE	EXPENSES	TOTAL
Jones Payne Group	\$747,972	\$7,070	\$755,042
Rimkus	\$241,358	\$60,676	\$302,034
HMMH	\$76,180	\$12,400	\$88,580
KAS Consultants	\$5,520	\$58	\$5,578
EIV Technical Services	\$484,279	\$31,326	\$515,605
TOTAL	\$1,555,308	\$111,530	\$1,666,838

JONES PAYNE GROUP TEAM FEE <i>Updated June 5, 2026</i> BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		JP	RIMKUS	HMMH	KAS	EIV	TOTAL
Task 1 Program Oversight and Coordination							
	Project Management & Reporting	\$ 204,680	\$ -	\$ -	\$ -	\$ 3,377	\$ 208,057
Subtotal Direct Labor \$s Task 1		\$ 204,680	\$ -	\$ -	\$ -	\$ 3,377	\$ 208,057
Subtotal Hours \$s Task 1		870	0	0	0	0	\$ 870
Task 2 - Conduct Post Construction Acoustical Testing & Report							
	Post Construction Acoustical Testing & Report	\$ -	\$ -	\$ 76,180	\$ -	\$ -	\$ 76,180
Subtotal Direct Labor \$s Task 2		\$ -	\$ -	\$ 76,180	\$ -	\$ -	\$ 76,180
Subtotal Hours \$s Task 2		0	0	420	0	0	\$ 420
Task 3 - Construction Activities							
	Local Agency Coordination	\$ 2,332	\$ -	\$ -	\$ -	\$ -	\$ 2,332
	Conduct Pre-Construction Conference / Walk-through	\$ 40,170	\$ 38,876	\$ -	\$ -	\$ -	\$ 79,046
	Review of Contractor Submittals, Work Schedule	\$ 91,810	\$ 22,015	\$ -	\$ 460	\$ -	\$ 114,285
	Inventory Materials at Contractor's Warehouse	\$ 15,580	\$ -	\$ -	\$ -	\$ -	\$ 15,580
	Respond to RFI's & Issue Field Directives	\$ 70,200	\$ 20,346	\$ -	\$ 690	\$ -	\$ 91,236
	Monitor Contractor Schedules / Work Progress	\$ 93,180	\$ -	\$ -	\$ -	\$ -	\$ 93,180
	Conduct Construction Progress Meetings	\$ 32,288	\$ 11,047	\$ -	\$ 690	\$ -	\$ 44,025
	Provide Construction Representative(s)	\$ -	\$ -	\$ -	\$ -	\$ 480,901	\$ 480,901
	Review of Hazardous Materials Abatement Procedures	\$ -	\$ -	\$ -	\$ 2,720	\$ -	\$ 2,720
	Review & Process Contractor's Application for Payment	\$ 11,660	\$ -	\$ -	\$ -	\$ -	\$ 11,660
	Transmittal of Contractor's Certified Payroll Records	\$ 2,940	\$ -	\$ -	\$ -	\$ -	\$ 2,940
	Review & Resolve Contract Claims	\$ 34,880	\$ 4,150	\$ -	\$ -	\$ -	\$ 39,030
	Substantial Completion	\$ 35,130	\$ 105,184	\$ -	\$ -	\$ -	\$ 140,314
	Conduct Final Inspections	\$ 19,952	\$ 34,208	\$ -	\$ -	\$ -	\$ 54,160
	Review As Built Drawings	\$ 26,460	\$ 4,242	\$ -	\$ -	\$ -	\$ 30,702
	Provide Contract Closeout Documents	\$ 40,760	\$ 860	\$ -	\$ 960	\$ -	\$ 42,580
	Prepare Final Project Report	\$ 25,950	\$ 430	\$ -	\$ -	\$ -	\$ 26,380
Subtotal Direct Labor \$s Task 3		\$ 543,292	\$ 241,358	\$ -	\$ 5,520	\$ 480,901	\$ 1,271,071
Subtotal Hours \$s Task 3		2871.5	2101	0	51	3580	\$ 8,604
TOTAL DIRECT LABOR DOLLARS		\$ 747,972	\$ 241,358	\$ 76,180	\$ 5,520	\$ 484,279	\$ 1,555,308
TOTAL DIRECT LABOR HOURS		3741.5	2101	420	51	3580	\$ 9,894
Direct Expenses							
TOTAL DIRECT EXPENSES		\$ 7,070	\$ 60,676	\$ 12,400	\$ 58	\$ 31,326	\$ 111,530
TOTAL FEE		\$ 755,042	\$ 302,034	\$ 88,580	\$ 5,578	\$ 515,605	\$ 1,666,838

JONES PAYNE GROUP BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		Principal Consultant	Project Architect	Project Manager	Outreach lead	Construction administrator	TOTAL HOURS	COST
		\$325.00	\$289.00	\$220.00	\$147.00	\$147.00		
Task 1 Program Oversight and Coordination								
1.01	Project Management & Reporting	80	240	390	80	80	870	\$ 204,680
Subtotal Direct Labor \$s Task 1		80	240	390	80	80	870	
Subtotal Hours \$s Task 1		\$26,000	\$69,360	\$85,800	\$11,760	\$11,760		\$ 204,680
Task 2 - Conduct Post Construction Acoustical Testing & Report								
2.01	Post Construction Acoustical Testing & Report						0	\$ -
Subtotal Direct Labor \$s Task 2		0	0	0	0	0	0	
Subtotal Hours \$s Task 2		\$0	\$0	\$0	\$0	\$0		\$ -
Task 3 - Construction Activities								
3.01	Local Agency Coordination		4			8	12	\$ 2,332
3.02	Conduct Pre-Construction Conference / Walk-through		50	10	80	80	220	\$ 40,170
3.03	Review of Contractor Submittals, Work Schedule		160		30	280	470	\$ 91,810
3.04	Inventory Materials at Contractor's Warehouse			4		100	104	\$ 15,580
3.05	Respond to RFI's & Issue Field Directives		60	120		180	360	\$ 70,200
3.06	Monitor Contractor Schedules / Work Progress		180			280	460	\$ 93,180
3.07	Conduct Construction Progress Meetings	10	40		40	80	170	\$ 32,288
3.08	Provide Construction Representative(s)						0	\$ -
3.09	Review of Hazardous Materials Abatement Procedures						0	\$ -
3.10	Review & Process Contractor's Application for Payment		20			40	60	\$ 11,660
3.11	Transmittal of Contractor's Certified Payroll Records					20	20	\$ 2,940
3.12	Review & Resolve Contract Claims		80			80	160	\$ 34,880
3.13	Substantial Completion		30			180	210	\$ 35,130
3.14	Conduct Final Inspections		8			120	128	\$ 19,952
3.15	Review As Built Drawings					180	180	\$ 26,460
3.16	Provide Contract Closeout Documents		80			120	200	\$ 40,760
3.17	Prepare Final Project Report	8	30	40		40	118	\$ 25,950
Subtotal Hours Task 3		18	742	174	150	1788	2872	
Subtotal Direct Labor \$s Task 3		\$5,688	\$214,438	\$38,280	\$22,050	\$262,836		\$ 543,292

TOTAL LABOR HOURS		98	982	564	230	1,868	3,742	
TOTAL DIRECT LABOR DOLLARS		\$31,688	\$283,798	\$124,080	\$33,810	\$274,596		\$ 747,972

Direct Expenses							Expenses Cost
DIRECT EXPENSES		Rate	Units	Quantity			TOTAL EXPENSES
Airfare			Round trip				#VALUE!
Lodging	\$ 202.00	Nights	10				\$ 2,020
Meals / Per Diem	\$ 86.00	Days	15				\$ 1,290
Mileage/ Tolls	\$ 0.730	Miles	3000				\$ 2,190
Photocopies / Printing / Professional Publications	\$ 1.50	Pages	58				\$ 87
Postage / Courier / Overnight	\$ 1.00	Letter	58				\$ 58
Office Supplies							
Structural Services							
Translation Services							
Construction management software license	\$ 75.00	Month	19				\$ 1,425
TOTAL DIRECT EXPENSES							\$ 7,070
TOTAL FEE							\$ 755,042

RIMKUS INC. - MECHANICAL & ELECTRICAL BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		Vice President	PM-Elect.	Elect. Engineer	PM-HVAC	Code	HVAC Engineer	CADD Technician	Sr.Electrical Consultant	CADD Manager	TITLE	TITLE	TITLE	TOTAL HOURS	COST
		\$411.21	\$97.79	\$116.83	\$150.36	\$246.92	\$117.29	\$78.62	\$243.39	\$116.83	\$0.00	\$0.00	\$0.00		
Task 1 Program Oversight and Coordination															
	1.01 Project Management & Reporting													0	\$ -
Subtotal Direct Labor \$s Task 1		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal Hours \$s Task 1		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Task 2 - Conduct Post Construction Acoustical Testing & Report															
	2.01 Post Construction Acoustical Testing & Report													0	\$ -
Subtotal Direct Labor \$s Task 2		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal Hours \$s Task 2		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Task 3 - Construction Activities															
	3.01 Local Agency Coordination													0	\$ -
	3.02 Conduct Pre-Construction Conference / Walk-through	8	172				160							340	\$ 38,876
	3.03 Review of Contractor Submittals, Work Schedule	4	50	37	4		90							185	\$ 22,015
	3.04 Inventory Materials at Contractor's Warehouse													0	\$ -
	3.05 Respond to RFIs & Issue Field Directives	8	65	8	8		73							162	\$ 20,346
	3.06 Monitor Contractor Schedules / Work Progress													0	\$ -
	3.07 Conduct Construction Progress Meetings	8	30		4		36							78	\$ 11,047
	3.08 Provide Construction Representative(s)													0	\$ -
	3.09 Review of Hazardous Materials Abatement Procedures													0	\$ -
	3.10 Review & Process Contractor's Application for Payment													0	\$ -
	3.11 Transmittal of Contractor's Certified Payroll Records													0	\$ -
	3.12 Review & Resolve Contract Claims	8	4				4							16	\$ 4,150
	3.13 Substantial Completion	4	480		2		480							966	\$ 105,184
	3.14 Conduct Final Inspections	4	150		2		150							306	\$ 34,208
	3.15 Review As Built Drawings		2	16	2		16							36	\$ 4,242
	3.16 Provide Contract Closeout Documents		4				4							8	\$ 860
	3.17 Prepare Final Project Report		2				2							4	\$ 430
Subtotal Hours Task 3		44	959	61	22	0	1015	0	0	0	0	0	0	2101	
Subtotal Direct Labor \$s Task 3		\$18,093	\$93,781	\$7,127	\$3,308	\$0	\$119,049	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 241,358
TOTAL LABOR HOURS		44	959	61	22	-	1,015	-	-	-	-	-	-	2,101	
TOTAL DIRECT LABOR DOLLARS		\$18,093	\$93,781	\$7,127	\$3,308	\$0	\$119,049	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 241,358
Direct Expenses															
DIRECT EXPENSES		Rate	Units	Trips	People										Expenses Cost
															TOTAL EXPENSES
Airfare															\$ -
Lodging		\$ 200.00	1	50	2										\$ 20,000
Meals / Per Diem		\$ 86.00	1	61	2										\$ 10,492
Mileage/ Tolls		\$ 0.700	440	49	2										\$ 30,184
Photocopies / Printing / Professional Publications															
Postage / Courier / Overnight															
Office Supplies															
Structural Services															
Translation Services															
Miscellaneous															
TOTAL DIRECT EXPENSES															\$ 60,676
TOTAL FEE															\$ 302,034

HMMH INC - ACOUSTICAL BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		Principal Cons. II	Senior Cons. III	Consultant II	Consultant III	TOTAL HOURS	COST
		\$254.00	\$180.00	\$144.00	\$133.00		
Task 1 Program Oversight and Coordination							
1.01 Project Management & Reporting						0	\$ -
Subtotal Direct Labor \$s Task 1		0	0	0	0	0	
Subtotal Hours \$s Task 1		\$0	\$0	\$0	\$0		\$ -
Task 2 - Conduct Post Construction Acoustical Testing & Report							
2.01 Post Construction Acoustical Testing & Report		120	100	100	100	420	\$ 76,180
Subtotal Direct Labor \$s Task 2		120	100	100	100	420	
Subtotal Hours \$s Task 2		\$30,480	\$18,000	\$14,400	\$13,300		\$ 76,180
Task 3 - Construction Activities							
3.01 Local Agency Coordination						0	\$ -
3.02 Conduct Pre-Construction Conference / Walk-through						0	\$ -
3.03 Review of Contractor Submittals, Work Schedule						0	\$ -
3.04 Inventory Materials at Contractor's Warehouse						0	\$ -
3.05 Respond to RFI's & Issue Field Directives						0	\$ -
3.06 Monitor Contractor Schedules / Work Progress						0	\$ -
3.07 Conduct Construction Progress Meetings						0	\$ -
3.08 Provide Construction Representative(s)						0	\$ -
3.09 Review of Hazardous Materials Abatement Procedures						0	\$ -
3.10 Review & Process Contractor's Application for Payment						0	\$ -
3.11 Transmittal of Contractor's Certified Payroll Records						0	\$ -
3.12 Review & Resolve Contract Claims						0	\$ -
3.13 Substantial Completion						0	\$ -
3.14 Conduct Final Inspections						0	\$ -
3.15 Review As Built Drawings						0	\$ -
3.16 Provide Contract Closeout Documents						0	\$ -
3.17 Prepare Final Project Report						0	\$ -
Subtotal Hours Task 3		0	0	0	0	0	
Subtotal Direct Labor \$s Task 3		\$0	\$0	\$0	\$0		\$ -
TOTAL LABOR HOURS		120	100	100	100	420	
TOTAL DIRECT LABOR DOLLARS		\$30,480	\$18,000	\$14,400	\$13,300		\$ 76,180

	Direct Expenses					Expenses Cost
DIRECT EXPENSES		Rate	Units	Trips	People	TOTAL EXPENSES
	Airfare	\$ 750.00	4	2	2	\$ 3,000
	Lodging	\$ 202.00	24	2	3 to 4	\$ 4,848
	Meals / Per Diem	\$ 86.00	32	2	3 to 4	\$ 2,752
	Parking / Taxi	\$ 150.00	4	2	2	\$ 600
	Gasoline / Tolls	\$ 100.00	2	2	3 to 4	\$ 200
	Rental Car	\$ 500.00	2	2	3 to 4	\$ 1,000
	Miscellaneous					\$ -
	Postage / Courier / Overnight					
	Office Supplies					
	Structural Services					
	Translation Services					
	Miscellaneous					
TOTAL DIRECT EXPENSES						\$ 12,400
TOTAL FEE						\$ 88,580

KAS CONSULTANTS - ENVIRONMENTAL BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		Senior Manager	Project Manager	Field Inspector	Industrial Hygienists	Project Administrator	TOTAL HOURS	COST
Task 1 Program Oversight and Coordination		\$140.00	\$115.00	\$100.00	\$0.00	\$65.00		
1.01	Project Management & Reporting						0	\$ -
Subtotal Direct Labor \$s Task 1		0	0	0	0	0	0	
Subtotal Hours \$s Task 1		\$0	\$0	\$0	\$0	\$0		\$ -
Task 2 - Conduct Post Construction Acoustical Testing & Report								
2.1	Post Construction Acoustical Testing & Report						0	\$ -
Subtotal Direct Labor \$s Task 2		0	0	0	0	0	0	
Subtotal Hours \$s Task 2		\$0	\$0	\$0	\$0	\$0		\$ -
Task 3 - Construction Activities								
3.01	Local Agency Coordination						0	\$ -
3.02	Conduct Pre-Construction Conference / Walk-through						0	\$ -
3.03	Review of Contractor Submittals, Work Schedule		4				4	\$ 460
3.04	Inventory Materials at Contractor's Warehouse						0	\$ -
3.05	Respond to RFI's & Issue Field Directives		6				6	\$ 690
3.06	Monitor Contractor Schedules / Work Progress						0	\$ -
3.07	Conduct Construction Progress Meetings		6				6	\$ 690
3.08	Provide Construction Representative(s)						0	\$ -
3.09	Review of Hazardous Materials Abatement Procedures		8	18			26	\$ 2,720
3.10	Review & Process Contractor's Application for Payment						0	\$ -
3.11	Transmittal of Contractor's Certified Payroll Records						0	\$ -
3.12	Review & Resolve Contract Claims						0	\$ -
3.13	Substantial Completion						0	\$ -
3.14	Conduct Final Inspections						0	\$ -
3.15	Review As Built Drawings						0	\$ -
3.16	Provide Contract Closeout Documents	1	6			2	9	\$ 960
3.17	Prepare Final Project Report						0	\$ -
Subtotal Hours Task 3		1	30	18	0	2	51	
Subtotal Direct Labor \$s Task 3		\$140	\$3,450	\$1,800	\$0	\$130		\$ 5,520

TOTAL LABOR HOURS		1	30	18	-	2	51	
TOTAL DIRECT LABOR DOLLARS		\$140	\$3,450	\$1,800	\$0	\$130		\$ 5,520

DIRECT EXPENSES	Direct Expenses						Expenses Cost
		Rate	Units	Samples	People		TOTAL EXPENSES
	Airfare						\$ -
	Lodging						\$ -
	Meals / Per Diem						\$ -
	Mileage/ Tolls	\$ 0.725	80				58.00
	Photocopies / Printing / Professional Publications						
	Postage / Courier / Overnight						
	Office Supplies						
	Structural Services						
	Miscellaneous - Asbestos Bulk Samples - 1 day results		each				\$ -
	Miscellaneous - Lead Wipe Samples - 1 day results		each				\$ -
TOTAL DIRECT EXPENSES							\$ 58

TOTAL FEE								\$ 5,578
-----------	--	--	--	--	--	--	--	----------

EIV TECHNICAL SERVICES - OBSERVATION BTV RESIDENTIAL SOUND INSULATION PROGRAM OLDCC CONSTRUCTION PHASE SERVICES		Project Manager	Construction Observation		TOTAL HOURS	COST
		\$153.52	\$134.33	\$0.00		
Task 1 Program Oversight and Coordination						
	1.01	Project Management & Reporting	8	16	24	\$ 3,377
Subtotal Direct Labor \$s Task 1		8	16	0	24	
Subtotal Hours \$s Task 1		\$1,228	\$2,149	\$0		\$ 3,377
Task 2 - Conduct Post Construction Acoustical Testing & Report						
	2.1	Post Construction Acoustical Testing & Report			0	\$ -
Subtotal Direct Labor \$s Task 2		0	0	0	0	
Subtotal Hours \$s Task 2		\$0	\$0	\$0		\$ -
Task 3 - Construction Activities						
	3.01	Local Agency Coordination			0	\$ -
	3.02	Conduct Pre-Construction Conference / Walk-through			0	\$ -
	3.03	Review of Contractor Submittals, Work Schedule			0	\$ -
	3.04	Inventory Materials at Contractor's Warehouse			0	\$ -
	3.05	Respond to RFI's & Issue Field Directives			0	\$ -
	3.06	Monitor Contractor Schedules / Work Progress			0	\$ -
	3.07	Conduct Construction Progress Meetings			0	\$ -
	3.08	Provide Construction Representative(s)		3,580	3580	\$ 480,901
	3.09	Review of Hazardous Materials Abatement Procedures			0	\$ -
	3.10	Review & Process Contractor's Application for Payment			0	\$ -
	3.11	Transmittal of Contractor's Certified Payroll Records			0	\$ -
	3.12	Review & Resolve Contract Claims			0	\$ -
	3.13	Substantial Completion			0	\$ -
	3.14	Conduct Final Inspections			0	\$ -
	3.15	Review As Built Drawings			0	\$ -
	3.16	Provide Contract Closeout Documents			0	\$ -
	3.17	Prepare Final Project Report			0	\$ -
Subtotal Hours Task 3		0	3580	0	3580	
Subtotal Direct Labor \$s Task 3		\$0	\$480,901	\$0		\$ 480,901

TOTAL LABOR HOURS		8	3,596	-	3,604	
TOTAL DIRECT LABOR DOLLARS		\$1,228	\$483,051	\$0		\$ 484,279

DIRECT EXPENSES	Direct Expenses				Expenses Cost
		Rate	Units	Quantity	TOTAL EXPENSES
	Airfare				\$ -
	Lodging				\$ -
	Meals / Per Diem				\$ -
	Mileage/ Tolls	\$ 0.725	37850		\$ 27,441
	Photocopies / Printing / Professional Publications				
	Postage / Courier / Overnight				
	Office Supplies				
	Structural Services				
	Miscellaneous		each		\$ -
	Construction management software license	\$ 185.00	month	21	\$ 3,885
TOTAL DIRECT EXPENSES					\$ 31,326

TOTAL FEE						\$ 515,605
-----------	--	--	--	--	--	------------

Attachment C:
Burlington Standard Contract Conditions For Consultants

**ATTACHMENT C:
BURLINGTON STANDARD CONTRACT CONDITIONS
FOR CONSULTANTS**

1. DEFINITIONS:

- A. The “Contract” shall mean the Contract between Consultant and the City to which these conditions apply and includes this Attachment C.
- B. The “Consultant” shall mean _____.
- C. The “City” shall mean the City of Burlington, Vermont or any of its departments.
- D. The “Effective Date” shall mean the date on which the Contract becomes effective according to its terms, or if no effective date is stated, the date that all parties to it have signed.
- E. The “Parties” shall mean the parties to this Contract.
- F. The “Work” shall mean the services being provided by the Consultant, as provided in the Contract.

2. REGISTRATION: The Consultant agrees to be registered with the Vermont Secretary of State’s office as a business entity doing business in the State of Vermont at all times this Contract is effective. This registration must be complete prior to Contract execution.

3. INSURANCE & INDEMNIFICATION: The insurance and indemnification provisions set forth in Attachment C-1 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.

4. CONFLICT OF INTEREST: The Consultant shall disclose in writing to the City any actual or potential conflicts of interest or any appearance of a conflict of interest by the Consultant, its employees or agents, or its subconsultants, if any.

5. PLANS, RECORDS, AND AVAILABLE DATA: The City agrees to make available, at no charge, for the Consultant’s use all available data related to the Contract including any preliminary plans, maps, drawings, photographs, reports, traffic data, calculations, EDM, valuable papers, topographic survey, utility location plats, or any other pertinent public records.

6. PERSONNEL REQUIREMENTS AND CONDITIONS: The Consultant shall employ only qualified personnel with appropriate and valid licensure, to the extent a license is required for the work performed. The City shall have the right to approve or disapprove key personnel assigned to administer activities related to the Contract.

Except with the approval of the City, during the life of the Contract, the Consultant shall not employ:

- 1. Any City employees who are directly involved with the awarding, administration, monitoring, or performance of the Contract or any project(s) that are the subjects of the Contract.

2. Any person so involved within one (1) year of termination of employment with the City.

The Consultant warrants that no company or person has been employed or retained, other than a bona fide employee working solely for the Consultant, to solicit or secure this Contract, and that no company or person has been paid or has a contract with the Consultant to be paid, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the Contract. For breach or violation of this warranty, the City shall have the right to annul the Contract, without liability to the City, and to regain all costs incurred by the City in the performance of the Contract.

The City reserves the right to require removal of any person employed by a Consultant, from work related to the Contract, for misconduct, incompetence, or negligence as determined by the City, in the due and proper performance of Consultant's duties, or for neglecting or refusing to comply with the requirements of the Contract.

7. **PERFORMANCE:** Consultant warrants that performance of Work will conform to the requirements of this Contract. Consultant shall use that degree of ordinary care and reasonable diligence that an experienced and qualified provider of similar services would use acting in like circumstances and experience in such matters and in accordance with the standards, practices and procedures established by Consultant for its own business.

8. DESIGN STANDARDS:

- a. Unless otherwise specifically provided for in the Contract, or directed in writing, Consultant services, studies or designs, that include or make reference to plans, specifications, special provisions, computations, estimates, or other data shall be in conformance with applicable City, state, and federal specifications, manuals, codes or regulations, including supplements to or revisions thereof, adopted prior to or during the duration of this Contract. In case of any conflict with the guidelines referenced, the Consultant is responsible to identify and follow any course of direction provided by the City.
- b. The Consultant shall ensure that any design conforms to applicable requirements of the Americans with Disabilities Act, including any regulations or design standards promulgated pursuant thereto (including, without limitation, the current edition of the ADA Accessibility Guidelines), and any more stringent disability access laws that may apply. If applicable to the Work, and to the extent appropriate in the Consultant's reasonable professional judgment, the Consultant shall build reasonable tolerances into plans to ensure that as-built or remodeled, buildings or structures comply with applicable accessibility standards (e.g., so that the future tiling of a wall will not cause a restroom stall to fail to meet minimum width standards, etc.).

9. **RESPONSIBILITY FOR SUPERVISION:** The Consultant shall assume primary responsibility for general supervision of Consultant employees and their sub-consultants for all work performed under the Contract and shall be solely responsible for all procedures, methods

of analysis, interpretation, conclusions and contents of work performed under the Contract. The Consultant shall be responsible to the City for all acts or omissions of its subconsultants and any other person performing work under this Contract.

10. UTILITIES: Whenever a facility or component of a private, public, or cooperatively-owned utility will be affected by any proposed construction, the Consultant will counsel with the City, plus achieve any necessary contacts and discussions with the affected owners, regarding any requirement necessary for revisions of facilities or existing installations, both above and below ground. Any such installations must be completely and accurately exhibited on any detail sheets or plans. The Consultant shall inform the City, in writing, of any such contacts and the results thereof.

11. INSPECTION OF WORK: The City shall, at all times, have access to the Consultant's work for the purposes of inspection, accounting, and auditing, and the Consultant shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Consultant 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 Consultant pursuant to the Contract, as well as any preparatory work, work-in-progress, or completed work at a field site, where applicable.

Conferences, visits to a site, or an inspection of the work, may be held at the request of any involved party or by representatives of the City.

12. REVIEWS AND ACCEPTANCES: All preliminary and detailed designs, plans, specifications, estimates or other documents prepared by the Consultant, shall be subject to review and endorsement by the City.

Approval for any inspections or sequences of progress of work shall be documented by letters, memoranda or other appropriate written means.

A frequency for formal reviews shall be set forth in the Contract. Informal reviews, conducted by the City will be performed as deemed necessary. The Consultant shall respond to all official comments regardless of their source. The Consultant shall supply the City with written copies of all correspondence relating to formal and informal reviews.

No acceptance shall relieve a Consultant of their professional obligation to correct any defects or errors in their work at their own expense.

13. PUBLIC RELATIONS: Whenever it is necessary to perform work in the field, particularly with respect to reconnaissance, the Consultant will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Consultant shall conduct themselves with propriety. The Consultant agrees to inform property owners and/or tenants, in a timely manner, if there is need for entering upon private property as an agent of the City, in accordance with 19 V.S.A. § 35 and §.503, to accomplish the work under the Contract. The Consultant agrees that any work will be done with minimum damage to the land and disturbance to the owner. Upon request of the Consultant, the City shall furnish a letter of

introduction to property owners soliciting their cooperation and explaining that the Consultant is acting as an agent of the City.

- 14. ACKNOWLEDGEMENTS:** Acknowledgment of the City's support must be included in any and all publications, renderings and project publicity, including audio/visual materials developed under this Contract.

15. APPEARANCES:

- A. Hearings and Conferences: The Consultant shall provide services required by the City and necessary for furtherance of any work covered under the Contract. These services shall include appropriate representation at design conferences, public gatherings and hearings, and appearances before any legislative body, commission, board, or court, to justify, explain and defend its contractual services covered under the Contract.

The Consultant shall perform any liaison that the City deems necessary for the furtherance of the work and participate in conferences with the City, at any reasonable time, concerning interpretation and evaluation of all aspects covered under the Contract.

The Consultant further agrees to participate in meetings with the City and any other interested or affected participant, for the purpose of review or resolution of any conflicts pertaining to the Contract.

The Consultant shall be equitably paid for such services and for any reasonable expenses incurred in relation thereto in accordance with the Contract.

- B. Appearance as Witness: If and when required by the City, the Consultant, or an appropriate representative, shall prepare and appear for any litigation concerning any relevant project or related contract, on behalf of the City. The Consultant shall be equitably paid, to the extent permitted by law, for such services and for any reasonable expenses incurred in relation thereto, in accordance with the Contract.

- 16. PAYMENT PROCEDURES:** The City shall pay, or cause to be paid, to the Consultant or the Consultant's legal representative payments in accordance with the Contract. All payments will be made in reliance upon the accuracy of all representations made by the Consultant, whether in invoices, progress reports, emails, or other proof of work. When applicable, for the type of payment specified in the Contract, the progress report shall summarize actual costs and any earned portion of fixed fee.

All invoices and correspondence shall indicate the applicable project name, project number and the Contract number. When relevant, the invoice shall further be broken down in detail between projects.

When applicable, for the type of payment specified in the Contract, expenses for meals and travel shall be limited to the current approved in-state rates, as determined by the State of Vermont's labor contract, and need not be receipted. All other expenses are subject to approval by the City

and must be accompanied with documentation to substantiate their charges.

No approval given or payment made under the Contract, shall be conclusive evidence of the performance of the Contract, either wholly or in part thereof, and no payment shall be construed to be acceptance of defective work or improper materials.

The City agrees to pay the Consultant and the Consultant agrees to accept, as full compensation, for performance of all services rendered and expenses incurred, the fee specified in the Contract.

Upon completion of all services covered under the Contract and payment of the agreed upon fee, the Contract with its mutual obligations shall end.

17. DUTY TO INFORM CITY OF CONTRACT DOCUMENT ERRORS: If Consultant knows, or has reasonable cause to believe, that a clearly identifiable error or omission exists in the Contract Documents, including but not limited to unit prices and rate calculations, Consultant shall immediately give the City written notice thereof. Consultant shall not cause or permit any Work to be conducted which may relate to the error or omission without first receiving written notice by the City that City representatives understand the possible error or omission and have approved of modifications to the Contract Documents or that Consultant may proceed without any modification being made to Contract Documents.

18. NON-APPROPRIATION: The obligations of the City under this Contract are subject to annual appropriation by the Burlington City Council. If no funds or insufficient funds are appropriated or budgeted to support continuation of payments due under this Contract, the Contract shall terminate automatically on the first day of the fiscal year for which funds have not been appropriated. The Parties understand and agree that the obligations of the City to make payments under this Contract shall constitute a current expense of the City and shall not be construed to be a debt or a pledge of the credit of the City. The decision whether or not to budget and appropriate funds during each fiscal year of the City is within the discretion of the Mayor and City Council of the City. The City shall deliver written notice to Consultant as soon as practicable of any non-appropriation, and Contract Consultant shall not be entitled to any payment or compensation of any kind for work performed after the City has delivered written notice of non-appropriation.

19. CHANGES AND AMENDMENTS: No changes or amendments to the Work of the Contract shall be effective unless documented in writing and signed by authorized representatives of the City and the Consultant.

20. EXTENSION OF TIME: The Consultant agrees to prosecute the work continuously and diligently and no charges or claims for damages shall be made by the Consultant for delays or hindrances, from any cause whatsoever, during the progress of any portion of services specified in the Contract. Such delays or hindrances, if any, may be compensated for by an extension of time for such reasonable period as the City may decide. Time extensions shall be granted by amendment, only for excusable delays, such as delays beyond the control of the Consultant and without the fault or negligence of the Consultant.

21. PUBLIC HEALTH EMERGENCY:

- A. Compliance with Mandates and Guidance: The Consultant is advised that public health emergencies—meaning public health emergencies, as declared by the City, the State of Vermont, or the Federal Government—may introduce significant uncertainty into the project. The Consultant must comply with all local, state, federal orders, directives, regulations, guidance, advisories during a public health emergency. Consultant shall adhere to the below provisions and consider public health emergencies as it develops project schedules and advances the Work.
- B. Creation of Public Health Emergency Plan: For any work performed on-site at a City location, the Consultant shall create a public health emergency plan acceptable to the City. The Consultant shall be responsible for following this plan and ensuring that the project or site is stable and in a safe and maintainable condition.
- a. Public Health Emergency Plan: The Public Health Emergency Plan will contain:
 - i. Measures to manage risk and mitigate potential impacts to the health and safety of the public, the City and Consultant's workers;
 - ii. Explicit reference to any health and safety performance standards and mandates provided by the City, the State of Vermont, the Federal government, or other relevant governmental entities;
 - iii. A schedule for possible updates to the plan as standards and mandates change; and
 - iv. Means to adjust the schedule and sequence of work should the emergency change in nature or duration.
 - b. Review and Acceptance of Plan:
 - i. Consultant must provide the plan to the City by the Effective Date of this Contract or by one (1) week prior to the commencement of on-site activities, whichever is later.
 - ii. The City shall have sole discretion to require changes to the plan.
 - iii. The City may revisit the plan at any time to verify compliance with obligations that arise under a state of emergency.
- C. Enforcement & Stoppage of Work: Consultant fails to comply with either 1) the approved public health emergency plan, or 2) any local, state, federal orders, directives, regulations, guidance, or advisories during a public health emergency, the City may stop Work under the Contract until such failure is corrected. Such failure to comply shall constitute a breach of the Contract.

Upon stoppage of work, the City may allow Work to resume, at a time determined by the City, under this Contract if such failure to comply is adequately corrected. The City shall have sole discretion in determining if Consultant has adequately corrected its failure to comply with the above.

If Consultant's breach of Contract has not been cured within seven (7) days after notice to stop Work from the City, then City may terminate this Contract, at its discretion.

- D. City Liability Relating to Potential Delays:** If a public health emergency is declared, the City will not be responsible for any delays related to the sequence of operations or any expenses or losses incurred as a result of any delays. Any delays related to a public health emergency will be excusable, but will not be compensable.

22. FORCE MAJEURE: Neither Party to this Contract shall be liable to the other for any failure or delay of performance of any obligation under this Contract to the extent the failure or delay is 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 ("Force Majeure"). To assert Force Majeure, the nonperforming party must prove that a) it made all reasonable efforts to remove, eliminate, or minimize the cause of delay or damage, b) diligently pursued performance of its obligations, c) substantially fulfilled all obligations that could be fulfilled, and d) timely notified the other part of the likelihood or actual occurrence of a Force Majeure event. If any such causes for delay are of such magnitude as to prevent the complete performance of the Contract within two (2) years of the originally scheduled completion date, either Party may by written notice request to amend or terminate the Contract. The suspension of any obligations under this section shall not cause the term of this Contract to be extended and shall not affect any rights accrued under this Contract prior to the occurrence of the Force Majeure. The Party giving notice of the Force Majeure shall also give notice of its cessation.

23. PAYMENT FOR EXTRA WORK, ADDITIONAL SERVICES OR CHANGES: The City may, in writing, and without invalidating the Contract, require changes resulting from revision or abandonment of work already performed by the Consultant or changes in the scope of work.

The value of such changes, to the extent not reflected in other payments to the Consultant, shall be incorporated in an amendment and be determined by mutual agreement. Any adjustments of this nature shall be executed under the appropriate fee established in the Contract, based on the adjusted quantity of work.

No changes for which additional fee payment is claimed shall be made unless pursuant to a written order from the City, and no claim for payment shall be valid unless so ordered.

The Consultant agrees to maintain complete and accurate records, in a form satisfactory to the City for all time devoted directly to same by Consultant employees. The City reserves the right to audit the records of the Consultant related to any extra work or additional services. Any such services rendered shall be subject, in all other respects, to the terms of the Contract. When changes are so ordered, no additional work shall be performed by the Consultant until a Contract amendment has been fully executed, unless written notice to proceed is issued by the City. Any claim for extension of time that may be necessitated as a result of extra work or additional services and changes shall be given consideration and evaluated insofar as it directly relates to the change.

24. FAILURE TO COMPLY WITH TIME SCHEDULE: If the City is dissatisfied because of

slow progress or incompetence in the performance of the Work in accordance with the schedule for completion of the various aspects of construction, the City shall give the Consultant written notice in which the City shall specify in detail the cause of dissatisfaction. Should the Consultant fail or refuse to remedy the matters complained of within five days after the written notice is received by the Consultant, the City shall have the right to take control of the Work and either make good the deficiencies of the Consultant itself or direct the activities of the Consultant in doing so, employing such additional help as the City deems advisable. In such events, the City shall be entitled to collect from the Consultant any expenses in completing the Work. In addition, the City may withhold from the amount payable to the Consultant an amount approximately equal to any interest lost or charges incurred by the City for each calendar day that the Consultant is in default after the time of completion stipulated in the Contract Documents.

- 25. RETURN OF MATERIALS:** Consultant agrees that at the expiration or termination of this Contract, it shall return to City all materials provided to it during its engagement on behalf of City.
- 26. ACCEPTANCE OF FINAL PAYMENT; RELEASE:** Consultant's acceptance of the final payment shall be a release in full of all claims against the City or its agents arising out of or by reason of the Work. Any payment, however, final or otherwise, shall not release the Consultant or their sureties from any obligations under the Contract Documents or any performance or payment bond.
- 27. OWNERSHIP OF THE WORK:** The Consultant agrees that the ownership of all studies, data sheets, survey notes, subsoil information, drawings, tracings, estimates, specifications, proposals, diagrams, calculations, EDM and other material prepared or collected by the Consultant, hereafter referred to as "instruments of professional service", shall become the property of the City as they are prepared and/or developed during execution of the Contract. The Consultant agrees to allow the City access to all "instruments of professional service" at any time. The Consultant shall not copyright any material originating under the Contract without prior written approval of the City. No publications or publicity of the work, in part or in total, shall be made without the express written agreement of the City, except that Consultant may in general terms use previously developed instruments of professional service to describe its abilities for a project in promotional materials.
- 28. PROPRIETARY RIGHTS:** The Parties under the Contract hereby mutually agree that, if patentable discoveries or inventions should result from work performed by the Consultants under the Contract, all rights accruing from such discoveries or inventions shall be the sole property of the Consultant. The Consultant, however, agrees to and does hereby grant to the City an irrevocable, nonexclusive, non-transferable, and royalty-free license to the manufacture, use, and disposition of any discovery or invention that may be developed as a part of the Work under the Contract.
- 29. PUBLIC RECORDS:** The Consultant understands that any and all records related to and acquired by the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act and that the determination of how those records must be handled

is solely within the purview of City. The Consultant shall identify all records that it considers to be trade secrets as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act and shall also identify all other records it considers to be exempt under the Act. It is not sufficient to merely state generally that the record is proprietary or a trade secret or is otherwise exempt. Particular records, pages or section which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.

- 30. RECORDS RETENTION AND ACCESS:** The Consultant agrees to retain, in its files, and to produce to the City—within the time periods requested—all books, documents, Electronic Data Media (EDM), accounting records, and other records produced or acquired by the Consultant in the performance of this Contract which are related to the City, at any time during this Contract and for a period of at least three (3) years after its completion or termination. In addition, if any audit, claim, or litigation is commenced before the expiration of that three (3) year period, the records shall be retained until all related audits, claims, or litigation are resolved. The Consultant further agrees that the City shall have access to all the above information for the purpose of review and audit during the Contract period and anytime within the aforementioned retention period. Copies of all of the above referenced information shall be provided to the City, if requested, in the format in which the records were obtained, created, or maintained, such that their original use and purpose can be achieved. Consultant, sub-consultants, or their representatives performing work related to the Contract, are responsible to ensure that all data and information created or stored on EDM is secure and can be duplicated and used if the EDM mechanism is subjected to power outage, obsolescence, or damage.
- 31. CONTRACT DISPUTES:** In the event of a dispute between the parties to this Contract each party will continue to perform its obligations unless the Contract is terminated in accordance with these terms.
- 32. SETTLEMENTS OF MISUNDERSTANDINGS:** Neither Party shall file any litigation arising from this Contract without first attempting in good faith to resolve the Parties' dispute through negotiated settlement or mediation; provided, however, that any applicable statute of limitations shall toll during any period in which the Parties are actively and mutually engaged in dispute resolution; and provided further that nothing herein shall prevent either Party from seeking emergency relief in appropriate circumstances from a court of competent jurisdiction.
- 33. CITY'S OPTION TO TERMINATE:** The Contract may be terminated in accordance with the following provisions, which are not exclusive:
- A. Termination for Convenience:** At any time prior to completion of services specified under the Contract, the City may terminate the Contract for any reason by submitting written notice via certified or registered mail to the Consultant, not less than fifteen (15) days prior to the termination date, of its intention to do so. If the termination is for the City's convenience, payment to the Consultant will be made promptly for the amount of any fees earned to the date of the notice of termination and costs of materials obtained in preparation for Work but not yet installed or delivered, less any payments previously made. However,

if a notice of termination is given to a Consultant prior to completion of twenty (20) percent of the estimated services, as set forth in the approved Work Schedule and Progress Report, the Consultant will be reimbursed for that portion of any reasonable and necessary expenses incurred to date of the notice of termination that are in excess of the amount earned under its approved fee to the date of said termination. Such requests for reimbursement shall be supported with factual data and shall be subject to the City's approval. The Consultant shall make no claim for additional compensation against the City by reason of such termination.

B. Termination for Cause:

- i. Breach: Consultant shall be in default if Consultant fails in any manner to fully perform and carry out each and all conditions of this Contract, including, but not limited to, Consultant's failure to begin or to prosecute the Work in a timely manner or to make progress as to endanger performance of this Contract; failure to supply a sufficient number of properly skilled employees or a sufficient quantity of materials of proper quality; failure to perform the Work unsatisfactorily as determined by the City; failure to neglect or refuse to remove materials; or in the event of a breach of warranty with respect to any materials, workmanship, or performance guaranty. Consultant will not be in default for any excusable delays as provided in Sections 19-21.

The City may give Consultant written notice of such default. If Consultant does not cure such default or provide a plan to cure such default which is acceptable to the City within the time permitted by the City, then the City may terminate this contract for cause.

- ii. Proceedings for Relief of Debtors: If a federal or state proceeding for relief of debtors is undertaken by or against Consultant, or if Consultant makes an assignment for the benefit of creditors, then the City may immediately terminate this contract.
- iii. Dishonest Conduct: If Consultant engages in any dishonest conduct related to the performance or administration of this Contract then the City may immediately terminate this contract.
- iv. Cover: In the event the City terminates this contract as provided in this section, the City may procure, upon such terms and in such manner as the City may deem appropriate, services similar in scope and level of effort to those so terminated, and Consultant shall be liable to the City for all of its costs and damages, including, but not limited to, any excess costs for such services, interest, or other charges the City incurs to cover.

- v. Rights and Remedies Not Exclusive: The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

34. GENERAL COMPLIANCE WITH LAWS: The Consultant and any subconsultant approved under this Contract shall comply with all applicable Federal, State and local laws, including but not limited to the Burlington Livable Wage Ordinance, the Non-Outsourcing Ordinance, and the Union-Deterrence Ordinance and shall provide the required certifications attesting to compliance with these ordinances (see attached ordinances and certifications).

Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties. If, for any reason, a provision in the Contract is unenforceable or invalid, that provision shall be deemed severed from the Contract, and the remaining provisions shall be carried out with the same force and effect as if the severed provisions had never been a part of the Contract.

35. CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY: During performance of the Contract, the Consultant will not discriminate against any employee or applicant for employment because of 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. Consultant, and any subconsultants, shall comply with any Federal, State, or local law, statute, regulation, Executive Order, or rule that applies to it or the services to be provided under this contract concerning equal employment, fair employment practices, affirmative action, or prohibitions on discrimination or harassment in employment.

36. CHILD SUPPORT PAYMENTS: By signing the Contract, the Consultant certifies, as of the date of signing the Contract, that the Consultant (a) is not under an obligation to pay child support; or (b) is under such an obligation and is in good standing with respect to that obligation; or (c) has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan. If the Consultant is a sole proprietorship, the Consultant's statement applies only to the proprietor. If the Consultant is a partnership, the Consultant's statement applies to all general partners with a permanent residence in Vermont. If the Consultant is a corporation, this provision does not apply.

37. TAX REQUIREMENTS: By signing the Contract, the Consultant certifies, as required by law under 32 VSA, Section 3113, that under the pains and penalties of perjury, that the Consultant is in good standing with respect to payment, or in full compliance with a plan to pay, any and all taxes due the State of Vermont as of the date of signature on the Contract.

38. NO GIFTS OR GRATUITIES: The Consultant shall not make any payment or gift or donation of substantial value to any elected official, officer, employee, or agent of the City during the term of this Contract.

39. ASSIGNMENT: Consultant shall not sublet or assign this Work, or any part of it, without the written consent of the City. If any subconsultant is approved, Consultant shall be responsible

and liable for all acts or omissions of that subconsultant for any Work performed. If any subconsultant is approved, Consultant shall be responsible to ensure that the subconsultant is paid as agreed and that no lien is placed on any City property.

- 40. TRANSFERS, SUBLETTING, ETC:** The Consultant shall not assign, sublet, or transfer any interest in the work, covered by this Contract, without prior written consent of the City, and further, if any sub-consultant participates in any work involving additional services, the estimated extent and cost of the contemplated work must receive prior written consent of the City. The approval or consent to assign or sublet any portion of the work, shall in no way relieve the Consultant of responsibility for the performance of that portion of the work so transferred. The form of the sub-consultant's contract shall be as developed by the Consultant and approved by the City. The Consultant shall ensure that insurance coverage exists for any operations to be performed by any sub-consultant as specified in the insurance requirements section of this Contract.

The services of the Consultant, to be performed under the Contract, shall not be transferred without written authorization of the City. Any authorized sub-contracts shall contain all of the same provisions contained in and attached to the original Contract with the City.

- 41. CONTINUING OBLIGATIONS:** The Consultant agrees that if because of death, disability, or other occurrences, it becomes impossible to effectively perform its services in compliance with the Contract, neither the Consultant nor its surviving members shall be relieved of their obligations to complete the Contract unless the City agrees to terminate the Contract because it determines that the Consultant is unable to satisfactorily execute the Contract.
- 42. INTERPRETATION & IMPLEMENTATION:** Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties.
- 43. ARM'S LENGTH:** This Contract has been negotiated at arm's length, and any ambiguity in any of its terms or provisions shall be interpreted in accordance with the intent of the Parties and not against or in favor of either the City or Consultant.
- 44. RELATIONSHIP:** The Consultant is an independent consultant and shall act in an independent capacity and not as officers or employees of the City. To that end, the Consultant shall determine the method, details, and means of performing the work, but will comply with all legal requirements in doing so. The Consultant shall provide its own tools, materials, or equipment. The Parties agree that neither the Consultant nor its principal(s) or employees are entitled to any employee benefits from the City. Consultant understands and agrees that it and its principal(s) or employees have no right to claim any benefits under the Burlington Employee Retirement System, the City's worker's compensation benefits, health insurance, dental insurance, life insurance, or any other employee benefit plan offered by the City. The Consultant agrees to execute any certifications or other documents and provide any certificates of insurance required by the City and understands that this Contract is conditioned on its doing so, if requested.

The Consultant understands and agrees that it is responsible for the payment of all taxes on the

above sums and that the City will not withhold or pay for Social Security, Medicare, or other taxes or benefits or be responsible for any unemployment benefits.

- 45. CHOICE OF LAW:** Vermont law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract, notwithstanding conflicts of law principles. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. Any provision rendered null and void by operation of this provision shall not invalidate the remainder of this Contract to the extent capable of execution.
- 46. JURISDICTION:** All suits or actions related to this Contract shall be filed and proceedings held in the State of Vermont, notwithstanding any other law.
- 47. BINDING EFFECT AND CONTINUITY:** This Contract shall be binding upon and shall inure to the benefit of the Parties, their' respective heirs, successors, representatives, and assigns. If a dispute arises between the Parties, each Party will continue to perform its obligations under this Contract during the resolution of the dispute, until the Contract is terminated in accordance with its terms.
- 48. SEVERABILITY:** The invalidity or unenforceability of any provision of this Contract, shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.
- 49. ENTIRE CONTRACT & AGREEMENT:** This Contract constitutes the entire Contract, agreement, and understanding of the Parties with respect to the subject matter of this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.
- 50. APPENDICES:** The City may attach to these conditions' appendices containing various forms and typical sample sheets for guidance and assistance to the Consultant in the performance of the work. It is understood, however, that such forms and samples may be modified, altered, and augmented from time to time by the City as occasions may require. It is the responsibility of the Consultant to ensure that they have the latest versions applicable to the Contract.
- 51. NO THIRD-PARTY BENEFICIARIES:** This Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract 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 Contract are incidental to this Contract, and do not create any rights for such third parties.
- 52. WAIVER:** Notwithstanding the passage of time, a Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

**Attachment C-1
Insurance & Indemnification**

As used in this Attachment, the term “Contractor” shall refer to the “Consultant”.

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. Professional Liability/Errors & Omissions:

1. General: The Contractor shall carry appropriate professional liability insurance covering errors and omissions made during their performance of contractual duties with the following minimum limits:
 - (a) \$2,000,000 - Annual Aggregate/Policy Limit
 - (b) \$1,000,000 - Per Claim/Occurrence
2. Deductibles: The Contractor is responsible for any and all deductibles.
3. Coverage: The Contractor shall maintain continuous professional liability coverage for the period of the Contract and for a period of five years following substantial completion of construction.

E. Special Coverages

- a. Builders' Risk or Installation Floater: Value of project or contract

F. Umbrella/Excess Liability:

1. \$2,000,000 Each Event Limit
2. \$2,000,000 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:

To the fullest extent allowed by law, the Contractor shall indemnify, defend, and hold harmless the City and its officers and employees from liability and claims, suits, fines, penalties, expenses (including attorneys' fees and costs), losses, liens, judgments, and damages of any kind or nature whatsoever (collectively, "Claims") arising as a result of the Contractor's acts and/or omissions in the performance this Contract.

Notwithstanding the foregoing, with respect to Professional Negligence (defined below), (i) the Contractor shall not have a defense duty to the City or its officers and employees; and (ii) the Contractor's duty to indemnify and hold harmless the City and its officers and employees shall be limited to the extent of the Contractor's actual fault; provided, however, that the Contractor's indemnification obligation with respect to Professional Negligence shall include the obligation to reimburse defense costs in the event and to the extent such costs are incurred and paid by the City as the proximate cause of said Professional Negligence.

As used herein, "Professional Negligence" means a failure by the Contractor to exercise that degree of skill and care ordinarily possessed by a reasonably prudent professional practicing in the same or similar locality and providing the same or similar services. For greater clarity, Professional Negligence generally includes the type of negligence covered under a Professional Liability/Errors & Omissions policy of insurance but not necessarily under a Commercial General Liability or Automobile Liability policy of insurance.

Attachment D:
Burlington Livable Wage Ordinance Certification

Certification of Compliance with the City of Burlington's Livable Wage Ordinance

The Jones Payne Group, Inc.

I, John Hansen III, on behalf of _____ ("the Contractor") in connection
Leahy Burlington International Airport Residential Sound Insulation Program
with a contract for _____ services that we provide to the City, hereby certify under
oath that the Contractor (and any subcontractors under this contract) is and will remain in
compliance with the City of Burlington's Livable Wage Ordinance, B.C.O. 21-80 et seq., and
that

(1) as a condition of entering into this contract or grant, we confirm that all covered
employees as defined by Burlington's Livable Wage Ordinance (including the covered
employees of subcontractors) shall be paid a livable wage (as determined, or adjusted,
annually by the City of Burlington's chief administrative officer) and provided appropriate
time off for the term of the contract;

(2) a notice regarding the applicability of the Livable Wage Ordinance shall be
posted in the workplace(s) or other location(s) where covered employees work;

(3) we will provide verification of an employee's compensation, produce payroll or
health insurance enrollment records or provide other relevant documentation (including
that of any subcontractor), as deemed necessary by the chief administrative officer, within
ten (10) business days from receipt of a request by the City;

(4) we will cooperate in any investigation conducted by the City of Burlington's City
Attorney's office pursuant to this ordinance; and

(5) we will not retaliate (nor allow any subcontractor to retaliate) against an
employee or other person because an employee has exercised rights or the person has
cooperated in an investigation conducted pursuant to this ordinance.

Date

By: Contractor _____

Subscribed and sworn to before me:

Date

Notary _____

Attachment E:
Burlington Outsourcing Ordinance Certification

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, John Hansen III, on behalf of
The Jones Payne Group, Inc. (Contractor) and in connection with the
Leahy Burlington International Airport Residential Sound Insulation Program
[project], hereby certify under oath that (1) Contractor shall comply with the City of
Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering
into this contract or grant, Contractor confirms that the services provided under the above-
referenced contract will be performed in the United States or Canada.

Dated at _____, Massachusetts this ____ day of _____, 20__.

By: _____
Duly Authorized Agent

Subscribed and sworn to before me: _____
Notary

Attachment F:
Burlington Union Deterrence Ordinance Certification

Certification of Compliance with the City of Burlington's
Union Deterrence Ordinance

I, John Hansen III, on behalf of The Jones Payne Group, Inc.
Leahy Burlington International Airport Residential Sound Insulation Program
(Contractor) and in connection with _____ (City
contract/project/grant), hereby certify under oath that The Jones Payne Group, Inc.
(Contractor) has not advised the conduct of any illegal activity, and it does not currently, nor will
it over the life of the contract advertise or provide union deterrence services in violation of the
City's union deterrence ordinance.

Dated at _____, Vermont this ____ day of _____, 20__.

By: _____
Duly Authorized Agent

Attachment G:
Consultant's Certificate of Insurance & Endorsements



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/18/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brown & Brown Insurance Services, Inc. 107 Audubon Rd Wakefield MA 01880	CONTACT NAME: House Account PHONE (A/C, No, Ext): (781) 245-5400 FAX (A/C, No): (781) 245-5463 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Transportation Insurance Company INSURER B: Continental Casualty Company INSURER C: Beazley America Insurance Company Inc INSURER D: INSURER E: INSURER F:	NAIC # 20494 20443 37540
INSURED The Jones Payne Group Inc. Jones Payne Architects & Planners, Inc. 123 North Washington St. Boston MA 02114		

COVERAGES**CERTIFICATE NUMBER:** 2025**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	Y		6021106615	06/01/2025	06/01/2026	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY	Y		6021106615	06/01/2025	06/01/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB DED ☒ RETENTION \$ 10,000 ☐ OCCUR ☐ CLAIMS-MADE	Y		6021106629	06/01/2025	06/01/2026	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☐ N / A		N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Arch/Eng Prof Liab incl Pollution			C1BA78251001	06/01/2025	06/01/2026	Per Claim 2,000,000 Aggregate 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

OLDCC Construction Phase Services for 58 Homes
Patrick Leahy Burlington International Airport
South Burlington Vermont
City of Burlington and Burlington International Airport are included as Additional Insureds per written contract under the General, Automobile, and Umbrella Liability insurance policies, subject to same terms and conditions. 30-day notice of cancellation, except 10-day notice for non-payment of premium.
Valuable Papers: \$370,000

CERTIFICATE HOLDER**CANCELLATION**

City of Burlington and Burlington International Airport
1200 Airport Drive, Suite 1

South Burlington,

VT 05403

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.



CERTIFICATE OF LIABILITY INSURANCE

Acct#: 2864176

DATE (MM/DD/YYYY)

05/18/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LOCKTON COMPANIES, LLC 3657 Briarpark Dr., Suite 700 Houston, TX 77042	CONTACT NAME: PHONE (A/C, No, Ext): 888-828-8365 FAX (A/C, No): E-MAIL ADDRESS: insperitycerts@locktonaffinity.com
INSURED THE JONES PAYNE GROUP, INC. 123 N WASHINGTON ST FL 3 BOSTON, MA 02114-2113	INSURER(S) AFFORDING COVERAGE INSURER A: Indemnity Insurance Company of North America INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	C7398046A	10/01/2025	10/01/2026	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

OLDCC Construction Phase Services for 58 Homes | Patrick Leahy Burlington International Airport South Burlington Vermont

CERTIFICATE HOLDER

City of Burlington and Burlington International Airport
1200 Airport Drive
Suite 13
South Burlington VT 05403

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: Airport Submitter: Nicolas Longo
Request to execute a contract with Jones Payne Group Inc. (JPG) for the construction oversight services for an amended previous authorization for approximately 58 housing units including Bid 1 and pending bid 2 of the Airports Residential Sound Insulation Program (RSIP), funded by the Office of Local Defense Community
Title/Subject: Cooperation (OLDCC).

Approval Requested:	Meeting Date:
☒ Board of Finance	8/24/2026
☒ City Council	9/14/2026
☐ Both BOF and Council	Click or tap to enter a date.

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	7/28/2026	Nicolas Longo
Mayor's Office	Yes	8/11/2026	Lisa Gerlach
Board/Commission	Yes	8/5/2026	Airport Commission
City Attorney's Office for memo and contracts or legal documents	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	7/28/2026	Hayley McClenahan
CAO for budget, financing, and memo	Yes	8/11/2026	Katherine Schad
Human Resources, if personnel action or policy	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.



Winooski Valley Park District

**Ethan Allen Homestead
Burlington, Vermont 05408**

Tel: (802) 863-5744 Email: info@wvpd.org www.WVPD.org Fax: (802) 865-0647



Date: 9/1/26
To: Burlington City Council
Cc: Lori Olberg, WVPD Board Chair Susan Gilfillon
From: Nick Warner, Executive Director Winooski Valley Park District (WVPD)
Re: Resignation of Burlington Trustee

The below was received via email from Catherine Bock on 8/31/26, WVPD seeks to replace Catherine as she is moving away. We are extremely grateful for her time with the Board, and will be missed:

To Whom it may concern.

I am resigning from the WVPD board because I am moving to Oregon to be closer to family.

It has been a pleasure being part of the work.

Best

**Catherine Bock
Burlington**

Bruce Wilson

PF = 08/24/26
CC

Straight Talk Vermont Education- Jobs- Mentoring

Bruce Wilson, Founder

Straight Talk Vermont., Organization Information

Straight Talk Vermont, is a 501 © (3) organization through Fight For Kids Foundation Inc, founded by Bruce Wilson in 1999 which serves individuals across the state of Vermont. The mission of Straight Talk Vermont is to help individuals with their goals, while educating on the issues of drugs, alcohol, tobacco, HIV/AIDS, STDS, cognitive programs , combined with providing safe places including internship/community service opportunities, mentoring and job education. The goal of Straight Talk Vermont is to reduce risky behavior in individuals, improve their physical and mental health, support academic and professional achievement, and encourage active involvement in our communities and help with systemic need. In addition to providing community service and professional opportunities, the organization hosts events and provides free center for individuals to serve as safe educational and recreational spaces. Through their participation with Straight Talk Vermont programs, individuals of Vermont gain valuable skills to make healthy decisions for their personal and professional lives.

The Need

Despite the lack of large metropolitan cities in Vermont, the state still faces challenges with individuals engaging in the risky behavior involving opiates / drugs and alcohol. The highest risk age group is the individuals 12-26 +. Ages 12-26+ on alcohol underage consumption, VT rank #1 per capita. Marijuana use ages 26+ VT rank #1 per capita, Ages 26+ on cocaine / opiate use VT rank #2 per capita, Ages 26+ on non-medical use of pain relievers VT rank # 4 per capital. 98% of individual incarcerated in Vermont charge stem from using drugs, opiate or alcohol. If these individuals had mentoring in their live the risk would be lower.

Using Straight Talk Vermont , *Bad for You (BFY)*, *Cognize* and *Life Support Vermont* programs we will work closely with individuals in high risk, incarcerated and who live in economically challenged / high risk environments. Straight Talk Vermont will address the needs of individuals to learn how to make healthy decisions, as well as educate individuals on safe prevention measures using our programs below.

Bad for You Program, (BFY) individuals will understand the cause and effect of drugs, alcohol, opiate and tobacco. Through participating in Cognize, individuals will identify their thinking patterns and thinking errors and learn education on healthy decision making and prevention measures. Through participating in Life Support Vermont, individuals will learn what is: HIV/AIDS, transmission, prevention, testing and social impact. They will learn new interventions, as well as healthy alternatives to using risky behaviors. "What's Good" is a discussion that will help individuals with their concerns / issues as well as understand the good things they are doing. Straight Talk Vermont will provide participants with resources and referrals.

The Goal

Using our program Straight Talk Vermont program will provide pre and post surveys to each participant to measure the level of preventative, work knowledge, before and after the program; "Did You Know?" surveys will also be provided at each end of cycle event, explaining the cause and effect of the various forms of substance abuse and alternatives to substance abuse and the thinking that put them at risk as well as attitude and belief. The participants and facilitators will complete evaluations after each session to reflect on the progress of the program.

Program Implementation

We will facilitate Bad For You (BFY) a program to help individuals on the issues of drugs, alcohol and tobacco. Cognize program (meaning to become aware of in one's mind) will help individuals identify the thinking that put them at risk and help them learn new interventions. We will also facilitate education on HIV/AIDS, transmission, prevention, testing and social impact. The program will always consist of: identifying thinking errors / patterns, writing thinking reports, conflict resolution exercises, education on drugs / alcohol / tobacco cause and effect as well as focus on healthy alternatives to risky behaviors and identifying need assessments. All sessions will include written information on referral sources to help support prevention and recovery . Sessions will include interactive role-plays, discussions, demonstrations, guest speakers and videos.

We will help individuals find resources using our community partners to help them with their systemic needs. Once individuals finish our programs we will continue to provide mentoring services . We will give referrals to our community partners for individuals who want mental health / drugs and alcohol counseling. Also using our community partners individuals will learn job skills, resume writing and find jobs.

Straight Talk Vermont
Bruce Wilson- Founder
802 304 3775

www.cctv.org/search/node/service%20rendered Burlington Channel 17 / CCTV

Lori Olberg

From: Pike Porter <pikeporter@gmail.com>
Sent: Monday, August 31, 2026 11:26 AM
To: City Council; Mayor's Office; Lori Olberg
Cc: Bianka Cimrin; Kate Tracy; Jane Seymour; Jennifer Tomczak; Celia Bird
Subject: 2025 PM2.5 data attached for inclusion in agenda packet
Attachments: BED-McNeil-2025-air-contaminant-registration-emissions-by-stack.pdf; BED-McNeil-2025-air-contaminant-registration-emissions-totals.pdf

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

Hi City Councilors and Madam Mayor,

please include the attached McNeil PM2.5 and other pollution data from 2025 in the next agenda packet.

In 2025, McNeil dumped 4.33 tons of PM 2.5 onto your constituents.

Thanks.

Pike

Vermont Air Quality and Climate Division

2025 Point Source Emissions and Registration Fee Calculation

For Criteria Pollutant Emissions

Facility: Burlington (City of) BED Joseph C McNeil Electric Generating S **Location :** Burlington
Facility Code: (226)

Emissions Summary by Stack :

Emission Estimates by Stack (tons) :

Stack-Number	Source Description	PM	SOX	NOX	HC	CO
1	UNIT #1 - WOOD USAGE	4.30	1.00	102.00	6.30	396.20
1	UNIT #1 - #2 OIL USAGE	0.00	0.00	0.00	0.00	0.10
1	UNIT #1 - NATURAL GAS USAGE	0.00	0.00	0.30	0.00	1.00
2	aux. boiler., building heat	0.01	0.00	0.16	0.02	0.13
3	waste oil burner	0.02	0.05	0.01	0.00	0.00

Friday, May 15, 2026
 7:55:06 AM

Stack-Number	Source Description	PM	SOX	NOX	HC	CO
--------------	--------------------	----	-----	-----	----	----

See next page for Criteria Pollutant Registration Fee total

Friday, May 15, 2026
7:55:06 AM

Vermont Air Quality and Climate Division
2025 Point Source Emissions and Registration Fee Calculation

2025 Criteria Pollutant Actual Emissions Total

Facility :	Burlington (City of) BED Joseph C McNeil Electric	Location:	Burlington
Facility Code :	Generating Station		

Totals For Each Pollutant (tons) :

PM	SOX	NOX	HC	CO
4.33	1.05	102.47	6.32	397.44

Total of All Criteria Pollutants : 511.61 Tons

Friday, May 15, 2026
8:04:10 AM

Chris McGrath
8/24/20 CC PF

First published in:

Richard J. Evans (Ed.), *The German Underworld. Deviants and Outcasts in German History*, London/ New York 1988, pp. 210-37.

Vagrants and Beggars in Hitler's Reich

Wolfgang Ayass

I

The years of the Depression in Germany brought unemployment and destitution to millions. Unemployment insurance, introduced as late as 1927, only provided regular payments for a fraction of the six million or more unemployed. While just under a million were being supported in this way by January 1933, when Hitler was appointed Chancellor, some 3.9 million unemployed were dependent on the much lower rates paid in 'crisis benefits' or by local authority welfare. The financial burden fell heavily on the virtually bankrupt urban and communal authorities, so that they increasingly tried to exclude as many people as possible from entitlement to claim. By the beginning of 1933, nearly 1,200,000 registered unemployed were receiving no benefits at all.¹ The poverty of these people meant that many of them were unable to afford rent payments, and the numbers of homeless people increased dramatically. They were passed on by the authorities from town to town, as 'vagrants' (*Wanderer*), but the hope of finding work and accommodation became ever more illusory as the Depression deepened. According to officials of the Vagrancy Relief (*Wanderfürsorge*), some 200,000 to half a million people, mostly men, were living on the streets by the beginning of the 1930s. The desperate financial situation of local authorities made it more or less impossible for them to provide these great masses of people with food, clothing and shelter, even had they wished to add the homeless to all the other categories of claimants they were trying to support. The situation of unemployed vagrants thus became steadily worse. They often went barefoot in order to preserve their only pair of shoes from wearing out; many of them starved.

¹ Cf. W. Adamy and J. Steffen, '„Arbeitsmarktpolitik“ in der Depression. Sanierungsstrategien in der Arbeitslosenversicherung, 1927-1933', *Mitteilungen aus der Arbeitsmarkt- und Berufsforschung* (1982), pp. 276-91.

[p. 211] Most of these vagrants were under 30 years of age. Young people were completely excluded from state unemployment insurance and 'crisis benefits', and many of them left home because they were unwilling to burden their parents, or because their parents were unwilling to tolerate or support them. However, there was no such thing as a 'typical' homeless person. Those who wandered the streets or gathered in the doss-houses included not only the masses of young unemployed men but also old-established tramps (*Kunden*), recently jobless skilled labourers looking for work, and impoverished intellectuals. As the Depression wore on, however, the distinctions between the classic vagrancy of the tramp, the travelling urge of the young, and the remnants of the wandering tradition became blurred. Never before had there been so many vagrants from so many different backgrounds. This new situation provided the seed-bed for groups such as the 'International Brotherhood of Vagabonds', which was organised enough to bring out no fewer than 21 numbers of its magazine *The Tramp* between 1927 and 1931.² The high point of the Brotherhood's career was the celebrated Vagabonds' Congress held at Stuttgart in 1929. It brought the possibilities of organising and politicising the homeless to the fore, and soon inspired other attempts along these lines.

In July 1932, for example, a meeting of some 300 'tramps' took place in a hall in Hamburg, to complain about abuses in the running of doss-houses, and the excessively high rates charged by some, the inadequate pay offered in some 'itinerant workers' centres' (*Wander-arbeitsstätten*) and 'labour colonies', and the rundown condition of municipal night-shelters. However, the strong presence of the Communist Party at this meeting caused the police to break it up.³ The Nazis were also active in this area, and attempted in their turn to rescue 'fellow-Germans who had got into difficulties through no fault of their own'. A good many of the homeless must have found their way into the arms of the SA, the Brownshirts, attracted by the promise of food, shelter, uniforms and plenty of action. At the beginning of 1933 the Nazis even published a novel, called *The road to Hitler*, complete with foreword by Goebbels, in the attempt to win over the vagrant constituency to the 'movement'.⁴

Once they had gained power, however, the Nazis gradually abandoned their attempt to win the support of the homeless and turned instead to persecuting this sub-proletarian stratum with measures that became ever harsher as time went on. This chapter [p. 212] takes the example of Hamburg, Germany's second largest city after Berlin, to illustrate this process in

² On the 'International Brotherhood of Vagabonds', see Klaus Trappmann (ed.), *Landstrasse, Kunden, Vagabunden. Gregor Gogs Liga der Heimatlosen* (Berlin, 1980), and the catalogue *Wohnsitz: nirgendwo. Vom Leben und Überleben auf der Strasse* (Künstlerhaus Bethanien, Berlin, 1982).

³ 'Kongress der Ruhelosen', *Hamburger Fremdenblatt*, 163 (13 June 1932).

⁴ Peter Hagen, *Die Strasse zu Hitler* (Berlin, 1933).

detail. Of course, in Hamburg perhaps more than in most places, the need to find temporary accommodation – in this case, for sailors, casual harbour workers and the like – had been at least partially recognised and met well before the Depression. The largest number of beds was provided by the Police Shelter in the Neustädterstrasse, built in 1913 and still in operation today. In 1937 it passed into the hands of the social welfare authorities, but it continues to be known as the 'Police Shelter' even today. With 300 places, it certainly could not stand comparison with the 5,000-bed Berlin Night-shelter, the celebrated *Palme*, in scale; but its notoriety among the vagrant community was just as great. Even today, it still deals with its customers impersonally, from behind a closed-in counter, and it still has mass dormitories.⁵

Besides the Police Shelter there were also, according to an annual official survey, 24 other accommodation centres, including three run by the Salvation Army, one 'refuge' called the *Herberge zur Heimat*, one itinerant workers' centre, and various sailors' homes and private lodging-houses.⁶ Apart from these officially recognised centres, there were also a number of opportunities for cheap accommodation in low pubs and doss-houses not approved by the authorities. In addition, there was also a 'labour colony'⁷ in the Bilhoner Kanalstrasse, founded in 1891. It offered relief and long-term accommodation, and obliged its inmates to work at chopping wood, for which they received no more than a few pfennigs pocket-money every week. It was closed in 1935, however, because its 160 places had long since ceased to be regularly filled. The accommodation and maintenance which it offered were so bad that even the Homelessness and Vagrancy Department of the Hamburg Social Welfare Authority, which was not particularly known for its sensitivity to the interests of those with whom it dealt, had refused to send people there since 1934.⁸

⁵ Hille Jan Breitenicher, 'Hamburg-Pik As', in *Wohnsitz: nirgendwo*, pp. 447-59. The nickname of the Police Shelter is virtually untranslatable. It took - and takes - its initials PA from the official name (*Polizei-Asyl*), and uses them as the basis for *Pik As*, the Ace of Spades, the card of death.

⁶ Staatsarchiv Hamburg (StA Hbg), Sozialbehörde (SB) I, EF 60.11, 29 November 1935.

⁷ On the history and function of the labour colonies, see *Ein Jahrhundert Arbeiterkolonien. 'Arbeit statt Almosen'. Hilfe für obdachlose Wanderarme 1884-1984* (Zentralverband deutscher Arbeiterkolonien, Bielefeld, 1984). On the history of vagrants' welfare in the Third Reich, see Wolfgang Ayass, 'Die Wanderfürsorge im Nationalsozialismus. Quellen und Dokumente zur Geschichte der Wanderfürsorge und der Herbergen zur Heimat zwischen 1933 und 1945' in Jürgen Scheffler (ed.), *Bürger und Bettler. Materialien und Dokumente zur Geschichte der Nichtsesshaftenhilfe in Diakonie, Vol. I, 1854-1954* (Bielefeld, 1987).

⁸ StA Hbg, SB I, FR 30.29, 10 December 1934; *ibid.*, EF 61.16, 147.

II.

The Nazis planned their first big round-up of the homeless almost as soon as they came to power. In July 1933 the recently founded Reich Ministry of Propaganda was urging a nationwide swoop on beggars, informing the welfare agencies of its intention in August 1933.⁹ The raid was preceded by a carefully orchestrated [p. 213] propaganda campaign. 'Guidelines' were issued to the press, portraying the forthcoming action quite cynically as a pendant to the recently inaugurated Winter Aid Programme (motto: 'No one will freeze or starve'):

„The psychological importance of a planned campaign against the nuisance of begging should not be underestimated. Beggars often force their poverty upon people in the most repulsive way for their own selfish purposes. If this sight disappears from the view of foreigners as well, the result will be a definite feeling of relief and liberation. People will feel that things are becoming more stable again, and that the economy is improving once more. A successful action against the nuisance of begging can have important propaganda benefits for the 'struggle against cold and hunger'. Once the land has been freed of the nuisance of beggars, we can justifiably appeal to the propertied classes to give all the more generously for the Winter Aid Programme now being set in motion by the State and the party.“¹⁰

Accordingly between 18 and 25 September 1933 the police, supported by the SA and the SS, organised a nationwide so-called 'beggars' week'. Large numbers of vagrants and beggars were taken into 'protective custody' in the course of this action, some of them directly from the doss-houses and night-shelters.¹¹

This first large-scale swoop on the homeless in the Third Reich revealed a mixture of strengths and weaknesses in the Nazis' policy towards beggars at this point in the regime's development. The figures published for Hamburg were characteristic of the situation in the nation as a whole. Within a very short space of time the local police arrested no fewer than 1,400 beggars, but no one really knew what to do with them, so all of them were released after a few days, except for a few, 108 in all, who were interned in a home for the destitute in Farmsen.¹² Judged by its original aim of 'removing the nuisance of beggars' altogether, the round-up of September 1933 had turned out to be a complete flop, a fact that was not

⁹ Archiv des Diakonischen Werkes Berlin, CA 1859, p. 1222 a/b.

¹⁰ Bayerisches Hauptstaatsarchiv Munich, MInn 71575, 15 September 1933.

¹¹ StA Hbg, SB I, EF 6127, 24 October 1933.

¹² Ibid., EF 60.40, 25 October 1933.

altered by the propaganda campaign waged in the Hamburg press in justification of the raid.¹³ The existing prisons were in no way capable of taking the tens of thousands of people condemned across Germany to sentences of up to six weeks for begging either. Recently closed-down penal institutions were [p. 214] reopened for the purpose. In some places, such as Görlitz, Meseritz and Singen-Hohentwiel, press reports revealed that special internment camps for beggars were set up for a few weeks.¹⁴ A local paper published in a municipality near Hamburg, the *Elmshorner Nachrichten*, even published a photograph of the beggars assembled in what the caption described as 'the first concentration camp for beggars', on 7 October 1933. After the dust had settled, of course, the 'tramps' made themselves scarce and went into hiding. The Nazis had their propaganda success, and made much of the corresponding statistical decrease in the numbers of beggars: but this success was superficial and shortlived. The limitations of the round-up soon became apparent: neither in Hamburg nor elsewhere did this police action secure the complete removal of the homeless from the streets.

Nevertheless, the fact that some of them were interned in workhouses for a lengthy period – as in the case of the 108 sent to Farmsen – made the remaining majority of vagrants feel increasingly insecure. Previously, workhouses, so much like prisons in so many respects, had been half empty; after the raids of Autumn 1933, they were crammed full with inmates. The number of workhouse prisoners (*Korrigenden*) in the Reich rose from 1,700 to over 4,000; and from 1934 the provisions of the criminal code dealing with vagrants and beggars were made much tougher. A new measure was added to the code – paragraph 42 d – providing the possibility of indefinite internment, even for life, for those who were sentenced to the workhouse for a second time. This was backed up in 1935 by an injunction from the Reich Ministry of Justice to proceed with all vigour against beggars and to use all the available opportunities for condemning them to the workhouse.

Meanwhile, however, other measures for dealing with the problem were also being found. The homeless in Hamburg, as in many other large cities, were not able to claim their benefits at local welfare offices but had to go to a special, central office instead. This arrangement was justified by the authorities in terms of the particularly difficult clientele and their complicated legal situation, which really was in many cases very tangled,

¹³ Cf. 'Schluss mit dem Bettelunwesen. Unwürdige sollen nicht unterstützt werden', *Hamburger Fremdenblatt*, 15 September 1933; 'Kampf dem Unwesen des Berufsbettelns', *Hamburger Fremdenblatt*, 15 September 1933; 'Auswüchse des Bettelunwesens', *Hamburger Nachrichten*, 22 September 1933, p. 3; 'Razzia', *Hamburger Fremdenblatt*, 21 September 1933.

¹⁴ Thus, for example, 'Die Polizeiaktion gegen das Bettelunwesen. Das Ende des Tippelbruders. Im Gefangenlager Singen. Wie Bettler das Almosen verprassen', *Badische Presse*, 27 September 1933.

especially where they had claims on other welfare agencies as well. It still exists today. Of course, the effect, and perhaps the intention, was that the benefits accorded the homeless would be still worse than the already miserable support given to claimants with a home to look after. Indeed, the Hamburg Homelessness and Vagrancy Department already had the declared aim under the Weimar [p. 215] Republic of driving claimants out of the city. In September 1931 it claimed proudly that it had succeeded 'by means of the skimpy benefits paid here' in 'causing by far the larger part' of the jobless and penniless wanderers' who had come to the city in the previous few weeks 'to go away again'.¹⁵ Hamburg may have been popularly known as Germany's gateway to the world, but as far as homeless vagrants were concerned, it was to remain firmly shut. To be sure, the fact that thousands of unemployed people were streaming into Hamburg at this time, looking for work in a city where unemployment rates were well above average, suggests that the catastrophic economic situation of the local economy in the autumn of 1931 was not universally recognised.¹⁶ The central welfare agency for the homeless, in the Paulinenstrasse, was dealing with up to 900 claimants a day at this period. Here they received the minimal benefit which was supposed to drive them out of the city as fast as they had come into it: a ticket entitling them to one litre of gruel, for which, if they were still claiming after two or three days, they had to pay with two hours' labour on emergency work schemes.¹⁷

Since 1931, 'aimless immigration' into the city, even if the immigrant's accommodation was guaranteed, was regarded by Hamburg's welfare agencies as 'uneconomic behaviour'. According to paragraph 13 of the Reich regulations on public benefits, this entitled the agencies to restrict benefits to the minimum necessary to keep the claimant alive. Such claimants, in other words, received even less than normal unemployment or crisis benefits or local authority welfare hand-outs. All claimants in need within three months of arriving in Hamburg were referred to the Homelessness and Vagrancy Department even if they had had a fixed address from the start.¹⁸ In 1933 the Department noted with pride that it had succeeded in getting rid of 'unwanted' immigrants and in deterring prospective immigrants from even attempting to get into the city. The Department claimed its share of the credit for a fall of 15,000 in the population of Hamburg since 1932. Making life 'unpleasant' for the 2,000 destitute people who were still arriving every month was a necessary 'defensive measure', added the report. 'Beggars registered as inhabitants of other towns must be ruthlessly removed by the police for a lengthy period into a concentration camp as far away

¹⁵ StA Hbg, SB I, EF 60.49, p. 39.

¹⁶ Ibid., EF 60.11, 9 October 1935.

¹⁷ Ibid., EF 60.49, p. 39.

¹⁸ Ibid., AF 10.22, p. 125.

as possible from Hamburg.' This policy, it considered, would soon become generally known among the well-organised wandering beggars, and deter them from trying their luck there.¹⁹

[p. 216] In April 1934 Hamburg was designated as an emergency area in view of its continuing high unemployment. This provided a means of toughening up measures against immigrants from other parts of Germany still further.²⁰ A sitting of the senior officials of the local State Welfare Authority in August 1934 confirmed that 'the aim of every measure taken must be to prevent those who come here without entitlement, following the designation of Hamburg as an emergency area, from settling in Hamburg'.²¹ This policy inevitably led to complaints from the surrounding district and municipal authorities, which were absolutely flooded with vagrants turned away from Hamburg itself. The mayor of one such commune, Geesthacht, complained that claimants arriving there always said that they had been told 'Hamburg is an emergency area and is therefore unable to accept your claims'. In the winter of 1935-6 the homeless had been driven out of the city half naked and freezing cold:

„People have arrived here wearing shoes that are far too small and completely inadequate; some came here indeed without vest or underpants in this cold weather. From a National Socialist point of view, I must say that it is monstrous to keep on turning these people away.“

These complaints, however, fell on deaf ears as far as the Hamburg authorities were concerned.²²

Those case-workers who did not want to go along with this policy were pressured to do so by their superiors. In January 1938 one case-worker in the Economics Department received a severe reprimand from the head of the Welfare Department simply because she had given meal tokens to a farm labourer who had come to Hamburg.

„Had G. been referred to the Economics Department according to the rules, he would probably have left Hamburg after the application of a small degree of pressure. But giving him a food token card has strengthened his intention of remaining in Hamburg.“²³

The effects of this tough policy were soon evident in a sharp reduction in the number of overnight stays in the Police Shelter, as Table 9.1 indicates. The Homelessness and Vagrancy Department had thus scored a remarkable success in the battle to reduce

[p. 217]

¹⁹ Ibid., AF 10.22, p. 100.

²⁰ Ibid., AF 10.22, 14 July 1934.

²¹ Ibid., AF 10.22, Leitersitzung vom 22 August 1934.

²² Ibid., EF 60.11, 14 January 1936, and EF 60.20, 10 February 1938.

Table 9.1: *Overnight stays in the Hamburg Police Shelter, 1928-37*²⁴

1928	279,447
1929	306,295
1930	402,660
1931	359,052
1932	367,808
1933	299,142
1934	182,535
1935	149,235
1937	131,041

No figures are available for 1936. For later years only the April figures are available: 1932: 36,035; 1938: 10,246; 1939: 2,378; 1940: 3,126; 1941: 3,722.²⁵ Sources: see footnotes 24 and 25.

welfare costs. In other parts of Germany, too, a combination of repressive measures and the creation of alternative possibilities of accommodation also achieved a gradual fall in the statistics. However, the Hamburg figures already reached their highest point in 1930, while the Reich figures for over 300 *Herbergen zur Heimat* registered their peak only in 1932 and fell thereafter more slowly than those of the Hamburg Police Shelter.²⁶ The earlier start and the greater rapidity of the decline in overnight stays in Hamburg can only be explained by the systematic policy of the local authorities of ridding themselves of vagrants and homeless claimants.

Indeed, the Homelessness and Vagrancy Department in Hamburg was constantly being given fresh tasks by the authorities as it became responsible for more and more groups of unwanted claimants. Thus, in 1935, for instance, settled 'gypsies' were removed from the purview of the district welfare offices and assigned to the Department instead.²⁷ In 1937 it

²³ Ibid., EF 60.20, 10 February 1938.

²⁴ Ibid., EF 60.50.

²⁵ Calculated from *ibid.*, Vb 54.40; Jahresbericht über die Sozialverwaltung 1940-41; *ibid.*, EF 60.50.

²⁶ Georg Steigertahl (ed.), *Die Herberge. Die wechselnden Aufgaben des deutschen Herbergswesens in den Jahren 1854-1954* (Bielefeld, 1954).

²⁷ StA Hbg, SB I, AW 19.15.

received control over 'anti-social' elements, who were now to be separated from other claimants, even to the extent of being paid on a separate day.²⁸ This measure led in 1938 to the Department's reclassification as 'Special Office A', responsible for 'anti-social elements', 'gypsies' and 'vagrants throughout the city'. By 1939 it had a staff of 18. In 1939, too, a 'Special Office B' was set up, to deal with Jews; but it closed down in a few months after Jews had been excluded from welfare altogether. As far as homeless Jews were concerned, the Department had already declared the problem solved by 1938, 'since the people concerned have been told that they are most unwelcome in Hamburg'.²⁹

Meanwhile, encouraged by their success in expelling homeless individuals from the city, the welfare authorities decided in 1934 to allow another, closely related social group to 'disappear' from [p. 218] the statistics. These were unmarried claimants without their own household. Of course, for the young unemployed person in the 1930s, a home of one's own was only a dream. At best they lived in furnished rooms or in digs; the less fortunate could just about manage to find accommodation in one of the numerous cheap lodgings in Hamburg. The Labour Welfare Department of the Hamburg Social Welfare Authority set up a special sub-section in September 1934. The sole purpose of this new sub-section was to reduce the number of single males claiming support by forcing them to work for their benefits – as is still the practice in many parts of West Germany today³⁰ – but outside the city, in the district of Rickling, 50 miles north of Hamburg. Here, there was an old-established centre of the 'Innere Mission' (the welfare organisation of the Protestant Church), consisting of an agricultural training school, a sanatorium and a 'labour colony' for homeless men. The Hamburg welfare authorities proceeded to set up their own labour camp at Rickling. Here, they forced Hamburg claimants to work eight hours a day, mostly on the land, and to sleep in mass dormitories of a very basic kind. Active National Socialist Party members were of course excluded from these stipulations.

By forcing them to work in Rickling, the authorities deprived these claimants of the accommodation which they had often found such difficulty in obtaining in Hamburg, so it is not surprising that these measures caused widespread outrage among those affected by them. Thus, when, in the course of 1936, the welfare authorities issued orders for 1,855 unmarried male claimants to go to the Central Railway Station ready for transporting to the labour camp at Rickling, only just over a third actually appeared. In 1937 only 569 out of 1,991 followed the official instruction and turned up for the six-month stay in the labour camp. The remainder were thereupon classified as 'work-shy' and excluded from benefits of

²⁸ Ibid., VG 23.20, vol. IV, 13 April 1937, p. 4.

²⁹ Ibid., EF 60.10, 1 March 1938.

³⁰ In accordance with the provisions of the Bundessozialhilfegesetz, para. 19-20.

any kind. By these means the number of single male claimants without their own household was manipulated downwards from 5,721 in September 1934 to fewer than 1,500 by 1937.³¹ This in fact was what was intended by the whole operation. The authorities paid the Innere Mission one Mark and ten Pfennigs a day for the maintenance of every inmate of the Rickling camp, which was about the same rate as that of their daily benefit in Hamburg, so that millions were ultimately saved by excluding those who refused to go to Rickling from benefits of any kind.³² By the end of 1939, the number of inmates in the camp had [p. 219] declined so sharply as a result of all these measures that the welfare authorities began to think of other uses for it. In late January 1939, therefore, it was decided forcibly to resettle vagrants there.³³ By April 1939 some 90 tramps had already been removed from the Police Shelter in Hamburg and sent to the labour camp at Rickling.³⁴

III

In the first years of the Third Reich, the authorities still differentiated between different categories of homeless. Rather than arresting them all indiscriminately, they concentrated on registering and controlling them. During this period, 'orderly wanderers' were still tolerated, and the hostile attentions of the police were directed above all towards 'disorderly wanderers' or vagrants, who avoided registered accommodation such as the *Herbergen zur Heimat*, itinerant worker centres, and labour colonies, and preferred to stay unofficially in cheap pubs or private accommodation or live in the open. An 'orderly wanderer' was considered as such because he had a Vagrants' Registration Book (*Wanderbuch*) in which a series of rubber-stamp imprints told the story of his overnight stays in approved shelters. These were issued by the itinerants' welfare agencies or the police and had already been in use for decades. They also recorded the granting of benefits in kind, such as shoes and clothing. Long before all citizens were obliged to carry identity cards, they enabled the police to keep check on the wanderings and overnight stays of the homeless. For the itinerants they offered protection against arrest for vagrancy. Before the Third Reich, however, there was no obligation on itinerants to carry one, despite the pressure exerted in this direction by the welfare agencies, above all since 1929.³⁵

³¹ StA Hbg, SB I, VG 54.36: Jahresbericht der Abteilung VIII für das Jahr 1936, pp. 2-3.

³² Ibid., EF 61.16, 17 September 1934.

³³ Ibid., VG 23.01, Niederschrift über die 39. Amtsleitersitzung am 26. Januar 1939, p. 509.

³⁴ Ibid., AW 60.33, 18 April 1939, 2 February 1939.

³⁵ Cf. 'Tagung der drei Wanderfürsorgeverbände am 28. und 29. Mai 1929 in Bonn', *Der Wanderer*, vol. 46, no. 8 (1929).

With the advent of the Nazi regime, this voluntary arrangement began to be transformed into a means of sifting out and examining those vagrants whom the state found disagreeable. In November 1933, the welfare agencies, at the prompting of the Hamburg Social Welfare Authority, adopted the Vagrants' Registration Book as a compulsory identity card for the homeless. The aim, as an official circular to the agencies concerned noted, was 'to remove the work-shy, the chronically ill and the infirm etc. from the stream of wanderers'. From 1 January 1934, vagrants not in possession of a Vagrants' Registration Book were to be [p. 220] assigned to compulsory labour schemes or incarcerated in state institutions and reported to the police.³⁶ Once again, it was the Homelessness and Vagrancy Department that was charged with the responsibility of issuing these documents and keeping a register of those who applied for them. Nationwide, one of the three major vagrancy welfare agencies, the *Deutscher Herbergsverband*, issued no fewer than 40,000 application forms in 1934 alone.³⁷ Up to 1 May 1934, the Hamburg Homelessness and Vagrancy Department issued 1,505 Vagrants' Registration Books. Over half the applicants were homeless men under the age of 30. This revealed a considerable pool of under-utilised labour among these men. Altogether, 220 of them were aged 18-21, 584 aged 22-30, 300 aged 31-40, 162 aged 41-50, 165 aged 51-60, and 74 aged 61 and over. A total of 3,791 of these documents were issued in Hamburg up to September 1935.³⁸

Two years after their first issue, the Hamburg Social Welfare Authority drew up a provisional balance sheet of the scheme's effects. Reports from social workers on the ground led them to take a less than sanguine view of its achievements:

„Most of those with no fixed address who come to Hamburg do so with the intention of staying here and settling down, since it is still widely believed that there is work available in Hamburg. This stream of vagrants flows into Hamburg above all from the West. Fewer come from the rural provinces of Pomerania, Mecklenburg or Brandenburg. Most of them are local vagrants who confine their wanderings to an area of 50-60 km in the vicinity of Hamburg so that they can keep on coming back into the city. The Vagrants' Registration Book will remain without any real significance in our experience as long as it is not introduced on a nationwide basis.“

The problem, complained the Authority, was that no proper check could be kept on the issue of the Vagrants' Registration Books. It was impossible to know whether an incoming vagrant had been issued with one except by asking him, and of course, the authority added, 'the vagrants have an interest in concealing the fact that they have been issued with a

³⁶ StA Hbg SB I, EF 60.11, 24 October 1933.

³⁷ Ibid., 7 November 1935.

³⁸ Ibid., p. 656.

Vagrants' Registration Book, so that the new welfare agency does not get to know of the benefits they received' in the previous places they had visited. In any case, the report went on, many of the Books did not carry a photograph of [p. 221] the bearer, so that it was impossible to check whether they were genuine or not.³⁹

What the Authority really wanted above all else was what the Vagrants' Welfare Association and the German Association for Public and Private Welfare had already been demanding for years: a Reich Law on Vagrancy Welfare which would make mandatory the introduction of a Vagrants' Registration Book in every part of the Reich, and make its use compulsory wherever the vagrant went.⁴⁰ This never happened, however. There never was a central register of vagrants covering the whole Reich, so the Registration Book remained a less than total means of controlling the vagrant population. Nevertheless, a system of checking and surveillance was at least partially achieved by the issue of regional Registration Books. A central register was eventually set up only after the war, by the Federal Agency for the Homeless (*Bundesarbeitsgemeinschaft Nichtsesshaftenhilfe*) in Bethel (Bielefeld). In the Third Reich, homeless people without a Registration Book were treated as tramps and were liable to arrest, so most of them obtained one in the end. As time went on, however, the conditions of issue were made steadily more severe. In 1937 the North German welfare agencies decided to confiscate the Registration Books of those who were deemed unfit for the nomadic life (*wanderunfähig*) and 'ruthlessly' to end their career of vagrancy by confining them to an institution.⁴¹ In February 1938, Otto Beckendorf, head of the Homelessness and Vagrancy Department of the Social Welfare Authority in Hamburg, proposed that extensive enquiries should be undertaken before issuing a vagrant with a Registration Book. These should include systematic checking for records of previous convictions.⁴² From the outbreak of war in September 1939, the issue of Vagrants' Registration Books, which had already become very restricted in any case, was terminated altogether,⁴³ and vagrancy became wholly illegal.

Already by this time, in fact, there were relatively few people left who were in a position to embark on a life on the road with official approval. It had generally been agreed by all the welfare agencies from the beginning, for instance, that this life was one for men only, and women were barred from itinerant workers' centres and the *Herbergen zur Heimat*. Vagrants' Registration Books were not issued to women. Reversing cause and effect in a way quite characteristic of the welfare agencies, the Homelessness and Vagrancy

³⁹ Ibid., 4 October 1935.

⁴⁰ Ibid., 9 October 1935.

⁴¹ Ibid., VT 23.16, p. 41.

⁴² Ibid., EF 60.48, 18 February 1938.

Department reported in 1934 that 'Females do not apply for any Vagrants' Registration Books'.⁴⁴ The proportion of [p. 222] women among homeless single people was very low. Hamburg did, to be sure, possess a special shelter for women and children, at Bundesstrasse 23,⁴⁵ but it only lasted until 1938 and it was tiny in comparison with the Police Shelter, counting fewer than 10,000 overnight stays in 1933, whereas the latter counted almost 300,000.⁴⁶ No one has so far looked systematically at the reasons for the consistently low proportion of women among the homeless: a number of them probably found board and lodging by working as prostitutes. While the vagrancy welfare agencies still concentrated on organising male itinerants well into the 1930s, they sought to exclude women from vagrancy from the very beginning, and made increasing use of institutionalisation and psychiatric criteria to do so.

The application of custodial orders to 'anti-social' people, and their incarceration in state institutions, even if they had not been convicted of a crime or legally incapacitated by care and committal orders, had already been the most frequently discussed of all topics in this area among welfare organisations under the Weimar Republic. As early as 1921, Agnes Neuhaus, a Reichstag deputy for the Catholic Centre Party, had brought a Custodial Orders Bill (*Bewahrungsgesetz*) before the national legislature, and Hilde Eiserhardt of the German Association for Public and Private Welfare counted a total of ten such proposals by the time she came to publish her book on the 'Purpose of the Custodial Orders Bill' in 1929. The book devoted much space to comparing these various drafts, and it was clear that widely differing conceptions of the categories of people who were to come under the legislation's purview and the allocation of the financial responsibility for the law's operation were the main reasons for the failure of any of these proposals to reach the statute book.⁴⁷ Whatever the differences of opinion, however, it was noticeable that tramps and beggars were listed among those to be encompassed by the law in every single draft.

The most energetic proponent of this policy in the Weimar Republic was Georg Steigertahl, who became the head of the Hamburg Office for Welfare Institutions in 1925.⁴⁸ A former army officer who had served in the First World War, Steigertahl was obviously strongly influenced by his negative impressions of the revolution that overthrew Wilhelm II in 1918. He began his long struggle against 'anti-social behaviour' as early as 1920, when he became head of the Gross-Salze Workhouse. Here he was able to gain his first experiences

⁴³ Ibid., VG 54.40: Jahresbericht über die Sozialverwaltung 1940-1, p. 41.

⁴⁴ Ibid., EF 60.1, 6 December 1934.

⁴⁵ Ibid., EF 61.55, 19 May 1938.

⁴⁶ Ibid., EF 60.50.

⁴⁷ Hildegard Eiserhardt, *Ziele eines Bewahrungsgesetzes* (Frankfurt, 1929).

⁴⁸ See especially Georg Steigertahl, *Grundriss der Anstaltsfürsorge* (Berlin, 1933).

of 'the use of post-prison custody [p. 223] in the fight against anti-social elements'.⁴⁹ He believed that the traditional use of paragraph 361 of the German Criminal Code to impose short prison sentences on beggars and follow these up with longer 'post-prison correctional custody' in a workhouse, usually lasting several months, was completely out of date. Nothing much could be achieved with 'anti-social elements' by means of the 'short prison sentences which washed over them like a rainstorm without touching their inside in any way'.⁵⁰ In his dissertation, published in 1925 under the title 'The Application of Compulsory Care Measures to Adults', Steigertahl argued that 'correctional custody' in workhouses had little effect and needed replacing with other measures. Tramps and beggars, he thought, were not dangerous, but neither were they capable of mending their ways: subjecting them to penal measures in workhouses was pointless on both counts.

Instead, he advocated a range of measures varying according to the three categories of offender into which he divided these people: 'idiots, explosive people and passive psychopaths'. Securing them behind bars in penitentiaries or gaols was unnecessary. Twenty-foot walls and armed guards were hardly necessary for people who were basically passive by nature. However, notions of 'improving' them were the result of social romanticism, he believed, or confined to those just starting in the custodial or welfare services. Such notions were as pointless as the construction of expensive purpose-built modern institutions. Steigertahl's ideal was a large, inexpensive institution which would gather within its walls all kinds of offenders, rather than smaller, specialised centres with their own institutional egotisms and mutual rivalries. The workhouses where tramps and beggars were detained should also, he believed, be merged into these larger custodial institutions. Here the inmates were to be assigned at the sole discretion of the head of the institution into various departments, irrespective of the reasons for their committal. Discipline was to be enforced by a hierarchy of departments, so that well-behaved inmates could advance to a progressively more lenient regime, while the refractory could be consigned to 'fixed stations', where they would be kept firmly behind bars.⁵¹

By the time Steigertahl took over as head of the state welfare institutions in Hamburg in 1925, these ideas had already been put into practice in the city. In national conferences he

⁴⁹ Georg Steigertahl, 'Die Bekämpfung asozialer Elemente durch die Nachhaftstrafe', *Jahrbuch der Gefängnisgesellschaft für die Provinz Sachsen und Anhalt*, vol. 41 (Halle, 1925), p. 98.

⁵⁰ *Ibid.*, p. 99.

⁵¹ Georg Steigertahl, *Zwangsfürsorgereische Massnahmen gegenüber erwachsenen Personen* (Berlin, 1926), p. 45; StA Hbg, SB I, StW 31.6: Erfahrungsbericht des Herrn Direktor Steigertahl über die Asozialen 1936; Georg Steigertahl, *Zwischen Epochen der Weltgeschichte. Dienstliche Erlebnisse von 1926-1950 des Direktors der Hamburgischen Wohlfahrtsanstalten* (Hamburg, 1974).

was able to report proudly that the long-drawn-out committal procedures common elsewhere in Germany did not deter Hamburg from [p. 224] simply imposing care and custody orders by 'normal administrative procedures'. Thus, while the bureaucrats of the Reich Ministry of the Interior were still wrestling with the problem of drafting satisfactory legislation in this area, officials in Hamburg were behaving as if a law on the subject existed already, and were legally incapacitating hundreds of awkward fellow citizens by placing them in the Home for the Destitute in Farmsen under the collective guardianship of the Social Welfare Authority. The Authority itself admitted that the legal basis for this procedure was extremely questionable. Nevertheless, long before the Nazi seizure of power, the Social Welfare Authority in Hamburg had created a whole range of possibilities for the forcible committal of these people to institutions, which could be smoothly integrated into the persecution of 'anti-social elements' undertaken by the Nazis and then extended to cover ever greater numbers of people.

By the autumn of 1936 there were some 922 people incarcerated in Hamburg welfare institutions on this basis, mostly in Farmsen. The number had more than tripled since 1927.⁵² Some 215 of them had been committed under paragraph 22 of the Hamburg Police Law, and 21 under paragraph 20 of the Reich Decree on Welfare Obligations. A further 201 had been deprived of their legal majority as alcoholics under paragraph 6 of the German Civil Code, and 338 as mentally retarded under the same paragraph. Some 69 had been committed as alcoholics under paragraph 1906 of the same code, which also provided the basis for the committal of a further 56 people as mentally retarded. Finally, 22 girls had been committed by the Youth Office. At least 800 other people had been consigned to these institutions under paragraph 13 of the 'Reich Code of Practice for the Reich Decree on Welfare Obligations' after a certain degree of pressure from local welfare centres. This was twice as many as in 1927.⁵³ Paragraph 13 merely said that 'the work-shy and those who behave in a non-economic way could be denied all forms of benefit except indoor relief.'⁵⁴ Those committed under this paragraph were officially described as 'volunteers', since they were theoretically at liberty to leave the institution any time they wished. However, in reality little about their presence was voluntary: even Steigertahl put the word 'voluntary' in quotation marks. As he reported in 1936, „a recipient of welfare benefits comes into an institution as a [p. 225] vagrant or a homeless person or whatever, and attracts attention

⁵² Cf. StA Hbg, SB I, StW 31.6: Erfahrungsbericht (note 51, above).

⁵³ Ibid., p. 10.

⁵⁴ Karl Rutz, *Die Reichsfürsorgepflicht-Verordnung und die dazu geltenden Ausführungsbestimmungen mit besonderer Berücksichtigung der süd- und mitteldeutschen Länder* (Munich, 1930), p. 19, ('Reichsgrundsätze über Voraussetzung, Art und Mass der öffentlichen Fürsorge. Vom 4. Dez. 1924').

here because of his anti-social disposition; so before he is due to leave, the institution can apply for a care and custody order and use the appropriate way leading quickly and securely to its desired objective.⁵⁵

Once within the institution, the 'voluntary' inmates were thus threatened with compulsory institutionalisation.

Conditions in the Farmsen institution under the Third Reich have only recently begun to be studied.⁵⁶ Steigertahl's cynical references to 'welfare parasites and recalcitrant old men',⁵⁷ his perpetual references to the 'ageing of the German people', and the high death-rate in the state welfare institutions which he ran, throw a harsh light on to this dark chapter in the history of Hamburg's social administration. Table 9.2 provides some revealing statistics:

Table 9.2: Number of beds and deaths in state welfare institutions, Hamburg, 1931-7

Year	Number of Beds	Deaths ⁵⁸	Deaths per 100 beds
1931	3,356	502	14.9
1932	3,470	652	18.8
1933	3,603	701	19.4
1934	3,807	744	19.5
1935	4,260	972	22.8
1936	4,413	1,003	22.7
1937	4,568	978	21.4

Source: StA Hbg, Sozialbehörde I, VG 54, 56.

Unfortunately there are no figures for the following years, although it is known that in 1939 some 1,075 inmates died in Farmsen alone. In 1940 the figure rose to 1,122; on the outbreak of war, Steigertahl ordered rations to be cut 'particularly in the case of anti-social

⁵⁵ Erfahrungsbericht, p. 19.

⁵⁶ First attempts in Angelika Ebbinghaus *et al.*, (eds), *Heilen und Vernichten im Mustergau Hamburg. Bevölkerungs- und Gesundheitspolitik im Dritten Reich* (Hamburg, 1984), and above all in Friedemann Pfäfflin, 'Hamburger Wohlfahrt. Die würdigen und die unwürdigen Insassen der Fürsorgeheime' in *Beiträge zur nationalsozialistischen Gesundheits- und Sozialpolitik, vol. I: Aussonderung und Tod. Die klinische Hinrichtung der Unbrauchbaren* (Berlin, 1985), pp. 108-99.

⁵⁷ Erfahrungsbericht, p. 7.

⁵⁸ Calculated from StA Hbg, SB I, VG 57.56: Todesfälle in den Jahren 1931-7.

elements'.⁵⁹ Thus, those inmates with only a limited capacity for work now received only 80 per cent 'and less' of the normal food ration. Bedding was changed only once every six weeks.⁶⁰

In 1941-2 the Hamburg authorities became involved in the Nazis' 'euthanasia action', in which large numbers of inmates of mental hospitals and similar institutions were put to death: others have already described this involvement in some detail.⁶¹ The [p. 226] institutional murders of early 1941, disguised as 'transfers', invariably included inmates of Farmsen. Thirty men were taken from Farmsen in the first 'transfer' of inmates from Hamburg institutions to the extermination centre of Meseritz-Obrawalde in March 1941.⁶² A further 'transfer' on 26 March 1941 included another 25 men from Farmsen.⁶³ Moreover, the drastic increase in the death rate of inmates revealed by Table 9.2 prompts the suspicion that a large number of unwanted people were already effectively being exterminated by overcrowding, malnutrition and inadequate care long before the 'transfers' to 'euthanasia' centres began.

Steigertahl was naturally a well-known figure among specialists in vagrancy welfare: in 1936, for example, in the keynote speech at a joint meeting of the three vagrancy welfare societies, he was able to tell them of his experiences in 'cutting off' vagrants from society through the Hamburg model of custodial care.⁶⁴ Thus, when Gottlieb von Meyeren, for decades chairman of the Central Committee of German Labour Colonies, died in 1939, Steigertahl was nominated as his successor. By this time the labour colonies were half empty because of the drastic fall in the number of vagrants brought about by the decline in unemployment and the campaign of arrests. Most of the resources were provided by the churches, and in order to keep and maintain their property, they offered to allow the buildings of the labour colonies to be used for the planned system of compulsory custodial care. Nothing could express the intention of changing the colonies' function in this way better than the choice of Steigertahl as their new chief executive.⁶⁵ The executive secretary,

⁵⁹ Ibid., VG 54.56.

⁶⁰ Ibid., VG 23.08, 30 September 1939.

⁶¹ See especially Dietrich Kuhlbrodt, '„Verlegt ...und getötet“, Die Anstaltstötungen in Hamburg' in Ebbinghaus *et al.* (eds) *Heilen*, pp. 156-61; Pfäfflin, 'Hamburger Wohlfahrt'; Stefan Romey, 'Asylierung – Sterilisierung – Abtransport. Die Behandlung geistig behinderter Menschen im Nationalsozialismus am Beispiel der Alsterdorfer Anstalten' in Michael Wunder (ed), *Sie nennen es Fürsorge. Behinderte zwischen Vernichtung und Widerstand* (Berlin, 1982).

⁶² StA Hbg, SV I, StW 30.11, 17 March 1941.

⁶³ Ibid., 20 March 1941.

⁶⁴ Georg Steigertahl, 'Arbeiterkolonie und Bewahrungsfürsorge', *Der Wanderer*, vol. 53 (1936), pp. 182-90.

⁶⁵ Cf. Wolfgang Ayass, 'Der Zentralvorstand deutscher Arbeiterkolonien im Dritten Reich 1933-1945' in *Ein Jahrhundert Arbeiterkolonien* (note 7, above), pp. 87-101.

Pastor Paul Gerhard Braune, spoke in justification of the choice of Steigertahl at a conference of heads of the labour colonies in the following terms: 'His appointment has been made above all in view of the fact that the provision of welfare measures for vagrants is gradually being replaced in our labour colonies by custodial care.' 'This', he concluded, 'makes it necessary to develop stronger connections with the agencies of the authorities and the police.'⁶⁶

IV

The beginning of 1934 saw the coming into effect of a 'Law for the Prevention of Hereditarily Diseased Offspring' (*Gesetz zur Verhütung erbkranken Nachwuchses*), promulgated by the Nazis the [p. 227] previous summer. It introduced a policy of compulsory sterilisation for people suffering, or allegedly suffering, from 'inborn mental deficiency, schizophrenia, manic-depressive syndrome, inherited epilepsy, inherited St Vitus's Dance (Huntington's Chorea), hereditary blindness, hereditary deafness, severe inherited physical deformity' and 'hereditary alcoholism'. By September 1934, some 2,860 such people had been compulsorily sterilised in the Reich as a whole, a quarter of them (706) in Hamburg. This was a striking indication of the efficiency with which the Hamburg Social Welfare and Health Authorities pursued the cause of eugenic health care.⁶⁷ As the two Authorities (which were joined together from 1933 to 1936) met in this month to consider progress in this area and draw up plans for the future, Dr Meinhof, the President of the Eugenic Court (*Erbgesundheitsgericht*) estimated the number of people in Hamburg who should be compulsorily sterilised at 33,000.⁶⁸ Medical Officer Dr Holm from the Health Authority emphasised at this meeting that 'the sterilisation in particular of prostitutes and vagrants is a priority'.⁶⁹

The number of homeless people and vagrants among the total of 24,260 individuals subjected to compulsory sterilisation in Hamburg up to 1945 is unlikely to have been small. On the orders of the Home for the Destitute in Farmsen, where, among others, beggars and tramps were interned, a total of 1,143 inmates (800 men and 343 women) were sterilised

⁶⁶ 'Die Hausväterkonferenz des Zentralvorstandes Deutscher Arbeitskolonien in Mariaveen am 27. Juni 1939', *Der Wanderer*, vol. 56 (1939), p. 150.

⁶⁷ On this point cf. the contributions of F. Pfäfflin, A. Brücks, C. Rothmaler and M. Garn in Ebbinghaus *et al.* (eds), *Heilen*; and 'Verhütung erbkranken Nachwuchses. Die Durchführung des Gesetzes in Hamburg', in *Hamburg im Dritten Reich. Arbeiten der Hamburgischen Verwaltung in Einzeldarstellungen* (Hamburgisches Staatsamt, Hamburg, 1936).

⁶⁸ StA Hbg, SB I, GF 00.23, 18 September 1934, p. 1.

⁶⁹ *Ibid.*, p. 3.

between 1934 and 1939.⁷⁰ Just a few weeks after the law had come into force, Martini approved a request from Steigertahl which, referring explicitly to vagrants and persons of no fixed abode, demanded that 'all inmates whom the doctors deem ready for sterilisation and want to leave the institution must be forcibly detained in state welfare institutions until the Eugenics Court has reached a decision on them'.⁷¹ Apart from Steigertahl and his state institutions, the Homelessness and Vagrancy Department also played a decisive role in the registration of vagrants to be subjected to compulsory sterilisation. In March 1938 the Department's head reported under the heading 'Sterilisation Law' to his superiors: 'There are in the nature of things a number of people with hereditary mental deficiency among those in our charge. The Department is trying to register these cases and report them.'⁷²

This registration would have been made easier by the passage of a Reich Vagrancy Law such as had long been demanded by the vagrants' welfare agencies and the German Association for Public [p. 228] and Private Welfare. By 1938 it seemed that the time for such a law had at last come. A draft had been prepared in the Reich Interior Ministry and was to come into effect on 1 July 1938. A major conference was held in the ministry on 10 January 1938, with a representative from Hamburg present, to prepare the promulgation of the law. However – to the surprise of many of the participants in the drafting process – the law was never passed. Hermann Goering, in his capacity as overlord of the 'Four-year Plan', was persuaded by the President of the Reich Work Placement and Unemployment Insurance Authority, Syrup, to intervene and prevent the legislation from getting on to the statute book. Behind this move lay the machinations of the SS. In 1936 the police, Gestapo and other enforcement agencies had been unified under the leadership of Heinrich Himmler, head of the SS. Their power had become decisive by 1938, and they had their own plans for removing beggars and tramps from the scene. They did not want to be hampered by legal requirements laid down by bureaucrats in the ministries of the civil state. By 1938, rearmament and war preparations had long since turned the mass unemployment of the early 1930s into a general shortage of labour. In March 1938 the number of people in work exceeded 20 million for the first time in the history of the German Reich. The labour shortage caused dramatic problems for the implementation of the Four-year Plan. To cover the demand for agricultural labour, for instance, 120,000 foreign workers had to be requisitioned in early 1938. A whole range of further labour procurement measures was taken in the course of the year, including general obligatory labour service, a year's compulsory labour service for girls, mandatory registration for school-leavers, and welfare

⁷⁰ Ibid., VG 54.56, Sterilisation im Versorgungsheim Farmsen.

⁷¹ Ibid., StW 32.16, 19 April 1934.

⁷² Ibid., AW 50.72, 29 March 1938, p. 3.

labour schemes for recipients of unemployment benefits. Up to this point it had still been possible for vagrants to move about with relative freedom, provided they had a Vagrants' Registration Book, so that temporary and localised labour shortages could be covered by mobile casual labour; but now the Nazis clamped down even on this 'orderly vagrancy'. From this point onwards, everyone who lived without a fixed abode was persecuted as an 'anti-social parasite on the people'.

A general labour shortage had now set in, and the authorities were no longer interested in preserving the mobility of casual labour. The reserve army of labour which, it was suspected, lay unmobilised among the vagrant population, was now to be thrown [p. 229] entirely into the battle for production. In a decree of March 1938, Himmler declared that „The President of the Reich Work Placement and Unemployment Insurance Authority has instructed the labour exchanges to register the inmates of doss-houses, itinerant workers' centres and other vagrants' welfare institutions for labour mobilisation and if necessary to apply police compulsion to vagrants unwilling to work.“⁷³

Such orders received a warm welcome from Hamburg's Social Welfare Authority. In the same month, the head of the Homelessness and Vagrancy Department ordered tougher measures to be taken against 'disorderly elements': „The roughly constant statistics of overnight stays in the Police Shelter has demonstrated that there is still a whole number of disorderly elements loitering in Hamburg. I consider it time to bring about a change in this situation, in co-operation with police agencies and the labour exchanges. Police regulations applying to this category of persons must be tightened up. An attempt must be made to draft this category of persons into work, insofar as these people are capable of it. If this attempt fails in individual cases, or if individuals are incapable of working, they must be committed to labour institutions or to the Home for the Destitute. Would it not be possible for those who repeatedly stay in the Police Shelter to have further overnight stays made dependent on daily registration at the labour exchange?“⁷⁴

The Hamburg Social Welfare Authority thus put forward proposals for improved co-operation with the police in the fight against 'disorderly elements'. Meanwhile, however, a major blow against 'labour saboteurs' was being prepared by the top police agencies in Berlin.

Already, indeed, the application of 'preventive custody' (*Vorbeugungshaft*) to 'anti-social elements' by the police had been facilitated by a 'Fundamental Decree on Crime Prevention

⁷³ 'Der Reichsführer-SS und Chef der Deutschen Polizei im Reichsministerium des Innern, O-VUR 3955 II/38, und Erlass 28.3.1938, Arbeitseinsatz der Insassen von Herbergen, Wanderarbeitsstätten und ähnliche Einrichtungen der Wandererfürsorge', *Reichsministerialblatt der Inneren Verwaltung*, p. 578.

by the Police', issued on 14 December 1937.⁷⁵ Early in 1938 the Gestapo moved into action on Himmler's orders, and shortly afterwards, Heydrich issued instructions to every criminal police division under his command that: [p. 230] „irrespective of the special action carried out against anti-social elements by the Gestapo in March of this year, at least 200 male persons (anti-social elements) capable of work are to be placed under preventive police custody in your police division in the week from 13 to 18 June 1938 by applying the decree of 14 December 1937 in the harshest possible way.“⁷⁶

According to Heydrich's instruction, the brunt of this wave of arrests was to fall on 'tramps, beggars, pimps and gypsies': 'In the first place preventive police custody should be applied to anti-social elements with no fixed address', as the 'Guidelines' of the Reich Criminal Police Headquarters put it on 4 April 1938.⁷⁷ Two major waves of arrests were ordered by Himmler and Heydrich in 1938. Known as the 'Reich Campaign Against the Work-shy' (*Aktion Arbeitsscheu Reich*), they netted a total of about 11,000 'work-shy' elements across the country as a whole. This was a relatively small catch compared with that of the first great trawl of beggars carried out in September 1933. However, whereas most of those arrested in 1933 got away with a few days in a police cell, all those caught in 1938 immediately disappeared into concentration camps.

Since Heydrich had ordered at least 200 arrests in each criminal police division, one would expect the 15 divisions in the 'old Reich' (i.e. not including Austria) to have yielded a total of only 3,000, so that the regional police divisions fulfilled Heydrich's quota many times over. In the Hamburg division alone there were 700 arrests, 300 of them carried out within the city boundaries, instead of the 200 which were all that Heydrich had asked for.⁷⁸ Mass arrests were carried out on several nights at the Police Shelter in the Neustädterstrasse. Indeed, on one night all the inmates were taken away in one go.⁷⁹ Of the 300 people arrested within the city limits, between 60 and 80 were taken from the Police Shelter. Another six were removed on the night of 12 June 1938 from the *Herberge zur Heimat* in

⁷⁴ StA Hbg, SB I, AW 50.72, 29 March 1938.

⁷⁵ 'Der Reichs- und Preussische Minister des Inneren, Pol. S-Kr. 3 Nr. 1682/37-2098 - 14 December 1937, grundlegender Erlass über die vorbeugende Verbrechensbekämpfung durch die Polizei. Reichskriminalpolizeiamt, Tgb. Nr. RKPA 6001-295.38, 1. Juni 1938, Schnellbrief, betr. Vorbeugende Verbrechensbekämpfung durch die Polizei', ZStLJV, Dok. Kartei, Ord. Nr. 1-2, Bild Nr. 337-9.

⁷⁶ Quoted in Ulrich Bauche (ed.), *Arbeit und Vernichtung. Das Konzentrationslager Neuengamme 1938-1945* (Hamburg, 1986), p. 35.

⁷⁷ Reichskriminalpolizeiamt, Tgb. Nr. RKPA 6001 250/38, 4. April 1938, Richtlinien zum Erlass des RuPrMdl v.14. Dez. 1937 'Vorbeugende Verbrechensbekämpfung durch die Polizei' - Pol. S-Kr. 3 Nr. 1682/37-22098.

⁷⁸ StA Hbg, SB I, VG 23.20, Niederschrift über die Referentenbesprechung am 13. September 1938, p. 13.

⁷⁹ Ibid., AW 50.72, 22 June 1938.

Wandsbek.⁸⁰ All those arrested were taken into 'protective police custody' at the Fuhlsbüttel Police Prison (known up to 1936 as the Fuhlsbüttel Concentration Camp). From the end of May to the end of June 1938 the number of people held there in preventive custody rose from 72 to 1,006. A month later the number had fallen to less than 100 once more. The remaining 'work-shy' prisoners had already been deported to the concentration camp in Sachsenhausen. The only time when a similar increase in numbers [p. 231] occurred in Fuhlsbüttel before the war was in the course of the 'Night of Broken Glass' in November 1938, when thousands of Jews were arrested all over the Reich. In Sachsenhausen, the arrival of 6,000 'anti-social elements' arrested in Hamburg and elsewhere increased the number of inmates, which was a mere 2,500 at the beginning of the year, several times over during the summer of 1938. In this and other concentration camps the 'anti-social elements' were forced to wear a black triangle, to distinguish them from other categories of prisoners, who were also assigned their own particular colours according to category. Their death rate was well above the camp average.⁸¹

The removal of hundreds of 'work-shy elements' from Hamburg to Sachsenhausen concentration camp aroused mixed feelings in the officials of the Social Welfare Authority.⁸² In a meeting of the responsible personnel held in September 1938, Steigertahl warned „that the whole matter urgently needs to be settled by discussions with the police. It is not acceptable for the police to grab these anti-social elements for themselves, in order to get them to carry out useful work of some kind or other. These persons are urgently required as workers in local community institutions. They do not belong in concentration camps at all. Only insofar as they are refractory should we be pleased that they are being taken there. But a great many of these people can still be influenced by the effects of care.“⁸³

Both Steigertahl and his colleague Dr Reinstorf went on to suggest at this meeting that the police should be persuaded to bring the less 'hopeless' cases to Farmsen and that only the serious 'degenerates' should be placed in preventive custody.⁸⁴

The Hamburg Social Welfare Authority feared the loss of slave labour from its own institutions through centrally co-ordinated waves of arrests. As it saw hundreds of 'urgently needed workers' taken off into concentration camps far away from the city, it found itself

⁸⁰ Ibid., EF 61.22, 31 July 1938.

⁸¹ Cf. Henning Timpke, 'Das KZ Fuhlsbüttel', in *Studien zur Geschichte der KZ* (Schriftenreihe der Vierteljahreshefte für Zeitgeschichte 21, Stuttgart, 1970), p. 25; and Falk Pingel, *Häftlinge unter SS-Herrschaft* (Hamburg, 1978).

⁸² There are indications that arrests were actually made in the Farmsen Home. See StA Hbg, Amt für Wohlfahrtsanstalten I 27, 21 June 1938.

⁸³ StA Hbg, SB I, VG 23.20, 13 September 1938, p. 14.

⁸⁴ Ibid., p. 13.

forced to fight for its own place in the Nazi system of oppression. It was quite 'pleased' to consign the 'refractory' and the 'degenerate' to the SS, but it preferred to force those who could 'still be influenced' to work in Hamburg. In this situation, the Authority seized the initiative itself. In January 1939 it ordered a comprehensive registration of the 'ling' 'vagrants, vagabonds [p. 232] and anti-social elements' for the purposes of forced labour. A joint raid on the Police Shelter carried out by the police, the welfare authorities and the Employment Office in December 1938 had revealed 'that the principal customers of the doss-house are not, as was expected, old tramps and human wrecks, but mostly, indeed over 75%, middle-aged people'.⁸⁵ The division of vagrants into 'orderly' and 'disorderly' had long since been abandoned. As the guidelines published in the *NS-Volksdienst*, the organ of the Nazis' welfare services, in October 1938, declared, 'There must be no more tramps in Germany!'.⁸⁶ Those who could prove they had work were left alone, even by the frequent round-ups in the Police Shelter. However, 'labour saboteurs' faced the threat of the Home for the Destitute at Farmsen, the labour welfare camp at Rickling, or preventive police custody in a concentration camp.

The initiative for such round-ups came not only from the police but also from the Hamburg Employment Office. In March 1939, for instance, the Office noted that there were still some vagrants who had managed to evade compulsory labour. The Office suggested that the round-ups should be extended to private lodging-houses as well. It went on:

„The Employment Office will take up the necessary contacts with the police to this end, and ensure that the police are represented in this action. The Employment Office has agreed with the owners of various brickworks and gravel-pits that their representatives should also be present at the raids so that they can take on the labour that is present on the spot, and pay the costs of transport to the workplace, perhaps also the procurement of equipment and working clothes. Those who are useful would be taken away by the representatives of these firms immediately they had been registered.“⁸⁷

The necessary approval was obtained from higher authority to force 'shirkers' to work, and a doctor was also present, to certify whether those arrested were capable of working.

Such 'slave markets' were extended in summer 1939 to pubs, places of entertainment and parks in St Pauli, once more at the prompting of the Hamburg Employment Office:

„The aim of this measure was the registration of the relevant men for assignment to the labour force. The rendezvous was [p. 233] the Davidstrasse police station. Criminal Police

⁸⁵ Ibid., EF 60.49, p.74.

⁸⁶ Karl Mailänder, 'Schluss mit dem Bettel und allem unnützen Wandern', *NS-Volksdienst*, no.10 (1938).

⁸⁷ StA Hbg, SB I, EF 60.45, Vermerk. Betr.: Arbeitseinsatz der Asylisten.

Commissioner Prefer gave a detailed account of the peculiarities of the entertainment centres, pot-houses and parks in question, the latter mainly used as sleeping-quarters. From 1 a.m. to 7.30 in the morning 15 patrols were mounted. A total of 48 men were registered. Fourteen of them were arrested for criminal offences. The other 34 were taken the same morning for individual interrogation after the confiscation of their papers.⁸⁸

Quite apart from such raids, the police had already gone over to a policy of arresting all vagrants who fell into their hands if they had been unemployed for any length of time and sending them off to concentration camps.⁸⁹

Round-ups of vagrants continued in wartime, and raids on the Police Shelter were still being recorded in the files of the Social Welfare Authority as late as 1942.⁹⁰ All in all, the Authority's files reveal a depressing picture of smoothly co-ordinated measures of persecution undertaken by welfare bodies, labour offices and police, in which it was often the police who were prompted to take action by the social welfare and labour authorities and not the other way round, as the sources clearly demonstrate. The suppression of the homeless and vagrant population was carried out with great thoroughness. It formed part of the Hamburg city authorities' determination, by means of registration of 'anti-social elements' and their mass exclusion from the stream of heredity, to achieve a 'final solution' of the poverty problem by the simple destruction of all sub-proletarian groups.⁹¹

Instead of destroying poverty, it was considered cheaper and more efficient to destroy the poor.

Note:

This chapter was originally published as 'Von „Pik As“ ins „Kola-Fu“. Die Verfolgung der Bettler und Obdachlosen durch die Hamburger Sozialverwaltung' in Klaus Frahm *et al.* (eds), *Verachtet – verfolgt – vernichtet. Zu den 'vergessenen' Opfern des NS-Regimes* (Projektgruppe für die vergessenen Opfer des NS-Regimes in Hamburg e.V., VSA-Verlag, Hamburg, 1986), pp. 153-71. It is printed here in a slightly abridged form. Translation and abridgement are by Richard J. Evans. Thanks are due to the author, the Projektgruppe and to the VSA-Verlag for permission to translate and reprint.

⁸⁸ Ibid., AW 50.72, 26 March 1939.

⁸⁹ Ibid., 24 March 1939.

⁹⁰ Ibid., 4 March 1932.

⁹¹ Cf. Karl Heinz Roth, 'Ein Mustergau gegen die Armen, Leistungsschwachen und „Gemeinschaftsunfähigen“', in Ebbinghaus *et al.*, (eds) *Heilen*, pp. 7-17.

Research Article

Power and Perspectives Not Taken

Adam D. Galinsky,¹ Joe C. Magee,² M. Ena Inesi,³ and Deborah H. Gruenfeld³

¹Department of Management and Organizations, Kellogg School of Management, Northwestern University; ²Robert F. Wagner Graduate School of Public Service, New York University; and ³Graduate School of Business, Stanford University

ABSTRACT—Four experiments and a correlational study explored the relationship between power and perspective taking. In Experiment 1, participants primed with high power were more likely than those primed with low power to draw an E on their forehead in a self-oriented direction, demonstrating less of an inclination to spontaneously adopt another person's visual perspective. In Experiments 2a and 2b, high-power participants were less likely than low-power participants to take into account that other people did not possess their privileged knowledge, a result suggesting that power leads individuals to anchor too heavily on their own vantage point, insufficiently adjusting to others' perspectives. In Experiment 3, high-power participants were less accurate than control participants in determining other people's emotion expressions; these results suggest a power-induced impediment to experiencing empathy. An additional study found a negative relationship between individual difference measures of power and perspective taking. Across these studies, power was associated with a reduced tendency to comprehend how other people see, think, and feel.

The powerful are often accused of being predominantly concerned with their own desires and well-being, of being insensitive to the social implications of their behavior, and of being poor perspective takers (Fiske, 1993; Keltner, Gruenfeld, & Anderson, 2003; Kipnis, 1972). Indeed, perspective taking—stepping outside of one's own experience and imagining the emotions, perceptions, and motivations of another individual—seems the antithesis of the self-interested behavior often displayed by the powerful: It has been linked to moral reasoning (Kohlberg, 1976), altruistic behavior (Batson, 1991), and social

competence (Davis, 1983). In this article, we demonstrate empirically that power is associated with increased difficulty in taking other individuals' perspectives. Individuals primed with power anchor too heavily on their own vantage points and demonstrate reduced accuracy when assessing the emotions and thoughts of others.

DEFINITIONS AND THEORIES OF POWER

Power is often defined as the capacity to influence other people; it emerges from control over valuable resources and the ability to administer rewards and punishments (French & Raven, 1959; Keltner et al., 2003). The power-approach theory (Keltner et al., 2003) suggests that power increases goal-directed activity. As a result, the powerful act more (Galinsky, Gruenfeld, & Magee, 2003) and with greater variability (Guinote, Judd, & Brauer, 2002) than the nonpowerful. Although power is considered a structural variable, a property of social relationships, its psychological properties can be activated by exposure to cues related to power or by recalling past experiences with power; activating power through these manipulations leads to the same effects as those obtained using structural and role-based manipulations of power (Anderson & Galinsky, 2006; Chen, Lee-Chai, & Bargh, 2001; Galinsky et al., 2003).

POWER AND PERSPECTIVE TAKING: OPPOSING EFFECTS

There are a number of reasons why power may diminish perspective taking. First, by definition, people in power have control over valuable resources and are therefore less dependent on others. Thus, to accomplish their goals, the powerful do not need to rely on an accurate, comprehensive understanding of others. Second, power is typically associated with increased demands on attention, so that it is difficult for power holders to take the perspective of everyone under their charge (Fiske, 1993).

Address correspondence to Adam D. Galinsky, Department of Management and Organizations, Kellogg School of Management, Northwestern University, 2001 Sheridan Rd., Evanston, IL 60208, e-mail: agalinsky@northwestern.edu.

In addition, power and perspective taking affect a number of variables in opposite ways. For example, whereas the perspective taker seems to be the consummate adapter who includes the traits of other individuals in his or her own self-representation (Galinsky, Ku, & Wang, 2005), the high-power individual's self-concept remains more rigid; individuals with more power in their marriages resist the identities imposed on them by their less powerful spouses (Cast, 2003), and when relationship partners become more emotionally similar, it is the lower-power partner who has done the majority of the adapting (Anderson, Keltner, & John, 2003). Perspective taking is associated with increased similarity between the self and others (Davis, Conklin, Smith, & Luce, 1996), whereas having power creates psychological distance from other people (Lee & Tiedens, 2001).

The differential effects of power and perspective taking extend to social perception. The powerful, on the one hand, are less accurate than the powerless in estimating the interests and positions of other people (Keltner & Robinson, 1997) and are more likely to make self-serving attributions (Kipnis, 1972). Perspective takers, on the other hand, accurately perceive the interests of others (Eisenberg, Murphy, & Shepard, 1997) and are more other-serving in their attributions (Regan & Totten, 1975). People with more power form less complex interpersonal impressions than people without power (Woike, 1994), basing their impressions of others on expectancies (Copeland, 1994) and stereotypes (Fiske, 1993; but see Overbeck & Park, 2001). In contrast, perspective takers have been shown to battle successfully the seemingly inevitable forces of stereotyping (Galinsky & Moskowitz, 2000), and to create more integratively complex contemplations (Tetlock, Skitka, & Boettger, 1989). The opposing forces of perspective taking and power have important social implications: Perspective taking has been associated with altruism and helping behavior (Batson, 1991), whereas power has been linked with such malfeasant social behaviors as sexual harassment (Bargh, Raymond, Pryor, & Strack, 1995).

Given these conflicting effects of power and perspective taking, we hypothesized that power would decrease perspective taking. We conducted an initial study to test for this proposed inverse relationship. Thirty-two participants (13 male and 19 female undergraduate students) reported their personal sense of power, using a measure that assesses an individual's power in general, across his or her social relationships (eight items; $\alpha = .82$; e.g., "I think I have a great deal of power in my relationships with others"; Anderson, John, & Keltner, 2005). Scores on this sense-of-power scale are correlated with people's standing in power hierarchies (whether or not they occupy powerful roles) and predict the same behaviors as structural manipulations of power (Anderson & Berdahl, 2002; Anderson & Galinsky, 2006). Participants also reported their tendency to engage in perspective taking, using a scale that measures the "tendency to adopt the psychological point of view of others" in everyday life (Davis, 1983, pp. 113–114; seven items; $\alpha = .64$; e.g., "I

sometimes try to understand my friends better by imagining how things look from their perspective"). We regressed perspective-taking scores on power scores (controlling for participant's sex) and found a significant negative relationship, $B = -0.35$, $SE = 0.17$, $p_{rep} = .88$.

To establish that power leads directly to a lack of perspective taking, we conducted four experiments using a diverse set of perspective-taking variables. We explored whether high-power participants would be less inclined to spontaneously adopt another individual's visual perspective (Experiment 1), less likely to take into account that others did not possess their privileged knowledge (Experiments 2a and 2b), and less accurate in determining the emotion expressions of others (Experiment 3), compared with individuals in low-power or control conditions. Because structural manipulations of power (e.g., providing direction or evaluating other people) often increase cognitive load (Fiske, 1993), which might reduce the ability to engage in perspective taking, we used a priming procedure—having individuals recall an experience with power (Galinsky et al., 2003)—in which power was manipulated while cognitive load was held constant.

EXPERIMENT 1: DRAWING AN E

Experiment 1 was designed to examine the effect of power on the tendency to spontaneously adopt another person's visual perspective, an important dimension in understanding other people's beliefs and intentions (Baron-Cohen, 1995). We used a procedure created by Hass (1984) in which participants are asked to draw an *E* on their foreheads. One way to complete the task is to draw an *E* as though one is reading it oneself, which leads to a backward and illegible *E* from the perspective of another person (see Fig. 1, left panel). The other way to approach the task is to draw the *E* as though another person is reading it, which leads to production of an *E* that is backward to oneself (see Fig. 1, right panel). We predicted that participants in the high-power condition, compared with those in the low-power condition, would be more likely to draw the *E* in the self-oriented

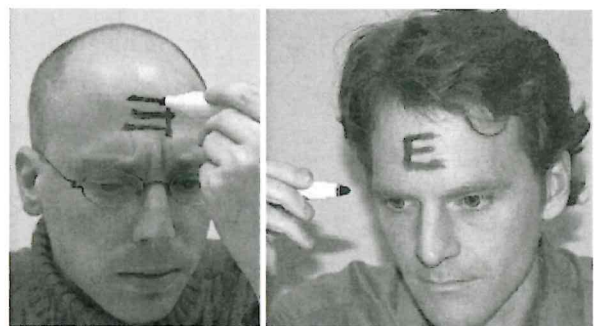


Fig. 1. Responses to the task of drawing an *E* on one's forehead: self-oriented *E* (left), indicating no perspective taking, and other-oriented *E* (right), indicating perspective taking.

direction, indicating a lesser tendency to spontaneously adopt another person's perspective.

Method

Subjects were 57 undergraduates (41 women and 16 men) with an average age of 20.02 years. In return for their participation, they received a payment of \$10 and entry into a \$300 lottery.

The experiment involved two conditions, a *high-power* and a *low-power* condition. Participants came in groups of 2 or 3 to the lab, where they were given a high- or low-power experiential prime, which has been shown to reliably manipulate a sense of power (Galinsky et al., 2003). Participants assigned to the high-power condition were instructed to recall and write about a personal incident in which they had power over another individual or individuals. Participants assigned to the low-power condition were instructed to write about a personal incident in which someone else had power over them. For both groups, power was defined as controlling the ability of another person to get something he or she wanted or being in a position to evaluate someone else. Participants were unaware of the power-prime manipulation that the other participants in their session received.

After completing this power-priming task, each participant was brought to a separate room, and the experimenter explained that the next tasks would be described in a packet on the desk in the room. The packet instructed the participant to begin working on a resource-allocation task, which was designed to reinforce the power prime. Those participants who received the high-power prime were asked to allocate seven lottery tickets to themselves and another participant, whereas those participants who completed the low-power prime were asked to estimate how many of the seven lottery tickets they would receive from the other participant. Participants next read the following instructions:

Please follow the instructions below and perform the tasks requested in the order they are presented. They are coordination tasks.

Task 1. With your dominant hand, as quickly as you can, snap your fingers five times.

Task 2. With your dominant hand, as quickly as you can, draw a capital *E* on your forehead with the marker provided. Don't worry, the marker is nontoxic, and we will make sure it is removed before you leave today.

At the end of the experiment, each participant was thoroughly debriefed and fully probed for suspicion. Not a single participant expressed any suspicion that the power manipulation and the dependent measure were related.

Results

As Hass (1984) pointed out, handedness could affect the direction of the *E*; thus, we controlled for handedness (49 right-

handed and 8 left-handed participants) and participant's sex in all analyses. Using logistic regression, we regressed the direction of the *E* (0 = self-oriented, 1 = other-oriented) on power condition, handedness, and participant's sex. The only significant effect was for power, $B = -1.51$, $SE = 0.76$, $p_{rep} = .88$. High-power participants were almost three times as likely as low-power participants to draw a self-oriented *E* (33%, 8 of 24, vs. 12%, 4 of 33).

To determine whether the amount of power people expressed possessing predicted perspective taking, we had one coder, who was blind to both condition and hypotheses, rate each essay using a 7-point scale measuring how much power the participant reported having. This coder had achieved high reliability ($\alpha = .94$) with another coder on a large sample of power essays from another set of studies. Participants described themselves as having more power in the high-power essays ($M = 5.75$, $SD = 0.53$) than in the low-power essays ($M = 2.21$, $SD = 0.55$), $t(55) = 24.44$, $p_{rep} = .99$, $d = 6.57$. Using logistic regression, we regressed the direction of the *E* on these ratings of power in the essays, handedness, and participant's sex. The only significant effect was for the amount of power expressed in the essays, $B = -0.41$, $SE = 0.21$, $p_{rep} = .88$. The more power participants described possessing, the more likely they were to draw a self-focused *E*.

The results are consistent with our theorizing. Individuals given an opportunity to spontaneously adopt another person's visual point of view were less likely to do so if they had received the high-power prime than if they had received the low-power prime. In the next set of experiments, we sought to determine whether power affects the tendency to take another person's perspective when doing so is required for effective communication.

EXPERIMENTS 2A AND 2B: CONSIDERING COMMUNICATION INTENTIONS

Most messages can be interpreted in multiple ways, and effective communication requires taking the knowledge and perspectives of one's audience into account. The same semantic content (e.g., "nice suit!") can be received as a compliment or as a thinly veiled insult, depending on knowledge of the speaker's tastes and previous interactions. People who have privileged knowledge about a speaker's intentions often have difficulty recognizing and adjusting for the fact that other listeners do not share this privileged perspective (Keysar, 1994). They are cursed by their knowledge, inaccurately predicting that others see the world as they do. Epley, Keysar, Van Boven, and Gilovich (2004) have suggested that individuals initially anchor on their own vantage point and then adjust for another person's perspective. We contend that power leads this adjustment to be particularly insufficient.

Experiment 2a

Following Keysar (1994), we gave participants a message and asked them to interpret how a friend of the speaker might per-

ceive the message. The message on its face seemed sincere, but privileged background knowledge about the speaker's intentions suggested a sarcastic interpretation. We predicted that high-power participants would be more likely than low-power participants to assume that the friend understood the sarcasm, even though a sarcastic interpretation depended on privileged background knowledge that the friend did not possess.

Method

Subjects were 42 undergraduate students who participated in return for a for \$10 payment. They were greeted in the laboratory by an experimenter, who explained that they would complete several questionnaires related to decision making. The experimental manipulations and our dependent variables were embedded in the packet of materials that participants received.

Power Manipulation. The power manipulation was the same experiential prime used in Experiment 1.

Message Interpretation. After completing the power prime and a filler task, participants read a scenario in which they and a colleague went to a fancy restaurant recommended by the colleague's friend but had a particularly poor dining experience. The next day, the colleague sent an e-mail to the friend stating only, "About the restaurant, it was marvelous, just marvelous." Participants were asked to respond to the question, "How do you think the colleague's friend will interpret the comment?" Responses were made on a scale anchored at *very sarcastic* (1) and *very sincere* (6). There was no information in the e-mail itself to suggest anything other than sincerity. However, if participants anchored on their privileged knowledge of the speaker's intention, then they would think that the friend would interpret the message as sarcastic.

Debriefing. As in Experiment 1, no participants expressed any suspicion that the power manipulation and the dependent measure were related.

Results

High-power participants thought the message would be perceived as more sarcastic by the naive recipient ($M = 3.74$, $SD = 1.54$) than did low-power participants ($M = 4.84$, $SD = 1.30$), $t(40) = 2.47$, $p_{\text{rep}} = .93$, $d = 0.77$. These findings support our prediction that power leads individuals to anchor too heavily on their own vantage point, insufficiently adjusting to other individuals' perspectives.

Experiment 2b

We ran a follow-up experiment using a different scenario to rule out the possibility that power simply produces sarcastic attributions. Fifty-one subjects read that they and a colleague had gone to a restaurant where the colleague's friend always had poor dining experiences. They, however, really enjoyed the meal. The

colleague sent the friend the same "marvelous, marvelous" e-mail, and subjects predicted how the friend would interpret the comment, using the same sarcastic-sincere scale from Experiment 2a. In this experiment, however, the privileged information implied sincerity, but the naive listener would have inferred sarcasm. As in Experiment 2a, high-power subjects were significantly more anchored on their privileged knowledge than low-power subjects were. Specifically, high-power subjects ($M = 3.31$, $SD = 1.46$) thought that the naive recipient of the message would interpret it as more sincere and less sarcastic than did low-power subjects ($M = 2.36$, $SD = 1.35$), $t(49) = 2.4$, $p_{\text{rep}} = .93$, $d = 0.68$.

EXPERIMENT 3: INTERPRETING EMOTION EXPRESSIONS

The previous experiment suggests that power can reduce accuracy in social judgment. Power might also inhibit the ability to pay attention to and comprehend other people's emotional states. Accurate perception of another person's emotional state is part and parcel of the capacity to experience empathy. Indeed, empathy has been defined as "the ability to perceive accurately how another person is feeling" (Levenson & Ruef, 1992, p. 234). Because the ability to discern others' emotions bears resemblance to theory-of-mind abilities related to perspective taking, this skill has also been called affective perspective taking (Denham, 1986). We predicted that power would be associated with worse ability to accurately detect other individuals' emotion expressions. Consistent with this prediction, previous studies have determined that men, who typically have more power in society than women do, are worse judges of other people's emotion expressions than women are (Hall, Gaul, & Kent, 1999; McClure, 2000).

To test our hypothesis, we used pictures from the Diagnostic Analysis of Nonverbal Accuracy (DANVA2; Nowicki & Carton, 1993). The pictures were of young men and women expressing emotions that differed in both their quality and their intensity. Because the first two experiments did not use an experimental control condition, it was not entirely clear whether activating high power decreased perspective taking or activating low power increased perspective taking. To resolve this ambiguity, in the final experiment we compared a high-power condition with a control condition.

Method

Seventy undergraduate students (16 men and 54 women, average age of 20.17 years) were recruited from an on-line participant pool at a private West Coast university and paid \$12. When they arrived at the lab, they were seated at semiprivate cubicles and were told they would be completing a study on experiential cognition.

There were two experimental conditions: high-power and control. Participants in the high-power condition completed the

same experiential prime that was used in the previous three experiments. Participants randomly assigned to the control condition responded to the following: "Please recall your day yesterday. In the space below, describe your day, including thoughts, feelings, events, etc."

Next, subjects were told they would complete an ostensibly unrelated task that involved "looking at the experience of others." Specifically, they were told that they would be observing a series of faces and their task would be to determine the emotion being expressed by each target. The stimuli they saw were the Adult Faces and Adult Paralanguage Scale associated with the DANVA2, which consists of 24 images of faces that express happiness, fear, anger, or sadness. After viewing each stimulus, participants selected which of the four emotions was being expressed.

Results

Accuracy was measured by recording the number of errors participants made in judging the target's expressed emotion. We submitted the total number of errors to a 2 (high-power vs. control condition) $\times$ 2 (participant's sex) analysis of variance. The results replicated prior work, showing a main effect for participant's sex, $F(1, 66) = 4.59, p_{\text{rep}} = .90, \eta^2 = .07$, with men ($M = 4.56, SD = 3.01$) making more errors than women ($M = 3.61, SD = 2.12$). More important to the present research, a main effect of power also emerged, $F(1, 66) = 10.81, p_{\text{rep}} = .98, \eta^2 = .14$. Participants primed with high power made more errors ($M = 4.54, SD = 2.80$) in judging the emotion expressions than control participants did ($M = 3.11, SD = 1.57$). The interaction was not significant, $F(1, 66) = 2.32, p_{\text{rep}} = .79, \eta^2 = .03$. These findings support the prediction that power is associated with decreased accuracy in emotion detection and suggest an additional consequence of diminished perspective taking: greater difficulty in experiencing empathy.

DISCUSSION

Across four experiments, we found that power was associated with a reduced tendency to comprehend how other individuals see the world, think about the world, and feel about the world. Priming power led participants to be less likely to spontaneously adopt another person's visual perspective, less likely to take into account that another person did not possess their privileged knowledge, and less accurate in detecting the emotional states of other people. This inverse relationship between power and perspective taking emerged across multiple forms of perspective taking; regardless of whether participants were explicitly told to be accurate (Experiment 3) or whether the consideration of another person's perspectives was spontaneous (Experiment 1), power was associated with less perspective taking than was observed for low-power or control participants. In addition, evidence from the third experiment, in which participants who

were primed with power deviated from those in a control condition, demonstrates that it is high power that is an impediment to, not low power that is a facilitator of, perspective taking. Given that participants were unaware of the connection between our experiential manipulation of power and the perspective-taking dependent variables, we can say this relationship is at least partially a nonconscious one. We believe that power leads not to a conscious decision to ignore other individuals' perspectives, but rather to a psychological state that makes perspective taking less likely. The four experiments, combined with our initial study demonstrating a negative relationship between a measure of power and a measure of perspective taking, suggest that compared with low-power individuals high-power individuals are less focused on the meaningful psychological experiences of those around them.

Although the current studies collectively point in the direction of our hypothesized inverse relationship between power and perspective taking, we acknowledge that each of our designs was limited to a dichotomized independent variable, and our findings always depended on a difference between two conditions. The use of multilevel manipulations of power in the future would provide for greater precision in interpreting power's effects.

Diminished perspective taking may connect to the finding that power is associated with action and increased goal pursuit (Galinsky et al., 2003). By not attending to the concerns of other people, the powerful can plunge headfirst into action and pursue goals without restraint (Galinsky et al., 2003; Magee, Galinsky, & Gruenfeld, in press). Although lack of perspective taking may lead the powerful toward malleasance, it can be an adaptive response to attentional demands, one that allows for efficient navigation of social and organizational worlds.

Our results are consistent with recent views that power can lead to objectification (Gruenfeld, Inesi, Magee, & Galinsky, 2005; Keltner et al., 2003), the tendency to view other people only in terms of qualities that serve one's personal goals and interests, while failing to consider those features of others that define their humanity. Giving less attention to the human aspects of other people should make it easier for a power holder to use them as tools in the service of his or her goals and interests (Gruenfeld et al., 2005).

The current results also indirectly support the idea that there is an integrated relationship among power, perspective taking, and stereotyping: Perspective taking decreases stereotyping (Galinsky & Moskowitz, 2000), power increases stereotyping (Fiske, 1993), and power decreases perspective taking. Fiske (1993) has argued that stereotyping is one way that the powerful maintain their privileged position. Failing to take others' perspectives, objectifying others in a self-interested way, and stereotyping others may all be part of the cognitive toolbox that power holders use to stay in control. However, lack of perspective taking may also sew the seeds of power's demise. When disregard for the concerns, emotions, and individuality of others—their humanity—persists, the powerful can inspire enmity,

bitterness, and incipient rebellion. The inverse relationship between power and perspective taking may allow the powerful to accomplish short-term goals but lead to the long-term loss of power.

Although our studies demonstrate that power reduces perspective taking, we suspect this relationship is not invariant. One important moderator might be the extent to which accurate knowledge of another person's perspective would increase the likelihood that a power holder will achieve his or her goals. In addition, the degree of responsibility that high-power individuals feel for their subordinates is likely to influence perspective-taking tendencies. Indeed, when the powerful feel a sense of responsibility, their behavior resembles that of the ideal perspective taker: They show increased generosity (Chen et al., 2001) and more individuated impressions (Overbeck & Park, 2001). Similarly, increasing accountability (the pressure to justify one's decisions or view to other people; Tetlock et al., 1989) may direct the attention of power holders to other people's perspectives, checking and balancing the cognitive effects of power. Finally, culture may be a critical variable in determining when power leads to perspective taking and when it leads to egocentric self-focus (Zhong, Magee, Maddux, & Galinsky, 2006).

The observation that responsibility, accountability, and culture may influence how power is experienced and enacted offers insight into when and how power may be delivered from the forces of corruptibility: Action-oriented power combined with perspective taking may be a particularly constructive force. If the powerful are led to take the perspectives of others, their actions ultimately might benefit the lives of the less powerful, while also possibly helping them to remain in power.

Acknowledgments—Earlier versions of this article benefited greatly from insightful comments by James Cutting, Katie Liljenquist, Jennifer Overbeck, Chen-Bo Zhong, and one anonymous reviewer.

REFERENCES

- Anderson, C., & Berdahl, J.L. (2002). The experience of power: Examining the effects of power on approach and inhibition tendencies. *Journal of Personality and Social Psychology*, 83, 1362–1377.
- Anderson, C., & Galinsky, A.D. (2006). Power, optimism, and risk-taking. *European Journal of Social Psychology*, 36, 511–536.
- Anderson, C., John, O.P., & Keltner, D. (2005). *The personal sense of power: Multi-level conceptualization and personality and structural determinants*. Manuscript submitted for publication.
- Anderson, C., Keltner, D., & John, O.P. (2003). Emotional convergence between people over time. *Journal of Personality and Social Psychology*, 84, 1054–1068.
- Bargh, J.A., Raymond, P., Pryor, J.B., & Strack, F. (1995). Attractiveness of the underling: An automatic power-sex association and its consequences for sexual harassment and aggression. *Journal of Personality and Social Psychology*, 68, 768–781.
- Baron-Cohen, S. (1995). *Mindblindness*. Cambridge, MA: MIT Press.
- Batson, C.D. (1991). *The altruism question: Toward a social-psychological answer*. Hillsdale, NJ: Erlbaum.
- Cast, A.D. (2003). Power and the ability to define the situation. *Social Psychology Quarterly*, 66, 185–201.
- Chen, S., Lee-Chai, A.Y., & Bargh, J.A. (2001). Relationship orientation as moderator of the effects of social power. *Journal of Personality and Social Psychology*, 80, 183–187.
- Copeland, J.T. (1994). Prophecies of power: Motivational implications of social power for behavioral confirmation. *Journal of Personality and Social Psychology*, 67, 264–277.
- Davis, M.H. (1983). Measuring individual differences in empathy: Evidence for a multidimensional approach. *Journal of Personality and Social Psychology*, 44, 113–126.
- Davis, M.H., Conklin, L., Smith, A., & Luce, C. (1996). Effect of perspective taking on the cognitive representation of persons: A merging of self and other. *Journal of Personality and Social Psychology*, 70, 713–726.
- Denham, S.A. (1986). Social cognition, prosocial behavior, and emotion in preschoolers: Contextual validation. *Child Development*, 57, 194–201.
- Eisenberg, N., Murphy, B.C., & Shepard, S. (1997). The development of empathic accuracy. In W.J. Ickes (Ed.), *Empathic accuracy* (pp. 73–116). New York: Guilford Press.
- Epley, N., Keysar, B., Van Boven, L., & Gilovich, T. (2004). Perspective taking as egocentric anchoring and adjustment. *Journal of Personality and Social Psychology*, 87, 327–339.
- Fiske, S.T. (1993). Controlling other people: The impact of power on stereotyping. *American Psychologist*, 48, 621–628.
- French, J., & Raven, B. (1959). The bases of social power. In D. Cartwright (Ed.), *Studies in social power* (pp. 150–167). Ann Arbor, MI: Institute for Social Research.
- Galinsky, A.D., Gruenfeld, D.H., & Magee, J.C. (2003). From power to action. *Journal of Personality and Social Psychology*, 85, 453–466.
- Galinsky, A.D., Ku, G., & Wang, C.S. (2005). Perspective-taking: Fostering social bonds and facilitating social coordination. *Group Processes and Intergroup Relations*, 8, 109–125.
- Galinsky, A.D., & Moskowitz, G.B. (2000). Perspective-taking: Decreasing stereotype expression, stereotype accessibility, and in-group favoritism. *Journal of Personality and Social Psychology*, 78, 708–724.
- Guinote, A., Judd, C.M., & Brauer, M. (2002). Effects of power on perceived and objective group variability: Evidence that more powerful groups are more variable. *Journal of Personality and Social Psychology*, 82, 708–721.
- Gruenfeld, D.H., Inesi, M.E., Magee, J.C., & Galinsky, A.D. (2005). *Power and the objectification of social targets*. Unpublished manuscript, Stanford University, Stanford, CA.
- Hall, C.W., Gaul, L., & Kent, M. (1999). College students' perception of facial expressions. *Perceptual & Motor Skills*, 89, 763–770.
- Hass, R.G. (1984). Perspective taking and self-awareness: Drawing an E on your forehead. *Journal of Personality and Social Psychology*, 46, 788–798.
- Keltner, D., Gruenfeld, D.H., & Anderson, C. (2003). Power, approach, and inhibition. *Psychological Review*, 110, 265–284.
- Keltner, D., & Robinson, R.J. (1997). Defending the status quo: Power and bias in social conflict. *Personality and Social Psychology Bulletin*, 23, 1066–1077.
- Keysar, B. (1994). The illusory transparency of intention: Linguistic perspective taking in text. *Cognitive Psychology*, 23, 165–208.

- Kipnis, D. (1972). Does power corrupt? *Journal of Personality and Social Psychology*, 24, 33–41.
- Kohlberg, L. (1976). Moral stages and moralization: The cognitive-developmental approach. In T. Lickona (Ed.), *Moral development and behavior* (pp. 31–53). New York: Holt, Rinehart & Winston.
- Lee, F., & Tiedens, L.Z. (2001). Is it lonely at the top? Independence and interdependence of power-holders. In B.M. Staw & R.I. Sutton (Eds.), *Research in organizational behavior* (Vol. 23, pp. 43–91). Greenwich, CT: JAI Press.
- Levenson, R.W., & Ruef, A.M. (1992). Empathy: A physiological substrate. *Journal of Personality and Social Psychology*, 63, 234–246.
- Magee, J.C., Galinsky, A.D., & Gruenfeld, D.H. (in press). Power, propensity to negotiate, and moving first in competitive interactions. *Personality and Social Psychology Bulletin*.
- McClure, E.B. (2000). A meta-analytic review of sex differences in facial expression processing and their development in infants, children, and adolescents. *Psychological Bulletin*, 126, 424–453.
- Nowicki, S., Jr., & Carton, J. (1993). The measurement of emotional intensity from facial expressions. *Journal of Social Psychology*, 133, 749–750.
- Overbeck, J.R., & Park, B. (2001). When power does not corrupt: Superior individuation processes among powerful perceivers. *Journal of Personality and Social Psychology*, 81, 549–565.
- Regan, D.T., & Totten, J. (1975). Empathy and attribution: Turning observers into actors. *Journal of Personality and Social Psychology*, 32, 850–856.
- Tetlock, P.E., Skitka, L., & Boettger, R. (1989). Social and cognitive strategies for coping with accountability: Conformity, complexity, and bolstering. *Journal of Personality and Social Psychology*, 57, 632–640.
- Woike, B.A. (1994). The use of differentiation and integration processes: Empirical studies of “separate” and “connected” ways of thinking. *Journal of Personality and Social Psychology*, 67, 142–150.
- Zhong, C., Magee, J.C., Maddux, W.W., & Galinsky, A.D. (2006). Power, culture, and action: Considerations in the expression and enactment of power in East Asian and Western societies. In E.A. Mannix, M.A. Neale, & Y. Chen (Eds.), *Research on managing in teams and groups* (Vol. 9, pp. 53–73). Greenwich, CT: Elsevier Science Press.

(RECEIVED 11/7/05; REVISION ACCEPTED 12/16/05;
FINAL MATERIALS RECEIVED 5/24/06)

This document is a scanned copy of a printed document. No warranty is given about the accuracy of the copy. Users should refer to the original published version of the material.

Impact of Police Violence on Mental Health: A Theoretical Framework

Police violence has increasingly been recognized as a public health concern in the United States, and accumulating evidence has shown police violence exposure to be linked to a broad range of health and mental health outcomes. These associations appear to extend beyond the typical associations between violence and mental health, and to be independent of the effects of co-occurring forms of trauma and violence exposure. However, there is no existing theoretical framework within which we may understand the unique contributions of police violence to mental health and illness.

This article aims to identify potential factors that may distinguish police violence from other forms of violence and trauma exposure, and to explore the possibility that this unique combination of factors distinguishes police violence from related risk exposures. We identify 8 factors that may alter this relationship, including those that increase the likelihood of overall exposure, increase the psychological impact of police violence, and impede the possibility of coping or recovery from such exposures.

On the basis of these factors, we propose a theoretical framework for the further study of police violence from a public mental health perspective. (*Am J Public Health*. 2020;110:1704–1710. <https://doi.org/10.2105/AJPH.2020.305874>)

Jordan DeVlyder, PhD, Lisa Fedina, PhD, and Bruce Link, PhD



See also Alang, p. 1597.

A new public narrative around the prevalence and effects of police violence has emerged over the past several years in the United States, accompanied recently by a dramatic shift in public opinion following the deaths of George Floyd, Breonna Taylor, and Elijah McClain, and the related national civil uprising and protests. Although Black, Latinx, Native American, and sexual and gender minority communities have long perceived a culture of inequitable treatment, it is only with the widespread adaptation of smartphone technology and real-time dissemination of footage through social media that this has become part of the national consciousness.¹ Media attention has primarily focused on individual incidents of police killings rather than on broader population-level health effects and implications. Although death is certainly the most severe health outcome, it is just as certainly not the most common. The mental health effects of police violence may be less visible yet much more pervasive and, potentially, more impactful when considered across an entire community or population.

In this article, we place the emerging literature on the mental health correlates of police violence within the broader context of research on violence, and explore whether the “police” in “police violence” bestows a specific meaning that extends beyond violence itself—is police

violence a form of violence just like any other? By describing potential factors that may distinguish police violence from other forms of violence and trauma exposure—either as factors that are unique to police violence or that vary in degree between police violence and other forms of violence—we propose a theoretical framework for the further study of police violence from a public mental health perspective.

RELEVANCE OF POLICE VIOLENCE TO MENTAL HEALTH

Stress has pervasive effects on one’s psychological well-being, straining one’s sense of role or purpose and affecting concepts of self-esteem and mastery, which contributes in turn to mental health difficulties.² Although there is not a single unifying theory linking stressful or traumatic social exposures to mental health symptoms, these factors play a prominent etiological role in leading theories on a broad range of disparate mental health conditions, such as the social

signal transduction theory of depression³ or the social defeat theory of psychosis.⁴ Although the often-siloed research of each psychological outcome has led to uniquely labeled theories, these theories all point to a pathway in which trauma spurs biological or psychological changes that manifest over time as psychiatric symptoms, particularly when the trauma is sexually or physically violent.⁵ Further, although theoretical work on stressful life events has attempted to provide a broader framework for how stress may translate to psychopathology, focusing particularly on the role of uncontrollable stressful events that affect one’s usual activities, goals, and values, this framework has not been directly applied toward understanding police violence.⁶

We therefore explore the construct of police violence as a potential etiological factor for mental health conditions, based on the assumptions that (1) violence and trauma are associated with elevated risk for a broad range of mental health symptoms and (2) the contribution to risk may vary not only by severity of exposure, but also by type of

ABOUT THE AUTHORS

Jordan DeVlyder is with the Graduate School of Social Service, Fordham University, New York, NY. Lisa Fedina is with the University of Michigan School of Social Work, Ann Arbor. Bruce Link is with the School of Public Policy and Department of Sociology, University of California, Riverside.

Correspondence should be sent to Jordan DeVlyder, PhD, Graduate School of Social Service, Fordham University, 113 W 60th St, New York, NY 10023 (e-mail: jdevlyder@fordham.edu). Reprints can be ordered at <http://www.ajph.org> by clicking the “Reprints” link.

This article was accepted July 9, 2020.

<https://doi.org/10.2105/AJPH.2020.305874>

exposure. Specifically, we explore whether police violence possesses a unique pattern of characteristics and mechanisms that distinguish it from other forms of violence exposure in its association with mental health symptoms.

For the purposes of this article, we refer generally to “police violence” and “mental health” because there is not yet sufficient research to confidently link specific subtypes of police violence to specific mental health outcomes. We therefore define police violence as acute events of physical, sexual, psychological, or neglectful violence, following the World Health Organization’s guidelines on defining violence and earlier work on the phenomenology of police violence exposure.⁷ Mental health is intended to be inclusive of behaviors and psychological symptoms that would be considered indicators of clinical psychopathology, including but not limited to general psychological distress, posttraumatic stress symptoms, suicidal ideation and behavior, psychosis-like experiences, and depression. These definitions may need to be expanded as this literature develops, as currently it typically focuses on acute violent events (rather than chronic or vicarious exposures) and a psychopathology-oriented view of mental health (rather than a focus on functioning or quality of life), but they are being used here as a reflection of the variables typically employed in the literature at this point in time.

MENTAL HEALTH CORRELATES OF POLICE VIOLENCE

Recent public attention directed toward police violence has spurred an emerging literature on the health significance of police

violence exposure,^{1,8,9} addressing a long-unheeded call to conceptualize police violence as a public health issue in the United States.⁷ Cross-sectional studies have consistently found clinically and statistically significant associations between police violence exposure and a range of mental health outcomes,^{10–16} and community-level data have likewise demonstrated higher rates of mental health symptoms in neighborhoods or cities in which police abuse (e.g., “stop and frisk” practices, which are primarily used in neighborhoods predominantly composed of people of color) and killings of unarmed civilians are more common.^{17,18} These associations have generally been found to remain statistically significant (and of sufficient effect sizes to support public health significance) even with adjustment for closely related forms of violence exposure, such as interpersonal violence or lifetime abuse exposure.^{10,14} For example, exposure to assaultive forms of police violence (i.e., physical or sexual) has been found to be associated with 4- to 11-fold greater odds for a suicide attempt among adults across racial/ethnic groups, even with conservative adjustments.^{12,14} Although most of this research has been conducted with adults, recent analyses suggest that this problem extends into adolescence as well.¹⁹ A selective overview of recent work on this topic is provided in Table 1, and has recently been reviewed elsewhere.²¹

WHY IS POLICE VIOLENCE DIFFERENT?

Overall, accumulated evidence consistently identifies moderate to strong associations

between self-reported exposure to police violence and measures of mental health. Additionally, some evidence indicates that these effects operate independently of exposure to other forms of violence. It was this accumulation of evidence that led us to ask whether and to what extent police violence has unique features that lead it to be so impactful for mental health outcomes. Here, we propose 8 factors that may distinguish police violence from other forms of violence, some of which are unique to police violence and others that may vary by degree. Given the complexity of the issue, we see our conceptualization as a step toward a more complete understanding of this important issue, recognizing that it will need further development in the time ahead.

Police Violence Is State Sanctioned

A long tradition in social science theory suggests that the police play a critical role in disciplining the public, not just in terms of offenses and punishments but in the construction and maintenance of an established social order favoring dominant groups. In light of the use of the police in this regard, it follows that exposure to violence emanating from their actions would have distinct and pernicious features.^{22,23} Police organizations in the United States are thus authoritative institutions legitimized to apply force—and potentially fatal force—to maintain a particular social and political order.²⁴ In interactions with civilians, police officers are in positions of relatively greater power because of both the symbolic and state-sanctioned status of their profession, and their immediate legal availability of means (e.g., guns, batons,

tasers) to wield force, threat of force, and coercion, at their discretion. This distinguishes police violence from interpersonal forms of violence that are perpetrated by people who are not sanctioned to enact violence, such as caregivers, peers, or intimate partners.

This distinction is made not to downplay the seriousness of other forms of violence—such as child abuse, intimate partner violence, or sexual assault—but to assert that modern-day police violence is embedded in historical state-enforced practices that permitted cruel, unusual, and dehumanizing punishment of individuals deemed to be from threatening or “dangerous classes,”²⁵ particularly Blacks. Communities of color and lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities have been historically subjected to racially motivated, discriminatory state-sponsored laws (e.g., Jim Crow laws, sodomy laws) enforced by police that permitted harassment, discrimination, and excessive and fatal force against individuals from these communities. As such, the processes and contexts in which police violence has been historically perpetuated are uniquely distinct from the perpetuation of interpersonal forms of violence by others. Furthermore, police violence is sanctioned not only by institutions in the United States but also by the American public, and is intentionally designed to uphold White supremacy.²⁶ Members of the dominant society thus contribute to police violence and the lack of police accountability.

The Police Are a Pervasive Presence

A core characteristic of many people’s reaction to violence is

TABLE 1—Selective Overview of Recent Studies of Police Violence and Mental Health: United States

Citation	Sample	Exposure	Outcome	Main Findings
Bor et al. ¹⁸	Probability sample of the Black adult subsample of the 2013–2015 Behavioral Risk Factor Surveillance System data (n = 103 710), paired state-level data	No. of recent police killings of unarmed Black US persons in the respondent's state	No. of days in which the respondent rated mental health as "not good" over past mo	Each police killing was associated with an additional 0.14 poor mental health days.
Bowleg et al. ²⁰	Nonprobability sample of Black men aged 18–44 y residing in Washington, DC (n = 891)	Past-12-mo negative police encounters and police avoidance	Depressive symptoms	Negative police encounters and police avoidance were both associated with depressive symptoms, and mediated the association between incarceration history and depression.
DeVylder et al. ^{11–13, a}	Nonprobability general population sample of residents of Baltimore, MD; New York City; Philadelphia, PA; and Washington, DC (n = 1615)	Lifetime police violence exposure, assessed using the police practices inventory	Psychological distress, depression, psychotic experiences, suicidal ideation, and suicide attempts	Exposure to all subtypes of police violence were associated with most mental health outcomes, largest odds ratios for more assaultive forms of violence (i.e., sexual and physical violence with a weapon).
DeVylder et al. ¹⁴	Nonprobability general population sample of residents of Baltimore, MD, and New York City (n = 1000)	Past-12-mo police violence exposure, assessed using the police practices inventory	Psychological distress, psychotic experiences, suicidal ideation, and suicide attempts	Exposure to all subtypes of police violence was associated with contemporaneous mental health outcomes, largest odds ratios for more assaultive forms of violence (i.e., sexual and physical assault with a weapon), with more extensive adjustments for potential confounders than in the 2017 studies.
Geller et al. ¹⁰	Stratified random sample of young adults (18–26 y) in New York City (n = 1261)	No. and intrusiveness of recent stops by the police	Generalized anxiety symptoms, trauma symptoms related to the incident(s)	Total no. of stops and intrusiveness of stops were associated with PTSD and anxiety symptoms.
Hirschtick et al. ¹⁶	Probability sample of adults residing in Chicago, IL (n = 1543)	Lifetime no. of police stops, aggressive police exposure	PTSD symptoms, depressive symptoms	Total lifetime no. of stops was associated with PTSD symptoms but not depressive symptoms.
Jackson et al. ¹⁹	Secondary analysis of adolescents (average age = 15 y) in the 2014–2017 wave of the Fragile Families & Child Wellbeing Study (n = 918)	Frequency and context of police stops in adolescence	Emotional distress and PTSD symptoms	Frequency and intrusiveness of police stops (but not age of police stops), and being stopped at school, were associated with both outcomes.
Oh et al. ¹⁵	Secondary analysis of the African American subsample of the National Survey of American Life, a national household probability sample (n = 3570)	Lifetime self-reported unfair stops, searches, questioning, or abuse (as a single binary item)	Past-year <i>DSM-IV</i> diagnoses of mood disorders, anxiety disorders, and self-reported suicidal ideation, plans, or attempts	All mental health outcomes were significantly more common among respondents that reported exposure to abusive policing.
Sewell et al. ¹⁷	Probability sample of noninstitutionalized adults in New York City (n = 8797), linked to neighborhood level data (n = 34 neighborhoods)	Neighborhood-level frequency of "stop & frisk" encounters	Psychological distress	Men reported greater psychological distress when neighborhoods experienced a greater frequency of "stop & frisk" policing.

Note. *DSM-IV* = *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition* (Washington, DC: American Psychiatric Association; 1994); PTSD = post-traumatic stress disorder.

^aAll 3 studies were from the same data set but focused on different outcomes.

avoidance of reminders and triggers—especially of the perpetrators themselves. This common and adaptive response to a harmful situation is not available

to people who have been exposed to police violence. It is simply not possible to avoid a system that inflicts racially motivated violence while staying

within the country, even if one manages to avoid the specific offending officer, and the stress of this police avoidance has been shown to be directly related to

severity of depressive symptoms among adult Black men.²⁰ Much in the same way that police violence by one officer generalizes to fear of all officers even if most

officers do not perpetrate violence, intimate partner violence often generalizes to fear of all romantic partners, particularly of a given gender. However, this process may be exacerbated for victims of police violence and is in some ways different from what transpires when people are exposed to other forms of violence. For example, although victims of intimate partner violence and sexual assault who seek help and legal recourse face enormous barriers and challenges, the US justice system can separate victims from perpetrators through legal protection or restraining orders or through incarceration of the perpetrator. In the case of police violence, the presence of law enforcement in the US context is pervasive, and victims have few or no options to seek help and legal recourse, or to entirely avoid police officers in public places.

There Are Limited Options for Recourse

Victims of police violence have little legal recourse or opportunities for seeking help in the criminal justice system. The police have legal sanction to intervene in other crimes of violence (e.g., sexual assault, physical assault), making it much more difficult to prove that the violence was unjustly or excessively delivered. Additionally, the people reviewing disputed cases are often also police officers, and indicted police officers are tried by prosecutors who must otherwise work with police officers. These and other circumstances make contesting the perpetration of violence extremely difficult. Victims of other forms of violence, particularly intimate partner violence, indeed face enormous barriers in seeking help and legal recourse, including

stigma in reporting intimate partner violence, poverty and other economic barriers, and other sociocultural and contextual factors.²⁷ Victims of police violence face many of these same barriers; because they have few if any options for reporting an incident, for legal recourse, or for advocacy services and referrals to mental health treatment, any mental health symptoms they have may worsen over time.²⁸

Police Culture Deters Internal Accountability

Police violence occurs within a larger, institutional context that is shaped by the organization's culture. An organizational culture that upholds a "code of silence" surrounding police officers' abusive behaviors toward civilians allows for the perpetuation of police abuse of power and can prevent police officers, particularly those from lower ranks, from reporting such abuses to their superiors.²⁹

Given that violence perpetrated through institutions (rather than interpersonal relationships) is supported by an organizational culture condoning harmful behaviors (e.g., harassment, coercion, psychological abuse, physical assault), particularly against those from historically marginalized and disadvantaged communities, experiencing abuse at the hands of police officers who wield such power and authority over civilians may lead to exacerbated mental health consequences. Past research suggests that exposure to sexual assault while serving in the military is associated with psychiatric disorders above and beyond symptoms associated with civilian sexual assault.³⁰ This suggests that contextual factors related to violence, particularly contexts defined by substantial power and

authoritative differentials, may influence associations with mental health symptoms.

Police Violence Alters Deeply Held Beliefs

People feel more secure if they feel safe and protected in their day-to-day activities. Assumptive World Theory proposes that people's deeply held beliefs about the world and themselves can be shaken by an event that forcefully disconfirms such beliefs.³¹ Police violence is particularly likely to provide such disconfirming evidence in that the police represent a societal institution that many, though not all, have come to rely on deeply and implicitly for help when a threat emerges. When police perpetrate violence, this belief is shattered as the police are no longer protectors but rather the central threat that needs to be addressed. Additionally, police violence is normative, rather than an acute or singular event, which has led to the erosion of public trust in the police and favorable views of police seen as protective.

Theories of police legitimacy, which refers to the public's perceptions and views of police as a legitimate authority that is trustworthy and upholds public safety, propose that legitimacy is in part formed through individual police–citizen interactions.³² As such, it is plausible that individual and group experiences with police violence influence individual views and beliefs that police are not trustworthy sources of protection and safety. Of course, this sundering of assumptions occurs with other types of violence, such as when a believed-to-be-loving spouse hits a partner or a thought-to-be-protective parent engages in child abuse. However, the police have been described as a "last resort" for people when other remedies have been tried

and failed.³³ A spouse might call the police as a last resort when other efforts to stop an abusive partner have failed, or a neighbor might make such a call if polite efforts to address enduring abuse of a child have failed. But to the extent that exposure to police violence intrudes, the "last resort" is gone and one may feel stuck in a brutal and frightening world with no recourse.

Racial and Economic Disparities in Exposure

Because police violence is disproportionately directed toward people of color, many of whom are poor, it can underscore a sense of diminished value within the US racial and class hierarchies. Accordingly, the media narrative around police violence has focused on incidents directed toward Black people, and has at times framed these incidents within the context of the legacy of racism and White supremacy in the United States. Data from the first and second Survey of Police–Public Encounters studies have confirmed that—at least in Baltimore, Maryland; New York City; the District of Columbia; and Philadelphia, Pennsylvania—police violence is more likely to be directed toward people of color, although it is notable that these studies have found Latinx groups to be at approximately the same level of risk as non-Latinx Blacks.^{11,14} Although White respondents were also at some risk of exposure to police violence, the racial disparities were significant, even after adjustment for crime involvement and income. Similarly, the prevalence of police-inflicted shootings is approximately 3.5-fold greater among non-Latinx Black than non-Latinx White residents of the United States.³⁴ Perceptions

of racism have been shown to magnify, and perhaps even overshadow, the effects of violent acts.³⁵ Given that police violence is perceived to be racially motivated in many cases,³⁴ it is likely that these same effects carry over to many victims of this form of violence.

Notably, there is insufficient prior data to allow a thorough discussion of police violence and mental health among indigenous populations, although the rate of police killings is extremely high among this group. Other potentially high-risk groups likely include people who identify as sexual or gender minorities, people who are homeless, or those who have a severe mental illness diagnosis, among others. Future research should focus on understudied sociodemographic groups that are disproportionately subject to police violence (e.g., indigenous populations, trans individuals), and the conceptual framework presented in this article will require modification as more data become available.

Police Violence Is Stigmatizing

Victims of violent incidents, such as intimate partner violence and community violence, often seek informal support from friends, family, and other social contacts, which has been shown to have a beneficial impact on mental health.³⁶ However, exposure to police violence carries the potential of inducing harmful stigma. Although stigma may be mitigated in some circumstances in which people distrust the police, a person may nonetheless face judgments from dominant groups who carry the power to discriminate in critical life domains such as educational opportunities, jobs, and housing.

This stigma may in turn limit help-seeking behaviors if mental health problems emerge and if there is a perception that treatment providers may not be able to sufficiently understand the circumstances that led to the mental health problems.³⁷

The police are highly respected in some US communities, sometimes to the point of exaltation, and are supported by a labor union of more than 100 000 workers as well as significant and well-funded public image and advocacy groups such as Blue Lives Matter (which arose as a countermovement to Black Lives Matter and consequently contributes to rather than alleviates concerns of racism and lack of accountability around police violence). As such, there may be substantial stigma around reporting incidents of police violence to family members, friends, and acquaintances, some of whom may have some personal or ideological connection to the police force. Further, when there are major social movements or protests following prominent incidents of police violence, many in the public, particularly those who benefit from the dominant social order that the police help to maintain, take a “blaming the victim” mentality and highlight infractions by the victim that may have justified their injury or death (e.g., the alleged theft of cigarillos by Michael Brown cited as justification for excessive and fatal force). On a broader societal level, protests in Ferguson, Missouri were blamed for a subsequent supposed “war on cops” in which the rate of civilians killing police officers purportedly increased, although there is no actual evidence for any such increase.³⁸

Police Are Typically Armed

Unlike front-line police officers in some other countries, police officers patrolling neighborhoods in the United States are typically armed, which makes civilians’ interactions with the police potentially more threatening. As a result of several landmark Supreme Court decisions, police officers in the United States have a great deal of legal latitude in determining when to use force, and even fatal force. Additionally, the militarization of police in the United States, largely as a result of “War on Drugs” and “War on Terror” policies, has equipped police departments with firearms and military-grade equipment and expanded their capacity to use force if officers believe their lives or the lives of others are in danger.³⁹ Thus, the perceived threat of police victimization in civilians’ interactions with police may lead to unique mental health implications for communities most affected by police violence. Further, in addition to the threat of immediate violence through the use of weapons, police encounters also can lead to a more sustained form of exposure to violence and coercion through imprisonment. This threat may be compounded in geographical (e.g., low-income urban areas) and demographic communities (e.g., Black, Latinx, and Native American) with high rates of incarceration.

PROPOSED CONCEPTUAL MODEL

Figure A (available as a supplement to the online version of this article at <http://www.ajph.org>) portrays a conceptual model illustrating points at which

the influence of police violence on mental health may be different from processes that produce associations between other types of violence exposure and mental health. Specifically, we highlight the 8 potentially influential factors that were described in the previous section, which provides a valuable starting point from which the construct of police violence can be further explored from a public health standpoint. The assumption that police violence is violence like any other would require that the net effect of all of these 8 factors would sum to zero (i.e., have no total effect on mental health). This assumption is highly unlikely, particularly since some of these pathways are now supported by epidemiological evidence (e.g., stress of police avoidance has been recently linked to depressive symptoms).²⁰ Many (but not all) of these features are present in other forms of violence, although the unique intersection of these features may make police violence a specific type of violence and one worthy of study as a separate construct, similar to the intersection of common and specific elements as determinants of the health impact of other life events.⁶ In fact, the literature on stressful life events may provide a useful framework for determining the potential mental health salience of these various features of police violence. Table 2 outlines the primary dimensions of stressful life events based on work by Dohrenwend,⁶ a widely used framework for understanding and interpreting the relationship between uncontrollable stressors and mental health outcomes, and it applies these dimensions to our model of police violence.

To provide a preliminary framework for subsequent work, we have also developed a more complex hypothetical model that

TABLE 2—Police Violence Within the Life Events Dimensions Proposed by Dohrenwend

Dimension	Description	Relevance for Police Violence
Valence	Positive/negative	Police violence is universally of negative valence for the person being victimized.
Fatefulness	Extent to which an event is uncontrollable as opposed to a consequence of the individual's behavior	The power inequities, lack of recourse or accountability, pervasive community presence of the police, and the stigma of reporting police violence all provide a context of fatefulness around police violence. There is evidence that people involved in criminal activities are more likely to be victims of police violence, ¹¹ which would suggest some degree of controllability, although other research has shown that race may be a better predictor of exposure to police violence than the behaviors that elicited police contact. ³⁴
Predictability	Expected likelihood of occurrence	Police violence is more common in the United States than any economically similar country, but is sufficiently rare in many contexts to suggest that it is generally unexpected or unpredictable. There is some evidence that the association between police violence and mental health outcomes is actually stronger among groups that face a lower likelihood of exposure, ¹¹ which may relate to their lower expected likelihood of contact. However, even for groups with higher rates of exposure, each individual incident is likely to be unpredictable.
Magnitude	The amount of effect on one's activities as a result of experiencing the event	The effect of police violence can be of substantial magnitude, as suggested by several features of our model. Most notably, the effects of police violence can result in mortality or a complete restriction of freedom through incarceration, and avoidance of reminders of such incidents is nearly impossible given the pervasive presence of police officers. Though it is obvious that magnitude can be extreme, the magnitude likely varies from circumstance to circumstance, suggesting that research should seek to address this variability.
Centrality	Relation of the event to a person's ability to maintain or achieve their life goals	The top of the centrality hierarchy is threat to life, and violent confrontations with police carry the potential for threat to life given the availability of a firearm. Further, incarceration and being classified as a "felon" further limits one's ability to maintain goals across a variety of life domains.
Physical impact	Direct or indirect physical effects of the life event	Police violence can potentially have significant physical effects, particularly physical assault with a weapon or sexual assault, and these assaultive forms of police violence have been identified as the strongest correlates with a variety of mental health outcomes. ^{11,12,14}
Specific	Specific characteristics of an event that contribute to its impact	Several features of police violence appear to be unique or at least much more significant for police violence compared with other forms of violence, in particular the power inequities (in this case, state rather than individual power), risk of incarceration, and the pervasive community and national presence of police officers.

Source. Dohrenwend.⁶

illustrates potential mechanisms through which the discussed factors may influence the pathways from police violence to mental health (Figure B, available as a supplement to the online version of this article at <http://www.ajph.org>). Although it is speculative because of the limited prior empirical research, we are proposing this model to provide potential conceptual pathways that can be tested in future research. Specifically, 4 of the factors (i.e., access to a weapon, state-sanctioned violence, perceived racial and class biases, and risk of incarceration) are likely to increase the immediate impact of violent incidents and therefore

may have the most direct effects on mental health, as they are characteristics of the acute incident itself. Three of the factors (i.e., pervasive presence, lack of recourse, and stigma of reporting police violence) pertain more to the time following an exposure to violence, and therefore may have an effect on mental health by impeding coping and recovery. Finally, police culture, in combination with the proliferation of firearms in the US general population and the American legacy of racism,²⁴ may have an impact on the overall likelihood or prevalence of police violence.⁴⁰ Future studies can confirm whether these pathways provide

a feasible explanation for the link between police violence and mental health. It is our intention that this preliminary framework may be modified and updated as research evidence accumulates that may confirm or disconfirm these proposed pathways.

CONCLUSIONS AND NEXT STEPS

In this article, we aimed to determine whether it is reasonable to consider police violence exposure to be a unique risk factor for mental distress, independent and conceptually separable from other forms of violence, or

whether such a distinction is unjustified and insufficiently parsimonious. We highlighted several features of police violence that may conceptually distinguish it from other forms of violence. For police violence to be considered effectively similar to other forms of violence exposure, regarding its impact on health, the net effect of these distinguishing features would need to sum to zero, or at least have a clinically insignificant effect. Albeit speculatively, we are confident in stating that this seems highly unlikely. There is now substantial and growing evidence that police violence exposure is associated with a broad range of mental

health outcomes, independent of other forms of violence and stress exposure. To test the proposed model, subsequent studies will need to examine the mechanisms underlying this risk and map those mechanisms onto these proposed features of police violence. *AJPH*

CONTRIBUTORS

J. DeVlyder wrote the original draft of the article. L. Fedina and B. Link contributed substantially to the editing and revision of subsequent drafts of the article. All authors participated in the conceptual development and final editing of the article.

ACKNOWLEDGMENTS

Thank you to Leslie Salas-Hernández for contributing to the selective overview of recent studies on the mental health implications of police violence.

CONFLICTS OF INTEREST

The authors have no conflicts of interest to disclose.

HUMAN PARTICIPANT PROTECTION

Institutional approval was not required for this conceptual article, which did not directly involve human participants.

REFERENCES

- Brucato B. The new transparency: police violence in the context of ubiquitous surveillance. *Media Commun.* 2015; 3(3):39–55. <https://doi.org/10.17645/mac.v3i3.292>
- Aneshensel CS. Toward explaining mental health disparities. *J Health Soc Behav.* 2009;50(4):377–394. <https://doi.org/10.1177/002214650905000401>
- Slavich GM, Irwin MR. From stress to inflammation and major depressive disorder: a social signal transduction theory of depression. *Psychol Bull.* 2014;140(3):774–815. <https://doi.org/10.1037/a0035302>
- Selten JP, van der Ven E, Rutten BP, Cantor-Graae E. The social defeat hypothesis of schizophrenia: an update. *Schizophr Bull.* 2013;39(6):1180–1186. <https://doi.org/10.1093/schbul/sbt134>
- Wanser-Nannery R, Howell KH, Schwartz LE, Hasselle AJ. The moderating role of trauma type on the relationship between event centrality of the traumatic experience and mental health outcomes. *Psychol Trauma.* 2018;10(5):499–507. <https://doi.org/10.1037/tra0000344>
- Dohrenwend BP. The role of adversity and stress in psychopathology: some evidence and its implications for theory and research. *J Health Soc Behav.* 2000;41(1):1–19. <https://doi.org/10.2307/2676357>
- Cooper H, Moore L, Gruskin S, Krieger N. Characterizing perceived police violence: implications for public health. *Am J Public Health.* 2004;94(7):1109–1118. <https://doi.org/10.2105/AJPH.94.7.1109>
- American Public Health Association. Addressing law enforcement violence as a public health issue. Available at: <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>. Accessed June 18, 2020.
- Alang S, McAlpine D, McCreedy E, Hardeman R. Police brutality and black health: setting the agenda for public health scholars. *Am J Public Health.* 2017;107(5):662–665. <https://doi.org/10.2105/AJPH.2017.303691>
- Geller A, Fagan J, Tyler T, Link BG. Aggressive policing and the mental health of young urban men. *Am J Public Health.* 2014;104(12):2321–2327. <https://doi.org/10.2105/AJPH.2014.302046>
- DeVylder JE, Oh HY, Nam B, Sharpe TL, Lehmann M, Link BG. Prevalence, demographic variation and psychological correlates of exposure to police victimization in four US cities. *Epidemiol Psychiatr Sci.* 2017;26(5):466–477. <https://doi.org/10.1017/S2045796016000810>
- DeVylder JE, Frey JJ, Cogburn CD, et al. Elevated prevalence of suicide attempts among victims of police violence in the USA. *J Urban Health.* 2017;94(5):629–636. <https://doi.org/10.1007/s11524-017-0160-3>
- DeVylder JE, Cogburn C, Oh HY, et al. Psychotic experiences in the context of police victimization: data from the survey of police–public encounters. *Schizophr Bull.* 2017;43(5):993–1001. <https://doi.org/10.1093/schbul/sbx038>
- DeVylder JE, Jun HJ, Fedina L, et al. Association of exposure to police violence with prevalence of mental health symptoms among urban residents in the United States. *JAMA Netw Open.* 2018;1(7):e184945. <https://doi.org/10.1001/jamanetworkopen.2018.4945>
- Oh H, DeVlyder J, Hunt G. Effect of police training and accountability on the mental health of African American Adults. *Am J Public Health.* 2017;107(10):1588–1590. <https://doi.org/10.2105/AJPH.2017.304012>
- Hirschtick JL, Homan SM, Rauscher G, et al. Persistent and aggressive interactions with the police: potential mental health implications. *Epidemiol Psychiatr Sci.* 2019;29:e19. <https://doi.org/10.1017/S2045796019000015>
- Sewell AA, Jefferson KA, Lee H. Living under surveillance: gender, psychological distress, and stop-question-and-frisk policing in New York City. *Soc Sci Med.* 2016;159:1–13. <https://doi.org/10.1016/j.socscimed.2016.04.024>
- Bor J, Venkataramani AS, Williams DR, Tsai AC. Police killings and their spillover effects on the mental health of black Americans: a population-based, quasi-experimental study. *Lancet.* 2018; 392(10144):302–310. [https://doi.org/10.1016/S0140-6736\(18\)31130-9](https://doi.org/10.1016/S0140-6736(18)31130-9)
- Jackson DB, Fahmy C, Vaughn MG, Testa A. Police stops among at-risk youth: repercussions for mental health. *J Adolesc Health.* 2019;65(5):627–632. <https://doi.org/10.1016/j.jadohealth.2019.05.027>
- Bowleg L, Maria del Río-González A, Mbaba M, Boone CA, Holt SL. Negative police encounters and police avoidance as pathways to depressive symptoms among US black men, 2015–2016. *Am J Public Health.* 2020;110(S1):S160–S166. <https://doi.org/10.2105/AJPH.2019.305460>
- McLeod MN, Heller D, Manze MG, Echeverria SE. Police interactions and the mental health of black Americans: a systematic review. *J Racial Ethn Health Disparities.* 20120;7(1):10–27. <https://doi.org/10.1007/s40615-019-00629-1>
- Wacquant L. *Deadly Symbiosis: Race and the Rise of Neoliberal Penalty.* Cambridge, UK: Polity Press; 2004.
- Foucault M. *Discipline and Punish: The Birth of the Prison.* New York, NY: Random House; 1977.
- Cooper HL, Fullilove MT. *From Enforcers to Guardians: A Public Health Primer on Ending Police Violence.* Baltimore, MD: Johns Hopkins University Press; 2020.
- Shelden RG, Vasiliev PV. *Controlling the Dangerous Classes: A History of Criminal Justice in America.* Long Grove, IL: Waveland Press; 2017.
- Butler P. The system is working the way it is supposed to: the limits of criminal justice reform. *Georgetown Law J.* 2016; 104(6):1419–1478.
- Overstreet NM, Quinn DM. The intimate partner violence stigmatization model and barriers to help seeking. *Basic Appl Soc Psych.* 2013;35(1):109–122. <https://doi.org/10.1080/01973533.2012.746599>
- Bryant-Davis T, Adams T, Alejandre A, Gray AA. The trauma lens of police violence against racial and ethnic minorities. *J Soc Issues.* 2017;73(4):852–871. <https://doi.org/10.1111/josi.12251>
- Roth S, Cohen IJ. Approach, avoidance, and coping with stress. *Am Psychol.* 1986;41(7):813–819. <https://doi.org/10.1037/0003-066X.41.7.813>
- Surís A, Lind L, Kashner TM, Borman PD. Mental health, quality of life, and health functioning in women veterans: differential outcomes associated with military and civilian sexual assault. *J Interpers Violence.* 2007; 22(2):179–197. <https://doi.org/10.1177/0886260506295347>
- Janoff-Bulman R. Assumptive worlds and the stress of traumatic events: applications of the schema construct. *Soc Cogn.* 1989; 7(2):113–136. <https://doi.org/10.1521/soco.1989.7.2.113>
- Noppe J, Verhage A, Van Damme A. Police legitimacy: an introduction. *Policing.* 2017;40(3):474–479. <https://doi.org/10.1108/PIJPSM-05-2017-0058>
- Emerson RM. On last resorts. *Am J Sociol.* 1981;87(1):1–22. <https://doi.org/10.1086/227417>
- Ross CT. A multi-level Bayesian analysis of racial bias in police shootings at the county-level in the United States, 2011–2014. *PLoS One.* 2015;10(11):e0141854. <https://doi.org/10.1371/journal.pone.0141854>
- Nicolaides C, Timmons V, Thomas MJ, et al. “You don’t go tell white people nothing”: African American women’s perspectives on the influence of violence and race on depression and depression care. *Am J Public Health.* 2010;100(8):1470–1476. <https://doi.org/10.2105/AJPH.2009.161950>
- Scarpa A, Haden SC, Hurley J. Community violence victimization and symptoms of posttraumatic stress disorder: the moderating effects of coping and social support. *J Interpers Violence.* 2006;21(4):446–469. <https://doi.org/10.1177/0886260505285726>
- McCleary-Sills J, Namy S, Nyoni J, Rweyemamu D, Salvatory A, Steven E. Stigma, shame and women’s limited agency in help-seeking for intimate partner violence. *Glob Public Health.* 2016; 11(1–2):224–235. <https://doi.org/10.1080/17441692.2015.1047391>
- Maguire ER, Nix J, Campbell BA. A war on cops? The effects of Ferguson on the number of US police officers murdered in the line of duty. *Justice Q.* 2017; 34(5):739–758. <https://doi.org/10.1080/07418825.2016.1236205>
- Liebllich E, Shinar A. The case against police militarization. *Mich J Race Law.* 2017;23:105.
- Mesic A, Franklin L, Cansever A, et al. The relationship between structural racism and black-white disparities in fatal police shootings at the state level. *J Natl Med Assoc.* 2018;110(2):106–116. <https://doi.org/10.1016/j.jnma.2017.12.002>



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: City Council

FROM: Jack Keller P.E., Public Works Engineer
Corey Mims P.E., Senior Public Works Engineer

DATE: September 14, 2026

CC: Laura Wheelock, P.E. City Engineer
Chapin Spencer, Director of Public Works

RE: Adoption of 2026 VTrans Town Road and Bridge Standards

Request:

We are respectfully requesting that the City Council approve the following motion: To adopt Sections 1 through 8 of the 2026 Vermont Agency of Transportation Town Road and Bridge Standards, and authorize Chapin Spencer, Director of Public Works to execute the certificate on behalf of the City Council.

Summary:

Background

In January of 2026, the Vermont Agency of Transportation (VTrans) and the Vermont Agency of Natural Resources effectuated jointly-revised Town Road and Bridge Standards. They were shared with municipalities at the end of June due to a distribution error earlier in the year. These standards are an updated version of the 2019 Town Road and Bridge Standards that were previously adopted by the City of Burlington in February of 2020.

The Council's Transportation, Energy & Utilities Committee reviewed these updated Standards at their August 25, 2026 meeting and voted to recommend Council approval.

Updates

The main significant changes to the 2019 Standards apply to an added section dealing with cross culverts that move water from one side of a road to the other (Section 5 – Drainage Crossings). This section provides a clear standard for drainage culverts that are not otherwise covered by the MRGP or stream alteration standards. It specifies that replaced municipally owned cross culverts must be at least 18 inches in diameter where road layout allows, and culverts that frequently plug, wash out, or fail during storms are expected to be upsized when replaced.

As it relates to Burlington, our obligations under this update would pertain to potentially upsizing

under-road drainage culverts when replacing them or when they are not functioning properly. These updates have been reviewed by City Stormwater Program staff with no concerns or comments except that Burlington Water Resources Division should be consulted regarding any work on roads or bridges, and that the 2026 Vermont Town Road & Bridge Standards are to be used in conjunction with Burlington's other construction standards and City Ordinances.

As for the other Sections (1-4, 6-7) of the 2026 Standards, the City has previously adopted a version of these under the 2013 and 2019 Standards, and the City has been meeting these standards since that time. There are no meaningful changes to the substance of these sections in the updated standards.

Financial Impacts

Aside from improving safety, reducing life cycle costs, and addressing environmental concerns with municipal infrastructure, major benefits of adopting these 2026 Standards is the ability to receive higher levels of reimbursement from the State for disaster related damages to public infrastructure as well as higher levels of State funding under town highway grant programs

For FEMA Recovery Projects, FEMA will assume 75% of eligible costs, absent this adoption the State of Vermont will contribute 7.5%, leaving the City to assume 17.5% of those costs. With the City's adoption of these standards, FEMA will continue to contribute 75% of eligible costs, the State of Vermont will contribute 12.5% and the City would assume 12.5%. Adopting these standards would therefore lower the City's FEMA Recovery Projects costs by 5%.

The City was awarded a State Town Highway Grant for paving Pearl Street in July 2025 for an amount of \$200,000 with a 20% local match. DPW has also used this grant opportunity to pave North Avenue in 2019 and plans to apply for this grant in coming years to improve City infrastructure at a reduced price to City taxpayers. Adoption of these Standards makes the City eligible for this 80% State funding instead of 70%. This equates to \$20,000 reduction to the local match which can be used for other City capital needs.

In summary the adoption of these standards will save the City 5% of the current and any future recovery projects as well as 10% for the local match on State town highway grants.

Please contact Jack Keller at (802) 829-6046 or jackeller@burlingtonvt.gov if you have any questions.

Attachments:

VTrans Cover Letter

VTrans 2026 Town Road and Bridge Standards (including appendices)

City Council Motion:

"To adopt Sections 1 through 8 of the 2026 Vermont Agency of Transportation Town Road and Bridge Standard, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of the City Council."



January 21, 2026

Re: 2026 Town Road and Bridge Standards

Dear Municipal Officials,

The Vermont Agency of Natural Resources and the Vermont Agency of Transportation have jointly updated the Town Road and Bridge Standards, effective January 21, 2026. These standards are an updated version of the 2019 Town Road and Bridge Standards. Sections 1 and 2 (Municipal Roads and Class 4 Roads) are still required for hydrologically-connected roads under the Municipal Roads General Permit (MRGP). Section 3 (Perennial stream crossings) is still required statewide and must follow the DEC Stream Alteration Standard. Adoption of standards for non-hydrologically-connected roads remains optional. Municipalities may continue to use their own town road standards if the town standards meet or exceed the State template.

The major changes to the optional standards (Sections 4-8) apply to **Section 5 – Drainage Crossings**, cross culverts that move water from one side of the road to the other. When a municipally owned or maintained cross culvert is replaced, it must now be at least 18 inches in diameter, where road layout allows. Culverts that frequently plug, wash out, or fail during storms are expected to be upsized when replaced. Section 5 provides a clearly adopted standard for drainage (cross) culverts that are not otherwise covered by the MRGP or stream alteration standards. This section does not apply to intermittent or perennial streams, which continue to be handled under their own standards.

Municipalities are encouraged to consider adoption of additional optional standards to improve the resiliency of municipal highway infrastructure, enhance public safety, and to realize as many benefits as possible from the FEMA Public Assistance program. VTrans District personnel are available to work with any municipality in explaining the various options and to answer questions related to the new town road and bridge standards template. Please contact your nearest VTrans District Office for assistance and information.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Moore".

Julie Moore P.E.

Secretary

Vermont Agency of Natural Resources

A handwritten signature in black ink, appearing to read "Joe Flynn".

Joe Flynn

Secretary

Vermont Agency of Transportation

TOWN ROAD AND BRIDGE STANDARDS

(January 21, 2026)

MUNICIPALITY OF _____, VERMONT

The Legislative Body of the Municipality of _____ hereby adopts the following Town Road and Bridge Standards which shall apply to the construction, repair, and maintenance of town roads and bridges.

The standards below are considered minimums. Municipalities that have construction standards / specifications in place that meet or exceed the minimum standards: indicate adoption date and include as Appendix C. **Date of Adoption:** _____

Municipalities must comply with all applicable state and federal approvals, permits and duly adopted standards when undertaking road and bridge activities and projects.

Any new road regulated by and/or to be conveyed to the municipality shall be constructed according to the minimum of these standards.

Circle **YES** or **NO** below to indicate town adoption of that section of the Standards

Road and Bridge Standards Sections	Hydrologically-connected road segments*	Non-hydrologically-connected road segments**
Section 1 – Municipal Road Standards	YES (Required by MRGP)	YES NO
Section 2 – Class 4 Road Standards	YES (Required by MRGP)	YES NO
	Town wide	
Section 3 - Perennial stream- bridge and culvert standards	YES (Required by DEC Stream Alteration Standard)	
Section 4 – Intermittent stream crossings	YES NO	
Section 5- Drainage crossings	YES NO	
Section 6 - Roadway construction standards	YES NO	
Section 7 - Guardrail standard	YES NO	
Section 8 - Driveway access standard	YES NO	

Road segments – ANR Resources Atlas includes a map layer of all of Vermont’s municipal roads divided into 100-meter (328 foot) segments, each with a unique identification number.

***Hydrologically-connected road segments** - are those municipal road segments and catch basin outlets, Class 1-4, as shown on the ANR Natural Resources Hydrologically-connected municipal road segment layer (<http://anrmaps.vermont.gov/websites/anra5/>) or the Road Erosion Inventory Scoring (MRGP Implementation Table portal) layer (<https://anrweb.vt.gov/DEC/IWIS/MRGPReportViewer.aspx?ViewParms=True&Report=Portal>).

****Adoption of standards on non-hydrologically-connected road segments** does not indicate that these road segments are then subject to the Municipal Roads General Permit (MRGP).

Municipalities may also find additional resources in the latest version of the *Vermont Better Roads Manual*.
<https://vtrans.vermont.gov/sites/aot/files/Better%20Roads%20Manual%20Final%202024.pdf>

Road and Bridge Standards Sections

Section 1 – Municipal Road Standards - See Appendix A

These standards are required by Act 64 and the DEC Municipal Roads General Permit (MRGP) for hydrologically-connected roads only.

Municipalities may adopt Section 1 Road standards by road type for non-hydrologically-connected roads/segments/catch basins.

Section 2 – Class 4 Road Standards - See Appendix A

Section 3 - Perennial stream - bridge and culvert standards

Bridge and culvert work on perennial stream crossings must conform with the statewide DEC Stream Alteration Standard.

“Perennial stream” means a watercourse or portion, segment, or reach of a watercourse, generally exceeding 0.25 square miles in watershed size, in which surface flows are not frequently or consistently interrupted during normal seasonal low flow periods. Perennial streams that begin flowing subsurface during low flow periods, due to natural geologic conditions, remain defined as perennial. All other streams, or stream segments of significant length, shall be termed intermittent. A perennial stream shall not include the standing waters in wetlands, lakes, and ponds.

Streambank stabilization and other in-stream work must conform with the statewide DEC Stream Alteration Standard.

For River Management Engineer Districts: https://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/RME_districts.pdf

Section 4 – Intermittent stream crossings – See Appendix B for sizing table and graphic. These standards are above and beyond the culvert standards in Section 1.

“Intermittent streams” are defined as streams with beds of bare earthen material that run during seasonal high flows but are disconnected from the annual mean groundwater level.

Section 5 – Drainage crossings (NOT perennial or intermittent streams)- Upon replacement, municipally owned or maintained cross culverts shall be a minimum of 18”. Undersized drainage crossings shall be upsized 6-12” if road geometry allows. Indications that a culvert is undersized include a culvert that plugs with sediment and/or gets washed out during rain events.

Section 6 - Roadway construction standards – Sub-base and gravel standards

All new or substantially reconstructed gravel roads shall have ___inches* thick gravel sub-base, with an additional ___inches* top course of crushed gravel.

All new or substantially reconstructed paved roads shall have ___inches* thick gravel sub-base.

*Municipalities shall indicate their own construction criteria.

Section 7 - Guardrail standard

When a roadway, culvert, bridge, or retaining wall construction or reconstruction project results in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard. For roadway situations, an approved barrier system may be steel beam guardrail with 6-foot posts and approved guardrail end treatment. If there is less than 3 feet from the rail to the hazard, then steel beam guardrail with 8-foot posts shall be used. The G-1D is an example of an approved guardrail end treatment. For bridge rails systems, VTrans bridge rail standards shall be referenced

Section 8 - Driveway access standard

The municipality has a process in place, formal or informal, to review all new drive accesses and development roads where they intersect town roads, as authorized under 19 V.S.A. Section 1111. Municipality may reference VTrans Standard A-76 Standards for Town & Development Roads and B-71a and b Standards for Residential and Commercial Drives; the VTrans Access Management Program Guidelines; and the latest version of the Vermont Better Roads Manual for other design standards and specifications.

Passed and adopted by the Legislative Body of the Municipality of _____, State of Vermont on _____, 20____

Selectboard / City Council / Village Board of Trustees:

_____	_____
_____	_____

Appendix A

MUNICIPAL ROAD STANDARDS

The following standards constitute the minimum required Best Management Practices (BMPs) for municipal roads. These standards shall apply to the construction, repair, and maintenance of all town roads and bridges.

It is the municipality's responsibility to maintain all practices after installation. Roads not meeting these standards must implement the BMPs listed below in order to meet the required town's standards.

Feasibility

Municipalities shall implement these standards to the extent feasible. In determining feasibility, municipalities may consider the following criteria: The implementation of a standard listed in Part 6 of this general permit does not require the acquisition of additional state or federal permits³ or noncompliance with such permits, or noncompliance with any other state or federal law. The implementation of a standard does not require the condemnation of private property; impacts to significant environmental and historic resources, including historic stone walls, historic structures including structures registered on either the Vermont State Register of Historic Places or the National Register of Historic Places, or removing vegetation within 250 feet of a lakeshore; impacts to buried utilities; and excessive hydraulic hammering of ledge. Additionally, the implementation of any standard shall not be required if it would render the road unsafe for travel.

Municipalities shall document in the REI Reassessment each instance where feasibility affects implementation of the standards.

Standards for All Construction and Soil Disturbing Activities

Following construction and soil disturbance on a hydrologically-connected road segment, all bare or unvegetated areas shall be revegetated with seed and mulch, hydroseeded, or stone lined within 5 days of disturbance of soils, or, if precipitation is forecast, sooner. Projects authorized under the Construction General Permit (CGP 3-9020) or Individual Construction Stormwater Permit (INDC) shall instead comply with the terms and conditions of that permit.

Standards for Open Drainage Roads (Not Class 4)

The following are the required standards for all non-compliant hydrologically-connected open drainage roads. To maintain compliance with the requirements of this General Permit, municipalities shall apply these standards to all new construction, general BMP maintenance, and significant upgrades of stormwater treatment practices.

A. Roadway/Travel Lane Standards

1. Roadway Crown

- a. Gravel roads shall be crowned, in or out-sloped:

Minimum: $\frac{1}{4}$ " per foot

Recommended: $\frac{1}{4}$ " – $\frac{1}{2}$ " per foot or 2% - 4%.

³ Self-verification under a non-reporting permit category does not constitute a permit for purposes of this section.

- b. Paved/ditched roads shall be crowned during new construction, redevelopment, or repaving where repaving involves removal of the existing paving.

Minimum: 1/8" per foot or 1% Recommended: 1% -

2%.

2. Shoulder berms (also called Grader/Plow Berm/Windrows)

Shoulder berms shall be removed to allow precipitation to shed from the travel lane into the road drainage system. Roadway runoff shall flow in a distributed manner to the drainage ditch or filter area and there shall be no shoulder berms or evidence of a "secondary ditch". Shoulder berms may remain in place if the road crown is in-sloped or out-sloped to the opposite side of the road from berm side of road. The shoulder berm standard only applies to open drainage gravel roads.

A. Road Drainage Standards

Roadway runoff shall flow in a distributed manner to grass or a forested area by lowering road shoulders or conversely by elevating the travel lane level above the shoulder. Road shoulders shall be lower than travel lane elevation. If distributed flow is not possible, roadway runoff may enter a drainage ditch, stabilized as follows:

1. For roads with slopes between 0% and 5%: At a minimum, grass-lined ditch, no bare soil. Geotextile and erosion matting may be used instead of seed and mulch. Alternatively, ditches may be stabilized using any of the practices identified for roads with slopes 5% or greater included in Sub-part B.2, below.

Recommended shape: trapezoidal or parabolic cross section with mild side slopes; two foot horizontal per one foot vertical or flatter and 2-foot ditch depth.

2. For roads with slopes 5% or greater but less than 8%:

- a. Stone-lined ditch: minimum 6"- 8" minus stone or the equivalent for new practice construction. Recommended fractured stone with 2-foot ditch depth from top of stone-lined bottom,
- b. Grass-lined ditch with stone check dams⁴, or
- c. Grass-lined ditch if installed with disconnection practices such as cross culverts and/or turnouts to reduce road stormwater runoff volume. There shall be at least two cross culverts or turnouts per segment disconnecting road stormwater out of the road drainage network into vegetated areas or spaced every 160'.

3. For roads with slopes of 8% or greater: Stone-lined ditch. Stone-lined ditches are not required if the toe of the ditch backslope is located outside of the town right-of-way.

- a. For slopes greater than or equal to 8% but less than 10%: minimum 6"-8" minus stone or the equivalent for new construction. Recommended fractured stone with 2-foot ditch depth from top of stone-lined bottom.

⁴ See check dam installation specifications.

b. For slopes greater than 10%: minimum 6-8" minus stone. Recommended 12" minus fractured stone or the equivalent. Recommended 2-foot ditch depth from top of stone-lined bottom.

4. If appropriate, bioretention areas, level spreaders, armored shoulders, and sub-surface drainage practices may be substituted for the above road drainage standards.

C. Drainage Outlets to Waters & Turnouts

Roadway drainage shall be disconnected from waterbodies and defined channels, since the latter can act as a stormwater conveyance, and roadway drainage shall flow in a distributed manner to a grass or forested filter area. Drainage outlets and conveyance areas shall be stabilized as follows:

1. Turn-outs - all drainage ditches shall be turned out to avoid direct outlet to surface waters.
2. There must be adequate outlet protection at the end of the turnout, based upon slope ranges below. Turnout slopes shall be measured on the bank where the practice is located and not based on the road slope.
 - a. For turnouts with slopes of 0% or greater but less than 5%: stabilize with grass at minimum. Alternatively, stabilize using the practices identified in Sub-parts (b)-(c), below, when possible.
 - b. For turnouts with slopes 5% or greater: stabilize with stone.
 - c. For slopes greater than 5% but less than 10%: minimum 6"-8" minus stone or the equivalent for new construction.
 - d. For slopes greater than 10%: minimum: 6-8" minus stone or equivalent for new construction. Recommended 12" minus fractured stone or the equivalent.

D. Municipal Cross Culverts and Intermittent Stream Culverts

1. All municipal culverts- Culvert end treatment or headwall required for areas with slopes 5% or greater, if erosion is due to absence of these structures. End treatment or headwall is required for new construction on road segment slopes 5% or greater.
2. All municipal culverts- Stabilize outlet such that there will be no scour erosion, if erosion is due to absence or inadequacy of outlet stabilization. Stone aprons or plunge pools required for new construction on road segment slopes 5% or greater.
3. Cross culverts- Upgrade to 18" culvert (minimum), if erosion is due to inadequate size or absence of structure.
4. In instances where intermittent streams enter the municipal road drainage network, the Secretary requires culvert sizing based on in-field and mapping techniques described in the Intermittent Stream Crossing Sizing Guidance, found in Appendix B.
5. Drainage culverts conveying perennial waters are subject to coverage under the DEC Stream Alteration General Permit. MRGP Standards do not apply to culverts conveying perennial waters.

6. A French Drain (also called an Under Drain) or French Mattress (also called a Rock Sandwich) sub-surface drainage practice may be substituted for a cross culvert.

E. Driveway Culverts within the municipal ROW

1. Culvert end treatment or headwall required for areas with road segment slopes of 5% or greater, if erosion is due to absence of these structures. End treatment or headwall is required for new construction.
2. Stabilize outlet such that there will be no scour erosion, if erosion is due to absence or inadequacy of outlet stabilization. Stone aprons or plunge pools required for new construction.
3. Upgrade to minimum 15" culvert, 18" recommended, if erosion is due to inadequate size or absence of structure.
4. Intermittent streams may enter the municipal road drainage network, and in these cases, the Secretary requires culvert sizing based on in-field and mapping techniques described in Appendix B.
5. Driveway culverts conveying perennial waters are subject to coverage under the DEC Stream Alteration General Permit.

Standards for Closed Drainage Roads

Catch Basin Outlet Stabilization: All hydrologically-connected catch basin outlets shall be stabilized to eliminate all rill and gully erosion. Catch basin outlet stabilization practices include: stone-lined ditch, stone apron, check dams, culvert header/headwall, and green stormwater infrastructure practices such as bioretention practices, when appropriate.

Standards for Connected Class 4 Roads

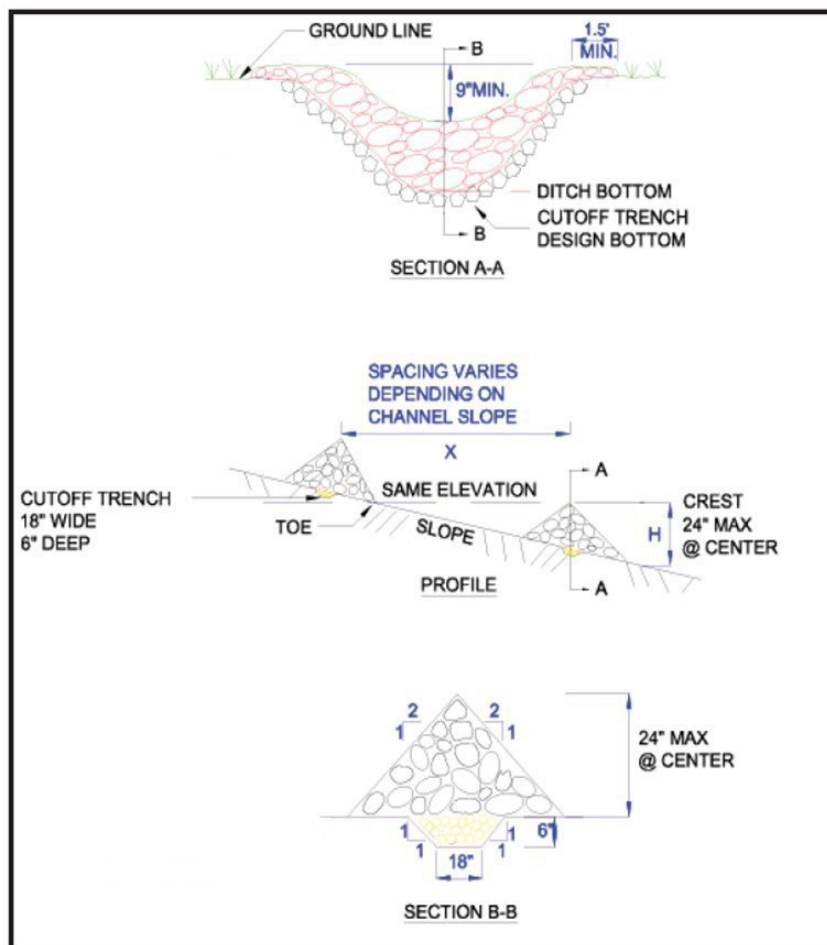
Stabilize any areas of gully erosion identified in the REI with the practices described above or equivalent practices. Disconnection practices such as broad-based dips and water bars may replace cross culverts and turnouts.

Stone Check Dam Specification

- Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
- Side slopes: 2:1 or flatter
- Stone size: Use a mixture of 2 to 9 inch stone
- Width: Dams should span the width of the channel and extend up the sides of the banks
- Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.

$$\text{Spacing (in feet)} = \frac{\text{Height of check dam (in feet)}}{\text{Slope in channel (ft/ft)}}$$

- Maintenance: Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.



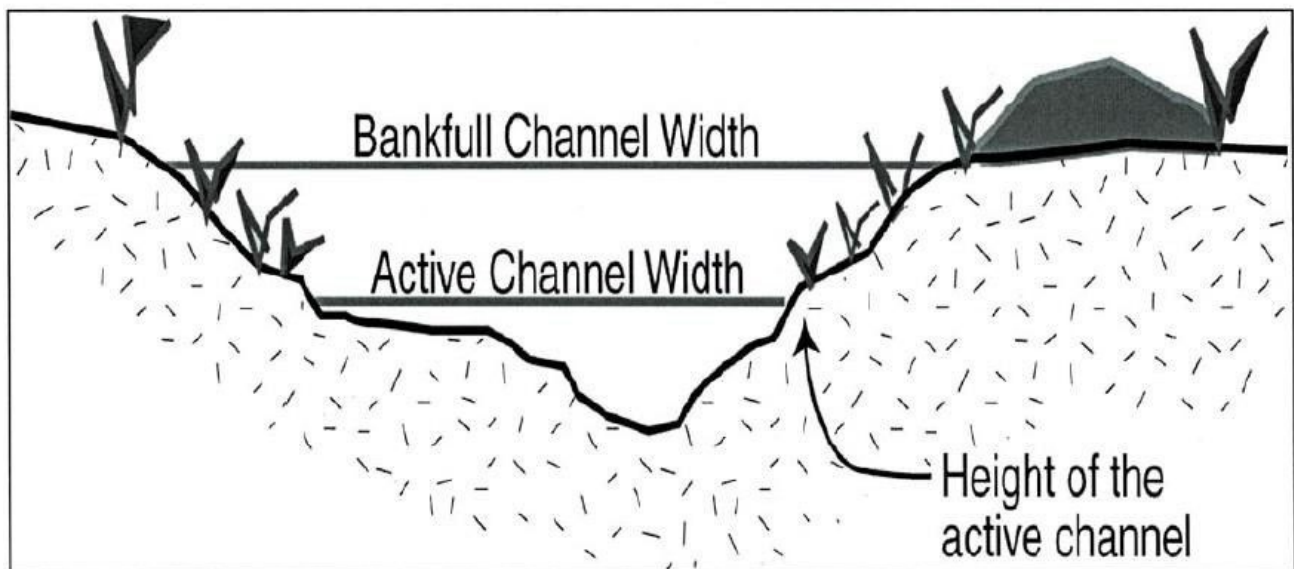
Appendix B. Intermittent Stream Crossing Specification

VT DEC Watershed Management Division Date: June 2022

Per 6.3.D of the Municipal Road General Permit, all municipal road crossings on intermittent streams require sizing of new and replacement structures to be based on the Active Channel Width (ACW).

1. Intermittent streams will be field identified and consist of a defined channel entering the road network and a defined channel leaving the road network. The absence of surface base flows for an extended period of the year and the watershed size, typically under 0.25 mi², differentiates these stream channels from perennial stream channels.
2. Hydraulics sizing of intermittent stream crossings will conform with the VTrans Hydraulics Manual for the roadway classification, Chapter 4 - Table 4-2. The design of these culverts will satisfy criteria in Chapter 6 - section 6.4.
3. Embedment of culverts on intermittent streams is often beneficial for sediment transport and to reduce the need to increase road heights when maintaining adequate cover above the pipe; minimum embedment of 1' for 4-6' culverts.
4. Culvert end treatments are required for intermittent stream crossings. Inlet and outlet headwalls must consist of any combination of VTrans stone fill with a grubbing layer, laid-up stone, reinforced concrete, and/or a culvert end section.
5. Culvert slope to match stream bed slope. Outlet apron at culvert end using of E-stone is recommended – see details.

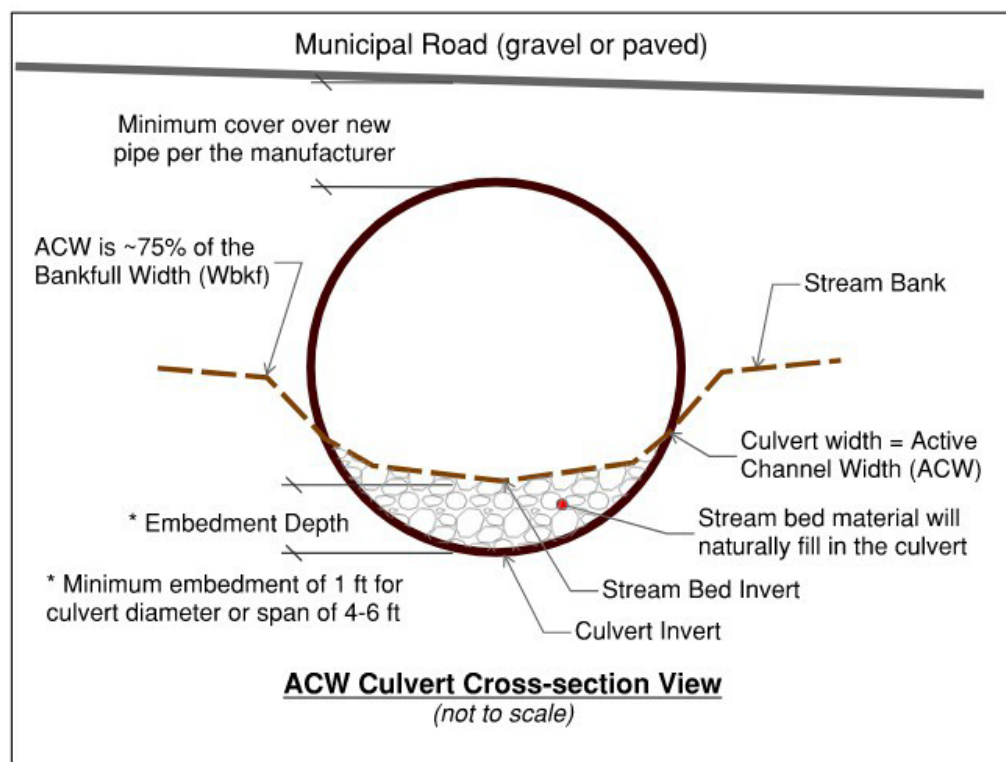
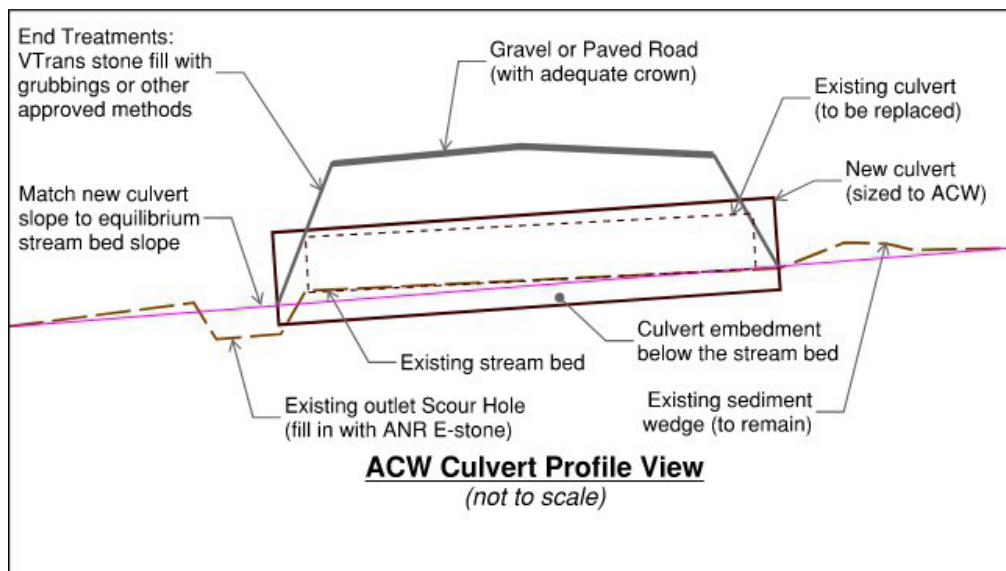
Determining the Active Channel Width on Intermittent Streams



Active Channel Width (ACW) is defined as the limits of streambed scour on banks formed by prevailing stream discharges, measured perpendicular to streamflow. The active channel width is narrower than the bankfull width (~75%) and is defined by a break in slope on the channel bank, typically seen as the edge of permanent vegetation.

Culvert Sizing for Crossings on Intermittent Streams:

Determine the ACW through field measurements, ***the culvert sizing will meet or exceed the Active Channel Width.*** * To obtain the measurements, go to a typical crossing location and obtain several upstream and downstream Active Channel Width measurements in riffles or straighter sections which are often the narrower channel width locations. * The selected active channel width for the structure will be a representative average of these field measurements.



Board of Finance and City Council Submission Checklist

Version: April 2025

Department: Public Works Submitter: Jack Keller

Title/Subject: Adoption of 2026 Vermont Town road and Bridge Standards

Approval Requested:

☐ Board of Finance

☒ City Council

☐ Both BOF and Council

Meeting Date:

Click or tap to enter a date.

9/14/2026

Click or tap to enter a date.

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

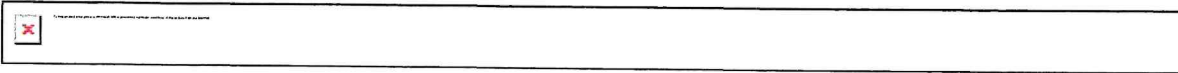
Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	9/8/2026	Chapin Spencer
Mayor's Office	Yes	9/9/2026	Lisa Gerlach
Board/Commission	Yes	8/25/2026	TEUC
City Attorney's Office for memo and contracts or legal documents	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	9/9/2026	Kimberlee Sturtevant
CAO for budget, financing, and memo	Yes	9/8/2026	Katherine Schad
Human Resources, if personnel action or policy	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Lori Olberg

From: VLCT Journal <info@vlct.org>
Sent: Saturday, August 22, 2026 7:01 AM
To: Lori Olberg
Subject: All Things Town Fair 2026

For complete information,
additional text, please
contact the City Clerk's Office

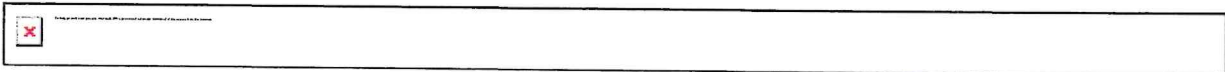
[WARNING]: This email was sent from someone outside of the City of Burlington.



August/September 2026

Lori,

Welcome to the **Town Fair** takeover edition of the *VLCT Journal*! Join us for VLCT's annual conference on Wednesday, October 7 at the DoubleTree in South Burlington as we celebrate America's anniversary and 250 years of local leadership. Make sure to **visit exhibitors**, connect with colleagues, attend **concurrent sessions**, win prizes, and more. Register soon: the **Early Bird rate** ends August 31. And don't forget to sign up for the **Annual Meeting** via Zoom on Tuesday, October 6.



[News](#)

[Resources](#)

[Claims](#)

[Careers](#)

[Events](#)

Legal Updates

Start Town Fair with Conversation and Connection

Fuel up for the day ahead while diving into the issues that matter most to your community. At our popular Breakfast Roundtables, choose a table focused on a topic relevant to your role or interests – ranging from governance and compliance to community development, employee benefits, leadership, and beyond.

Navigate the Complexities of Modern Governance

Strengthen communication, embrace change, and gain the knowledge needed to engage communities and lead with confidence at these three sessions. Join the Braver Angels for hands-on experience in building communication skills at a mock selectboard meeting. Attend a panel discussion about the new homestead classification requirement. Play It's The Law! Or Is It? to test your knowledge of Vermont municipal law.

Embrace the Changing Municipal Landscape

Learn how to improve accessibility, protect against evolving threats, and responsibly prepare for the opportunities and challenges of new technology with sessions that focus on cybersecurity, upcoming requirements for website accessibility, and elections security.

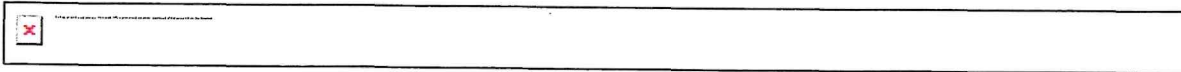
Risk Management

Lori Olberg

From: VLCT <info@vlct.org>
Sent: Monday, August 24, 2026 8:04 AM
To: Lori Olberg
Subject: Early Bird Rate Ends in ONE WEEK

For complete information & additional text, please contact the City Clerk's Office

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



[See the Full Agenda Here](#)

Register Today for Town Fair 2026 October 7 | DoubleTree by Hilton, South Burlington

Join municipal officials from across Vermont for Town Fair 2026, VLCT's annual flagship event for learning, networking, and celebrating the people who serve Vermont's cities and towns.

This year's theme, **Celebrating 250 Years of Local Leaders**, honors the dedicated local officials, employees, and volunteers whose leadership has shaped Vermont's towns and cities for generations. As Vermont and the nation commemorate 250 years, we'll reflect on the enduring effect of local government while exploring the opportunities and challenges that will define the next chapter of municipal leadership. Together, we'll celebrate the past, strengthen today's communities, and inspire the local leaders who will guide Vermont into the future.

REGISTER

Pricing

Early Bird (ends Aug 31): **\$99**
 Regular (begins Sep 1): **\$128**



Looking for VLCT's Annual Meeting?

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Monday, August 24, 2026 6:19 PM
To: Burlington Town Clerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

*For complete information,
 additional text, please
 contact the City Clerk's Office*

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

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please [visit the ENB](#). When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
 ENB Support
 Vermont Agency of Natural Resources

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status	ENB Link
Stormwater General Permit 3- 9020 (CGP) for Low Risk Projects: Notice of Intent	Burlington CDS CD23(1)	10066- 9020	City Of Burlington	Burlington	A draft decision for this activity has been reached and may be reviewed by visiting the ENB. Comments may be submitted through the ENB when the public comment period is open. The administrative	2026- 08-24	Draft Decision - Public Comment Period	PN26.0033864

From: VLCT News <info@vlct.org>
Sent: Friday, August 28, 2026 10:11 AM
To: Lori Olberg
Subject: Reminder: Nominations Sought, Road Salt News, Several Funding Opportunities, and more

For complete information /
additional text, please
contact the City Clerk's Office

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

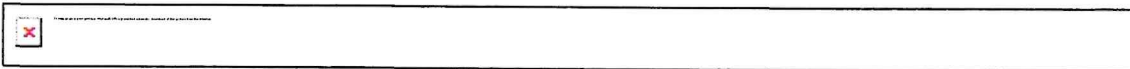
[News](#)

[Resources](#)

[Events](#)

[Advocacy](#)

[Careers](#)



Are you interested in helping provide overall governance of VLCT – or do you know of a great candidate to do so? We seek nominations to serve two-year terms that begin at the Annual Meeting.

Announcements & Updates

Road Salt Update, Summer 2026

The State of Vermont now has contracts in place for all nine of its highway maintenance districts, using seven different contracts with six vendors. Municipalities may purchase salt off many of these contracts, though most will need to negotiate their own pricing.

Building Communities Grants: Apply by September 30

This "last gap" funding of up to \$25,000 is for projects that have begun construction or are shovel-ready. Grants are in three categories and all require 1:1 matching funds.

Openings on the State's Opioid Settlement Advisory Committee

Are you concerned about the continuing effects of opioid use in Vermont and how to mitigate them? This board has two openings for Vermont municipal officials. Apply through VLCT.

Apply Soon to Serve on Civic Engagement and Belonging Committee

VLCT seeks nominations by 8/28 for municipal officials and subject matter experts to advise our board and staff on ways to improve engagement – to help foster stronger, more connected communities.

Project Champions Help Move Municipal Projects Forward

Good municipal projects need people who believe in the work, help others understand why it matters, and keep it moving when challenges arise.

Notable Resources

Funding Opportunities for Constructing New Roads

From: Chittenden County Regional Planning Commission <evaughn-ccrpcvt.org@shared1.ccsend.com>
Sent: Monday, August 31, 2026 1:16 PM
To: Lori Olberg
Subject: August Newsletter

For complete information,
 additional text, please
 contact the City Clerk's Office

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

CCRPC Regional Notes | August 2026

Good afternoon,

We are pleased to share that the [2026 ECOS Regional Plan](#) is now duly adopted and in effect as of July 31. The CCRPC Board adopted the Plan on May 20, and on July 31, the Vermont Land Use Review Board (LURB) issued an [Affirmative Determination of Regional Plan Compliance](#), which concluded that the ECOS Plan is consistent with Vermont's statewide planning goals, fulfills the required purposes and elements of a regional plan, and is compatible with the plans of neighboring regions.

ECOS -- which stands for *Environment, Community, Opportunity, and Sustainability* -- brings together the Regional Plan, Metropolitan Transportation Plan, Comprehensive Economic Development Strategy, and Enhanced Energy Plan around coordinated goals and actions. The LURB's approval of the ECOS Plan includes the Future Land Use map and associated land-use designations (33 centers and 38 neighborhoods -- 20 planned growth areas and 18 village areas), as well as Tier 1B status for 39 areas in 12 municipalities. These approvals support housing and infrastructure investment in areas planned for compact development. [View the adopted 2026 ECOS Regional Plan »](#)

This milestone follows an extensive, multiyear public engagement process involving communities throughout Chittenden County. CCRPC worked with each of the region's 19 municipalities to develop a locally tailored engagement plan, with multiple public events held in every community. Additional opportunities included topic-specific focus groups, multilingual focus groups conducted in Arabic, Nepali, French, and Swahili, a mobile home park survey, online engagement, public meetings and presentations, written comment periods, and two formal public hearings. Community members provided input on housing, transportation, land use, climate and energy, natural resources, economic opportunity, and other issues that will shape the region over the next eight years. [Explore the engagement process and outreach summaries »](#)

Quick Links

[CCRPC Website »](#)

[CCRPC Calendar »](#)

[Cultural and Religious Days of Significance Calendar »](#)

[CCRPC Traffic Alert Program »](#)

[Vermont League of Cities & Towns Resources »](#)

[Vermont Open Meeting Law Updates and FAQ »](#)

Translation

The CCRPC newsletter can be translated into many languages using Google Translate. Visit the [newsletter webpage](#) for more information.

Calendar

Please Note: All meetings are hybrid unless otherwise specified. Information needed to join remotely is included in every meeting agenda, which is posted

Lori Olberg

FOR INFORMATION ONLY

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Monday, August 31, 2026 6:19 PM
To: Burlington Town Clerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

For complete information & additional text, please contact the City Clerk's Office

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

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please [visit the ENB](#). When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status	ENB Link
Redemption Center Certification	Spring Bottle Redemption	CRC1001	Phuong Lam	Burlington	Draft Decision - Public Comment Period	PN26.0035460

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status	ENB Link
Category 1 Underground Storage Tank - Operating/Renewal	Champlain Farms Shell 10-B1	569-18619	Champlain Farms Shell 10-B1	Burlington	A final action for this activity has been reached and may be reviewed by visiting the ENB. The appeal period is open for 30	2026-08-31	Final Decision Reached - Appeal Period	PN26.0034342

Lori Olberg

FOR INFORMATION ONLY

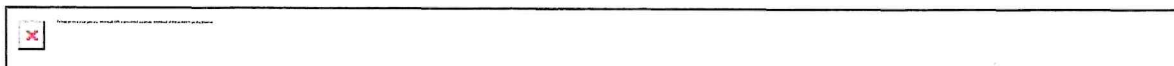
From: VLCT Events & Trainings <info@vlct.org>
Sent: Monday, September 7, 2026 8:01 AM
To: Lori Olberg
Subject: September Events Digest

For complete information:
Additional text, please
contact the City Clerk's Office

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

September Training & Events

Have you been struggling to keep track of all the events, chats, meet-ups, and trainings VLCT offers? You can use this email, which arrives the first Monday of each month, to plan what you'd like to attend.



MON	TUE	WED	THU	FRI
	9/1	9/2	9/3	09/4
		10 AM - 12 PM CHIP: Risk Management for Public-Private Development	12 - 1 PM Workplace Matters: Moving On from 'How We've Always Done It'	
9/7	9/8	9/9	9/10	9/11
VLCT Office Closed	1 - 2 PM CHIP IN VT Office Hours			
9/14	9/15	9/16	9/17	9/18
		8:30 AM - 12 PM Fall Planning & Zoning Forum Location: Capitol Plaza Hotel		Town Fair registration closes Register NOW!
9/21	9/22	9/23	9/24	9/25
9/28	9/29	9/30		

Lori Olberg

From: VLCT News <info@vlct.org>
Sent: Tuesday, September 8, 2026 3:21 PM
To: Lori Olberg
Subject: October Events, CHIP Tools, and more

Complete information &
additional text, please
contact the City Clerk's Office

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

[News](#)

[Resources](#)

[Events](#)

[Advocacy](#)

[Careers](#)



If you haven't looked into this year's breakfast roundtable topics, keynote speaker, four training tracks, and other attractions, now is the best time to decide to join us in South Burlington on Wednesday, October 7. You'll save \$20 by registering before September 18.

Announcements & Updates

Has Your VLCT Annual Meeting Delegate Been Designated?

VLCT's Annual Meeting takes place Tue 10/6, 1:30–3:30 PM, via Zoom. We hope every town and city will designate and register a delegate to vote on directors and next year's legislative Municipal Policy. Whether you're there to vote or just to stay informed, your participation matters.

CHIP IN VT Tools and Resources

This webpage is a structured repository for all the materials we are developing to support you in wrapping your head around CHIP – so you can take the next step, build your skills, and feel confident about using CHIP in your community.

Grants and Hands-On Support for Emergency Shelters

Learn about two new grant programs offered by the Vermont Agency of Human Services that Vermont municipalities can use to protect their most vulnerable citizens.

Opioid Settlement Advisory Committee Seeks Municipal Members

Are you concerned about the continuing effects of opioid use in Vermont and how to mitigate them? This state advisory board has two openings for Vermont municipal officials. Apply through VLCT.

Notable Resources

Managing Tax Increment Risk

Common circumstances that may affect tax increment financing and practical questions to help municipalities evaluate and manage those risks.

Model CHIP Participation Policy + Guidance

Lori Olberg

From: VLCT <abuckley@vlct.org>
Sent: Wednesday, September 9, 2026 7:31 AM
To: Lori Olberg
Subject: At Town Fair... We Have Fun

You don't often get email from abuckley@vlct.org. [Learn why this is important](#)
[WARNING]: This email was sent from someone outside of the City of Burlington.



Meet Ted Brady, VLCT's Executive Director

Executive Director Ted Brady looks forward to Town Fair every year for the energy, the connections, and the opportunity to bring Vermont municipalities together in one lively, engaging place.

As one of VLCT's most anticipated annual gatherings, Town Fair brings local officials and staff, municipal partners, and community leaders from across Vermont together to share ideas, tackle challenges, learn from one another, and look ahead to what's next. It's where ideas turn into action, challenges become opportunities to learn from one another, and collaboration happens naturally. It's a place for meaningful conversations, new connections, **plenty of fun**, and a strong dose of Vermont municipal spirit.

For all of us at VLCT, Town Fair is our highlight of the year: a chance to connect with the people who keep Vermont's communities moving forward, celebrate the work they do every day, and have a little fun along the way.



It's not too late to join the fun!
Register today

[Click here to view as webpage](#)



Vt. League of Cities & Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US



May 1, 2026 ---- April, 2027

Fee: \$25.00/event

Fee: \$50

**CITY OF BURLINGTON
SPECIAL EVENT**

ENTERTAINMENT PERMIT APPLICATION

Indoor

Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name: Oktoberfest Burlington, LLC.
2. D/B/A (Business Name): Bus Phone: 802-363-9305
4. Business Address: 190 North Ave, Apt 1, Burlington, VT 05401
5. Mailing Address: 190 North Ave, Apt 1, Burlington, VT 05401
6. Contact person: Louie & Max Orleans 7. Contact Phone: 802-363-9305 & 802-373-2600
8. Email contact address: oktoberfest@orleansevents.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? 'Yes
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event: **Friday, September 18 and Saturday, September 19**
4. Proposed Hours for this Special Event: **Friday, 6-10pm. Saturday, 5-9pm.**
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
377 Pine Street, Burlington, VT, 05401. This is a parking lot on the west side of Pine Street. For reference, it is the same parking lot that Mr. Creemee and Barge Canal Market use.

For this Proposed location please answer the following questions:

- a) Occupancy Load: 999 patron b) # of Restrooms: 8 port-a-potties c) # of Egresses: 2
- d) Date of last Fire/Safety Check: N/A e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

*pd check #1377 \$25.00
to 8/24/26*

PART III
DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

Max and Louie (also own Orleans Events, LLC) will operate the event this year.

This year, the event will be on Pine Street again. We will run the event very similarly to how we have in the past: Friday night and Saturday Night sessions. As always, the focus will be on the carnival activities, games, music, dancing, and traditional wear. We will be serving 40+ beers from 25 different breweries, both local and abroad. We plan on having a live DJ for the early hours of the event and then transition to a live band. There will be 9 food vendors of different kinds that will help keep everyone fed!

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 8/13/2026

SIGNATURE OF APPLICANT  _____

PRINT NAME: Louie Orleans

RELATIONSHIP TO BUSINESS: Owner - Partner

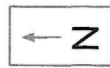
OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____
At their meeting of _____, the Burlington City Council License Committee recommended
Approval _____ Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

Oktoberfest Site Plan - 2026

CHECK IN TENT



[Dealer.com Parking Lot]

P I N E S T R E E T

Bike
Parking

Event
Entrance

[Front
Building]

[Barn]

7 16 17 8

9

Brew
Crew

Reefer

[Warehouse]

Barge Canal
Market

Mr
Creemee

Speaking
Volumes

[Barge
Canal
Water]

VT Tent -
Music
(60'x50')

2

3

1

1

2

1

2

1

2

1

3

2

1

2

1

2

1

2

1

2

1

6

5

15

4

13

9

14

5

12

11

10

9

8

7

6

5

170'

Tables

Restrooms

Vendor Type

Beer

Carnival

Food Truck

Beer Vendors

1. Pinery
2. Howl Bier
3. Foam Brewers
4. Sunset CBD
5. Shacksbury Cider
6. Kraemer & Kin
7. Erdinger
8. Burlington Beer Company
9. Four Quarters Brewing
10. Boston Beer Co - Stein Holding
 - a. Angry Orchard
 - b. Dogfish Head Brewery
 - c. Sam Adams
 - d. Suncruiser
11. Von Trapp Brewery - Best Dressed Contest at 7:30pm/6:30pm
12. Citizen Cider - Golf putt putt contest
13. American Flatbread - Hang Bar Challenge
14. Ayinger Brewery - Pinery Tent
15. Switchback Brewing Company - Keg Toss
16. Stowe Cider - Keg Flip
17. Zero Gravity Brewery - Vermont Green Soccer Darts

Food Vendors

1. Gerber's
2. Dougy Fresh
3. Church Street Cheesesteaks
4. Sliders
5. Southern Smoke
6. Creemees

Carnival Games & Misc

1. Photo Booth
2. VT Lake Monster Fast Pitch
3. Joy Face Painting
4. American Flat Bread Hang Bar Competition
5. Switchback Keg Tossing
6. Burley Axe - Axe Throwing
7. Stowe Cider Keg Flipping
8. Zero Gravity Soccer Darts
9. VT Construction - Pin the Tile on the Roof



**6/24/23 Event
{For Context}**



Fee \$25.00

May 1, 2026 ---- April 30, 2027

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

☐ Indoor

☒ Outdoor

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name Mojo Ventures LLC
2. D/B/A (Business Name) Mojo 3. Bus. Phone 781-217-1220
4. Business Address 218 West 8th Street, Boston MA 02127
5. Mailing Address 218 West 8th Street, Boston MA 02127
6. Contact person Alex Parker 7. Contact Phone 781-217-1220
8. Email contact address alex@mojobrand.us

PART II
OPERATION

1. Do you currently have a Liquor License? Yes or No Applied for it - Now sent to the city for sign off
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No No
3. Proposed Date(s) for this Special Event 9/26
4. Proposed Hours for this Special Event 2:00 pm - 10:00 pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
Waterfront Park - No Road Blocking

For this Proposed location please answer the following questions:

- a) Occupancy Load 3-5k b) # of Restrooms 40 c) # of Egresses 3
d) Date of last Fire/Safety Check n/a e) Dancing by Patrons? Yes or No YES
f) Amplified Music? Yes or No YES g) Will additional staff and/or security be required? Yes or No YES

Fee \$25.00

(Continued on back)

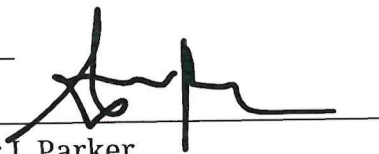
**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description Concert, Food Trucks, Local Vendors, Live Art etc

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 8/11/26

SIGNATURE OF APPLICANT 

PRINT NAME: Alexander J. Parker

RELATIONSHIP TO BUSINESS Co-Owner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of _____, the Burlington City Council License Committee recommended
Approval _____ Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

MOJO BURLINGTON





**Record No: ELI-
73**

Entertainment License
- Indoor

Status: Active

Submitted On: 8/31/2026

Primary Location

177 Church Street
Burlington, VT 05401

Owner

SISTERS & BROTHERS
INVESTMENT, GROUP LLP
75 SOUTH WINOOSKI AV
BURLINGTON, VT 05401

Applicant



Natalie Bailey



baileynatalie331@gmail.com



Burlington, VT 05401

New

Establishment Information

Establishment Name (DBA) * ?

Jamaican Taste

Establishment Street Address*

177 Church Street

Establishment City, State Zip*

Burlington, VT, 05401

Establishment Phone* ?

8025577811

Establishment Owner (Legal Name) * ?

Natalie Bailey

Legal Owner Mailing Street Address*

Legal Owner Mailing City, State Zip*

Burlington, VT, 05401

Contact Person Name* ?

Natalie Bailey

Contact Email Address*

baileynatalie331@gmail.com

Contact Phone* ?

Application Information

Occupant Load*

24

Number of Restrooms*

1

Number of Egresses*

2

Date of Last Fire Safety Inspection*

03/09/2026

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

☐

Indoor Entertainment Proposed Days; Check all that Apply

Sunday

☐

Monday

☐

Tuesday

☐

Wednesday

☐

Thursday

☐

Friday

☒

Saturday

☒

Indoor Entertainment Hours

Friday Start Time*

7:00 PM

Friday End Time*

2:00 AM

Saturday Start Time*

7:00 PM

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*

✓ Natalie Bailey
Aug 31, 2026

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.*

✓ Natalie Bailey
Aug 31, 2026

Attachments

Record Activity

Natalie Bailey started a draft Record

08/31/2026 at 3:34 pm

Natalie Bailey submitted Record ELI-73	08/31/2026 at 3:41 pm
OpenGov system altered approval step City Clerk's Office Review, changed status from Inactive to Active on Record ELI-73	08/31/2026 at 3:41 pm
OpenGov system assigned approval step City Clerk's Office Review to Lori Olberg on Record ELI-73	08/31/2026 at 3:41 pm
Lori Olberg approved approval step City Clerk's Office Review on Record ELI-73	08/31/2026 at 3:52 pm
OpenGov system altered payment step Entertainment Fee Payment, changed status from Inactive to Active on Record ELI-73	08/31/2026 at 3:53 pm
Lori Olberg altered approval step City Clerk's Office Review, changed status from Complete to On Hold on Record ELI-73	08/31/2026 at 3:53 pm
OpenGov system completed payment step Entertainment Fee Payment on Record ELI-73	09/02/2026 at 3:59 pm

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 City Clerk's Office Review	8/31/2026, 3:41:52 PM	9/8/2026, 2:26:16 PM	Lori Olberg	-	Completed
 Entertainment Fee Payment	8/31/2026, 3:53:00 PM	9/2/2026, 3:59:09 PM	Natalie Bailey	-	Completed
 Fire Marshal Review	9/8/2026, 2:26:18 PM	-	Philip Edgerley	-	Active
 City Council Approval	-	-	-	-	Inactive
 Indoor Entertainment License Issuance	-	-	-	-	Inactive



Record No: ELI-75

Entertainment License –
Indoor

Status: Active

Submitted On: 9/9/2026

Primary Location

1 Main Street
Burlington, VT 05401

Owner

MAIN STREET LANDING CO
MAIN STREET 1 BURLINGTON,
VT 05401

Applicant

 Stephen Scuderi
 802-777-0626
 stevescuderi@gmail.com

• New •

Establishment Information

Establishment Name (DBA) * 

Community of Sound Corp

Establishment Street Address*

1 Main St. (Box 14)

Establishment City, State Zip*

05401

Establishment Phone* 

802-777-0626

Establishment Owner (Legal Name) * 

Community of Sound Corp

Legal Owner Mailing Street Address*

1 Main St. (Box 14)

Legal Owner Mailing City, State Zip*

Burlington, VT 05401

Contact Person Name* 

Stephen Scuderi

Contact Email Address*

stevescuderi@gmail.com

Contact Phone* 

802-777-0626

Application Information

Occupant Load*

49

Number of Restrooms*

1

Number of Egresses*

1

Date of Last Fire Safety Inspection*

09/09/2026

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 ?

☒

Floor / Stage Show / Other Description* ?

Aerial & Performance Art

Indoor Entertainment Proposed Days; Check all that Apply

Sunday

☒

Monday

☒

Tuesday

☒

Wednesday

☒

Thursday

☒

Friday

☒

Saturday

☒

Indoor Entertainment Hours

Sunday Start Time*

8:00 AM

Sunday End Time*

2:00 AM

Monday Start Time*

8:00 AM

Monday End Time*

2:00 AM

Tuesday Start Time*

8:00 AM

Tuesday End Time*

2:00 AM

Wednesday Start Time*

8:00 AM

Wednesday End Time*

2:00 AM

Thursday Start Time*

8:00 AM

Thursday End Time*

2:00 AM

Friday Start Time*

8:00 AM

Friday End Time*

2:00 AM

Saturday Start Time*

8:00 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*

✓ Stephen Scuderi
Sep 9, 2026

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.*

✓ Stephen Scuderi
Sep 9, 2026

Attachments

Record Activity

Stephen Scuderi started a draft Record

09/09/2026 at 4:37 pm

Stephen Scuderi submitted Record ELI-75

09/09/2026 at 4:45 pm

OpenGov system altered approval step City Clerk's Office Review, changed status from Inactive to Active on Record ELI-75

09/09/2026 at 4:45 pm

OpenGov system assigned approval step City Clerk's Office Review to Lori Olberg on Record ELI-75

09/09/2026 at 4:45 pm

Lori Olberg changed form field entry Monday End Time from "2:00 PM" to "2:00 AM" on Record ELI-75

09/10/2026 at 10:02 am

Lori Olberg approved approval step City Clerk's Office Review on Record ELI-75

09/10/2026 at 10:02 am

OpenGov system altered payment step Entertainment Fee Payment, changed status from Inactive to Active on Record ELI-75

09/10/2026 at 10:02 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 City Clerk's Office Review	9/9/2026, 4:45:22 PM	9/10/2026, 10:02:48 AM	Lori Olberg	-	Completed
 Entertainment Fee Payment	9/10/2026, 10:02:49 AM	-	Stephen Scuderi	-	Active
 Fire Marshal Review	-	-	-	-	Inactive
 City Council Approval	-	-	-	-	Inactive
 Indoor Entertainment License Issuance	-	-	-	-	Inactive

Resolution Relating to

RECOGNIZING THE CONTRIBUTIONS OF
BURLINGTON'S LATIN AMERICAN COMMUNITY
AND SUPPORTING CULTURAL FESTIVALS

RESOLUTION_____

Sponsor(s): Councilors Sánchez-
Parkinson, Schachter, Grant,
Carpenter, Litwin, Bergman,
Neubieser, Broderick

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

CITY OF BURLINGTON

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

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

- 1 That WHEREAS, cultural events strengthen civic engagement, promote cross-cultural understanding,
2 and contribute to Burlington's economic vitality by attracting residents and visitors; and
3 WHEREAS, Burlington's Latin American population represented 2.8% of the city's population
4 in the 2020 Census and increased to 3.3% by 2023, according to the American Community Survey. This
5 demographic growth is even more pronounced among younger populations, with Latino/Hispanic
6 students in the Burlington School District increasing from 2% of the student population in 2019 to 7%
7 in 2025; and in recent years, Latino/Hispanic college students have represented approximately 6% to
8 10% at the University of Vermont and Champlain College; and
9 WHEREAS, the City has recognized the growing need for culturally and linguistically
10 responsive engagement, including the addition of a Spanish-speaking Trusted Community Voices
11 position within the Office of Racial Equity, Inclusion and Belonging in 2026; and
12 WHEREAS, Latin American residents contribute to Burlington in roles such as educators,
13 entrepreneurs, artists, agricultural workers, healthcare professionals, students, nonprofit and community
14 leaders, and public servants, enriching the social, cultural, and economic fabric of the City; and
15 WHEREAS the Latin American community has been building community both in-person and
16 across digital spaces with the leadership of independent community leaders and organizations such as
17 Migrant Justice/Justicia Migrante, Hermanas VT, Alianza Latina at the University of Vermont, and the
18 Champlain Latin Community; and
19 WHEREAS, recent immigration enforcement actions in Vermont, including the March 11, 2026
20 house raid and separation of a family in South Burlington by U.S. Immigration and Customs
21 Enforcement, heightened fear, stress, and uncertainty among many immigrant and Latin American
22 residents; and

Resolution Relating to

**RECOGNIZING THE CONTRIBUTIONS OF BURLINGTON'S LATIN
AMERICAN COMMUNITY AND SUPPORTING CULTURAL
FESTIVALS**

WHEREAS, Burlington currently lacks a sustained, citywide coordination dedicated to celebrating cultures and creating opportunities for residents to learn from and engage with the Latin American community; and

WHEREAS, the National Hispanic Heritage Month is observed annually from September 15 through October 15 to recognize the histories, cultures, and contributions of Americans whose heritage traces to Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, cultural festivals strengthen Burlington's downtown by increasing visitation, supporting local businesses, creating opportunities for artists and vendors, and enhancing the City's reputation as a welcoming and vibrant destination; and

WHEREAS, Latin American festivals have been a part of Burlington's history since the 1990s and was revitalized in 2025 with the Latin American Connection Celebration, demonstrating significant community interest by attracting approximately 2,500 attendees, and activating downtown Burlington during Hispanic Heritage Month; and

WHEREAS, the Latin American Connection Celebration was initiated through the independent leadership of Burlington resident and artist Maiz Vargas in partnership with the Vermont Professionals of Color Network, highlighting the importance of designing cultural celebrations by and for the community; and

WHEREAS, the Office of Racial Equity, Inclusion and Belonging (REIB), Burlington City Arts (BCA), the Community and Economic Development Office (CEDO) have provided one-time support in 2025 and 2026, demonstrating the City's commitment while highlighting the need for a sustainable funding model;

NOW, THEREFORE, BE IT RESOLVED that the City Council recognizes the contributions of Latin American residents and the Latin American Connection Celebration as a citywide cultural event that advances community belonging, cultural understanding, downtown vitality, and economic development; and

BE IT FURTHER RESOLVED that the City Council Racial Equity, Inclusion and Belonging Committee and Parks, Arts and Culture Committee shall work collaboratively with the Office of REIB, BCA, and CEDO, with input from the community, to assess the impact of cultural festivals and develop a long-term sustainability plan, with a report to be presented to City Council in February 2027.

Resolution Relating to

**RECOGNIZING THE CONTRIBUTIONS OF
BURLINGTON'S LATIN AMERICAN COMMUNITY
AND SUPPORTING CULTURAL FESTIVALS**

RESOLUTION 7.5

Sponsor(s): Councilors Sánchez-
Parkinson, Schachter, Grant,
Carpenter, Litwin, Bergman,
Neubieser, Broderick
Introduced: 09/14/26
Referred to: _____
Action: adopted
Date: 09/14/26
Signed by Mayor: 09/16/26

CITY OF BURLINGTON

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

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

1 That WHEREAS, cultural events strengthen civic engagement, promote cross-cultural understanding,
2 and contribute to Burlington's economic vitality by attracting residents and visitors; and
3 WHEREAS, Burlington’s Latin American population represented 2.8% of the city’s population
4 in the 2020 Census and increased to 3.3% by 2023, according to the American Community Survey. This
5 demographic growth is even more pronounced among younger populations, with Latino/Hispanic
6 students in the Burlington School District increasing from 2% of the student population in 2019 to 7%
7 in 2025; and in recent years, Latino/Hispanic college students have represented approximately 6% to
8 10% at the University of Vermont and Champlain College; and
9 WHEREAS, the City has recognized the growing need for culturally and linguistically
10 responsive engagement, including the addition of a Spanish-speaking Trusted Community Voices
11 position within the Office of Racial Equity, Inclusion and Belonging in 2026; and
12 WHEREAS, Latin American residents contribute to Burlington in roles such as educators,
13 entrepreneurs, artists, agricultural workers, healthcare professionals, students, nonprofit and community
14 leaders, and public servants, enriching the social, cultural, and economic fabric of the City; and
15 WHEREAS the Latin American community has been building community both in-person and
16 across digital spaces with the leadership of independent community leaders and organizations such as
17 Migrant Justice/Justicia Migrante, Hermanas VT, Alianza Latina at the University of Vermont, and the
18 Champlain Latin Community; and
19 WHEREAS, recent immigration enforcement actions in Vermont, including the March 11, 2026
20 house raid and separation of a family in South Burlington by U.S. Immigration and Customs
21 Enforcement, heightened fear, stress, and uncertainty among many immigrant and Latin American
22 residents; 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

Attest:

Vol. Page

* * * * *

Resolution Relating to

**RECOGNIZING THE CONTRIBUTIONS OF BURLINGTON'S LATIN
AMERICAN COMMUNITY AND SUPPORTING CULTURAL
FESTIVALS**

WHEREAS, Burlington currently lacks a sustained, citywide coordination dedicated to celebrating cultures and creating opportunities for residents to learn from and engage with the Latin American community; and

WHEREAS, the National Hispanic Heritage Month is observed annually from September 15 through October 15 to recognize the histories, cultures, and contributions of Americans whose heritage traces to Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, cultural festivals strengthen Burlington's downtown by increasing visitation, supporting local businesses, creating opportunities for artists and vendors, and enhancing the City's reputation as a welcoming and vibrant destination; and

WHEREAS, Latin American festivals have been a part of Burlington's history since the 1990s and was revitalized in 2025 with the Latin American Connection Celebration, demonstrating significant community interest by attracting approximately 2,500 attendees, and activating downtown Burlington during Hispanic Heritage Month; and

WHEREAS, the Latin American Connection Celebration was initiated through the independent leadership of Burlington resident and artist Maiz Vargas in partnership with the Vermont Professionals of Color Network, highlighting the importance of designing cultural celebrations by and for the community; and

WHEREAS, the Office of Racial Equity, Inclusion and Belonging (REIB), Burlington City Arts (BCA), the Community and Economic Development Office (CEDO) have provided one-time support in 2025 and 2026, demonstrating the City's commitment while highlighting the need for a sustainable funding model;

NOW, THEREFORE, BE IT RESOLVED that the City Council recognizes the contributions of Latin American residents and the Latin American Connection Celebration as a citywide cultural event that advances community belonging, cultural understanding, downtown vitality, and economic development; and

BE IT FURTHER RESOLVED that the City Council Racial Equity, Inclusion and Belonging Committee and Parks, Arts and Culture Committee shall work collaboratively with the Office of REIB, BCA, and CEDO, with input from the community, to assess the impact of cultural festivals and develop a long-term sustainability plan, with a report to be presented to City Council in February 2027.

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

REIB
PACC

ORIGINAL

RESOLUTION RELATING TO

Recognizing The Contributions Of Burlington's Latin American Community And
Supporting Cultural Festivals

Adopted by the City Council

September 14, 2026

Alan Schul Clerk

Approved September 16, 2026

Elena Mayor Mayor

Attest:

Lori Olberg
Council and Licensing Coordinator

Vol. Page

* * * * *



Date: August 13, 2026
To: City Council
Cc: Mayor Emma Mulvaney-Stanak
From: Kelli Perkins, REIB Director
Re: Aging Council FY27 Appointments

Per the May 11, 2026 *Resolution Relating to Reinstating the Burlington Aging Council and Implementing the Age-Strong BTV Plan*, the Office of Racial Equity, Inclusion, and Belonging is responsible for recommending Aging Council members to be appointed by City Council, with half of the members serving two-year terms and the other half serving one-year terms beginning July 1, 2026.

REIB solicited input from the members of the original iteration of the Aging Council who spearheaded the Age Strong BTV Report and I am pleased to offer the following slate of recommendations for your consideration. These City employees, community partners, and Burlington residents are a thoughtful and dedicated group with who I am looking forward to working with to ensure Burlington is accessible, welcoming, and inclusive of all members of our community across the lifespan.

The Resolution called for the Aging Council to be split between one- and two-year appointments. The two-year appointments are community partners and City employees serving on the Aging Council who will be directly responsible for implementation efforts. One-year appointments are community members, community partners, and policy advocates who will provide feedback, advice, and assist in the development of the implementation strategy. This division will help to ensure continued momentum of the Aging Council's efforts.

One Year Appointments

Lydia Diamond	Burlington resident
Dan Smith	Greater Burlington YMCA
Kelly Stoddard-Poor	AARP Vermont

Two Year Appointments

Molly Dugan	Cathedral Square
Emer Feeney	Fletcher Free Library
Kirsten Santor	Burlington Parks, Recreation, and Waterfront
Andrea Viets	Heineberg Community Senior Center

City Council Motion: Move to approve recommended appointees for the Aging Council for Fiscal Year 2027 as presented.

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: REIB Submitter: Kelli Perkins

Title/Subject: Aging Council Appointee Recommendations

Approval Requested:

☐ Board of Finance

☒ City Council

☐ Both BOF and Council

Meeting Date:

Click or tap to enter a date.

9/14/2026

Click or tap to enter a date.

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	8/18/2026	Kelli Perkins
Mayor's Office	Yes	8/18/2026	Jennifer Monroe Zakaras
Board/Commission	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO for budget, financing, and memo	Yes	8/18/2026	Katherine Schad
Human Resources, if personnel action or policy	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

To: Burlington City Council
From: Charles Dillard, AICP, Director, Office of City Planning
Date: September 14, 2026
RE: Work Session: Act 181 Tier 1A Application

Background

Burlington and the greater Chittenden County region are in the midst of a severe housing emergency. While there is a general shortage of homes, there is specific need to address affordability and availability for segments of the population that have traditionally not been well served by the housing market. To advance the State's mission to house its residents, and to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low and our communities planned in a sustainable and equitable manner, Vermont has adopted two significant pieces of legislation:

- Act 47 (the HOME Act), which introduced new requirements for regional and municipal plans. One of the Act's primary rules requires that each Regional Planning Commission and municipality must include housing targets for 2030 and 2050. Burlington's 2050 target is to create 6,986 new homes – a rate of 279 new homes each year.
- Act 181 reformed Vermont's legacy designation programs that have served as a foundation for economic incentives and technical support aimed at economic revitalization, community vitality, and smart growth. The Act's comprehensive reform package is summarized in the General Assembly-funded [Designation 2050 Report](#). This memo will focus on land use planning alignment between Burlington and the Chittenden County Regional Planning Commission (CCRPC), the new simplified designation structure, and the Act 250 exemptions this structure facilitates. Though critical to Burlington's economic development, revitalization and resilience efforts, this memo will not discuss in detail the updated Community Investment Program of incentives and supports that Act 181 establishes.

Land Use Planning Alignment

The first step in the Act 250 exemption process is adoption of the regional plan. All municipal plans – planBTV 2050 is Burlington's in-progress update – must be consistent with their corresponding regional plans. The State's new land use planning framework includes 11 land use categories, ranging from the most urban and/or developable, to the most rural and/or least developable.

On July 31, 2026, CCRPC secured approval of its ECOS Regional Plan, which includes Burlington's Future Land Use Map (FLUM), itself a product of community engagement and collaboration with the City's planning staff. Burlington's FLUM categorizes the city's land as Downtown Center, Village Center, Planned Growth Area, Rural Agriculture & Forestry, or Rural Conservation. The map is attached to this memo's agenda packet. It is to this Future Land Use Map that the planBTV 2050 land use map must align.

Simplified Designation Structure

The Future Land Use Map categories (e.g. Downtown Center, Planned Growth Area, etc.) are the basis for Act 181's reformed designation structure for the purposes of Community Investment Program incentives and supports.

Prior to Act 181, Vermont administered five legacy designations for the purposes of economic development and revitalization: Downtowns, Villages, New Town Centers, Neighborhood Development Areas, and Growth Centers. The new legislation organizes those five designations into two categories: Centers and Neighborhoods.

The Center category includes all legacy Downtowns, Villages and New Town Centers, as well as areas newly mapped as Downtowns or Village Centers in a municipality's Future Land Use Map. The Neighborhood category includes legacy and newly mapped Planned Growth Areas and Village Areas.

As stated previously, Burlington's FLUM includes Downtown and Village Center areas that correspond with the new Center designation, as well as Planned Growth Area, which corresponds with the Neighborhood designation. Both Center and Neighborhood designations are eligible for full (Tier 1A) or partial (Tier 1B) Act 250 exemption. In 2025, Burlington's City Council approved Tier 1B status for all eligible areas. This memo supports the Office of City Planning's proposal to transition all Tier 1B areas to Tier 1A.

Act 250 Exemptions

Act 181 establishes a three-tier system for determining applicability of state level (Act 250) land use review. Tier 3 applies to "Critical Resource Areas," and includes the state's most ecologically sensitive natural areas. Within Tier 3 areas, Act 250 jurisdiction is at its most enhanced. Tier 2 areas are those that are not Critical Resource Areas or areas planned for growth, which correspond with Tier 1. Tier 1 includes two subcategories: Tiers 1A and 1B. These Tier 1 categories are this memo's focus.

The goal of Act 181's Tier 1 Act 250 exemptions is to make it easier to build housing in areas planned for growth and served by infrastructure. The two sub-tiers vary in terms of their applicability and extent of exemption:

- Tier 1B areas apply an Act 250 exemption for up to 50 housing units, including those part of mixed-use developments.
- Tier 1A applies a complete Act 250 exemption for any subdivision, development or change to an existing project. Within Tier 1A areas, the municipality is responsible for administering and enforcing existing Act 250 permits.

Of note, 2026 legislation (S. 325) clarified and revised the process for administration and enforcement of existing Act 250 permits. Under the new law, the state will continue to hold all Act 250 permits, transferring them to the Tier 1A municipality only when a development project is proposed on that permit's parcel. Once transferred to the municipality, the local permitting authorities – DPI and DRB in Burlington, must include existing Act 250 conditions in any new municipal permit, unless the permit condition pertains to one or more of the following:

- A. the construction phase of the project that has already been constructed;
- B. compliance with another state permit that has independent jurisdiction;
- C. federal or state law that is no longer in effect or applicable;
- D. an issue that is addressed by municipal regulation and the project will meet the standards;
- or,
- E. a physical or use condition that is no longer in effect or applicable once the new project is approved.

In the event that Burlington's DPI and DRB issue a decision and include specific findings with respect to any of the above five circumstances, they are required to provide a copy of the new municipal permit to the State's Land Use Review Board.

Once applied, both Tier 1A and 1B remain in effect until modified by the municipality or if the Land Use Review Board revokes the status.

Proposal

Burlington is unique in the state for its combination of extensive urban area served by infrastructure and critical conservation areas. Protecting conserved lands while allowing for severely-needed new housing is a fundamental goal of the City's planning work. The application of Tier 1B status to all eligible areas is meaningful. **However, the Office of City Planning and the Mayor's office propose that all eligible areas be subject to the City's Tier 1A application.** If the Tier 1A application is approved, new development in Tier 1A areas will not be subject to Act 250 unless that development takes place on a parcel with one or more existing permits.

In addition to facilitating needed housing growth, Tier 1A status for all eligible areas in Burlington acknowledges the substantial redundancy in Burlington's and Act 250's land use review jurisdiction. The following section documents the extent of this redundancy and identifies gaps, all in the interest of assuring City Council and the Burlington community that the City's land use review processes will continue to uphold Act 250's spirit, and in many cases, surpass it.

Burlington – Act 250 Regulatory Redundancy

For years, planners in several Vermont communities have advocated for Act 250 reform. In response, the Vermont Legislature's Act 47 of 2023 called for a Municipal Delegation Framework Report, which was delivered by the Vermont Association of Planning and Development Agencies (VAPDA) in December of that year. This report was prepared by the then-directors of the municipal planning departments in Burlington, South Burlington, Winooski, and St. Albans and is attached to this memo.

The report describes an evolved planning and permitting practice in Vermont since Act 250 was first passed more than fifty years ago. In that time, many Vermont communities, including Burlington, have established more robust planning and permitting practices, including for compliance with 24 VSA Chapter 117. As such, Act 250 now presents a duplicative review process that adds uncertainty and time to an already challenging housing construction environment.

Conveniently, Burlington's former Planning Director, Meagan Tuttle, was one of the report's lead authors. In 2023 Director Tuttle conducted a thorough comparison of Act 250 and Burlington

regulations, demonstrating that 90% to 95% of issues covered by Act 250 are addressed in Burlington already.

Significant Natural Communities and Rare, Threatened, and Endangered Species

At this time, staff believes that there is only one issue covered under Act 250 that is not regulated locally in Burlington that would be necessary to resolve to secure Tier 1A status for all eligible areas. This issue relates to protection and processes for state-level review for significant natural communities and/or rare, threatened, and endangered species for development projects over 10 acres. The Office of City Planning has begun a zoning amendment process to amend the Comprehensive Development Ordinance to include language to this effect and has worked with colleagues at the Land Use Review Board and in South Burlington to ensure the language meets the states criteria for this important ecological concern.

Staff Capacity in Administration and Enforcement of Existing Act 250 Permit Conditions

The greatest uncertainty in applying for broad Tier 1A status in Burlington is whether the Department of Permitting and Inspections is adequately staffed to administer and enforce the hundreds of existing permits. Unfortunately, that uncertainty will continue in the years ahead. The City simply cannot know how much development activity will occur on properties with existing Act 250 permits. Staff from OCP and DPI have discussed this at length over the previous year and determined that the benefits of Tier 1A application outweigh, for now, any potential capacity challenges. However, the City should continuously monitor development review workload to determine if additional staffing is needed to accommodate increased development activity.

Next Steps

The City Council will consider a resolution on September 28th that would authorize the City to apply for Tier 1A status for the areas indicated. This legislative approval must attest to the funding and continued adequate staffing to administer and enforce Tier 1A regulations.

Act 250 Criterion		A250 / CDO Relationship	City of Burlington Standards	
1	Air Pollution	DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	Every project should be designed to minimize air pollutants to levels that will not threaten public health or create an unreasonable nuisance for nearby residents. Some areas of concern include:			Enacted to provide more detailed consideration of developments based on either the nature of the proposed use and/or the overall scale to ensure that impacts on natural and physical character, services and infrastructure are mitigated.
	industrial/manufacturing emissions, such as paint fumes, sawdust, chemical vapors, and fly ash;			Conditional Use includes review of nuisance impacts, and transportation system impacts (among others)
	vehicle exhaust at congested intersections;			Major Impact also addresses water, air, noise pollution; congestion; etc.
	excessive dust, smoke, or noise during construction;		Other Applicable Standards	
	odors;		Sec. 5.5.1	Nuisance Regulations, apply to all zoning permits and reference other sections of the City's Code of Ordinances (i.e. Noise).
	processing or storage of radioactive materials; and		Ch. 21-14	Requirement to use Electric Leaf Blowers during summer, and sound limits (to reduce emission and noise)
	noise during operations, to the extent that it may have an adverse effect on health			
1 (A)	Headwaters	DUPLICATIVE	Sec. 4.5.4	Natural Resource Overlays
	Every project must comply with the applicable water quality regulations. This is particularly true in headwater areas. Criterion 1(A) applies to lands that are not already devoted to intensive development and that meet at least one of the following subcategories:			Special zoning overlays that applies to mapped Riparian & Littoral zones, wetlands, significant natural areas, and special flood hazard areas, and supercede underlying zoning district regulations where applicable.
	headwaters of watersheds characterized by steep slopes and shallow soils;		Sec. 4.4.6	Recreation, Conservation & Open Space Zones
	drainage areas of < 20 square miles;			In particular, the Conservation District is intended to preserve the function, health & integrity of the city's significant natural communities and features-- both land and water.
	lands > 1,500 feet in elevation;			
	lands within watersheds of public water supplies designated by the ANR Drinking Water & Groundwater Protection Division; or			
	areas supplying significant amounts of recharge waters to aquifers.			
1 (B)	Waste Disposal	DUPLICATIVE	Ch. 26	City Wastewater, Stormwater, and Pollution Control Regulations (outside zoning)
	In addition to meeting any other applicable regulations regarding waste disposal, every project should be designed to provide treatment or proper disposal of wastes or toxic materials that are generated at the project site. Wastes or materials of typical concern include the following:			City of Burlington is served by municipal water and wastewater, and includes robust local stormwater and erosion control regulations, and staff to maintain compliance with our MS4 permit. [Have Megan review this section]. This includes regulations on industrial and high strength waste (i.e. brewery) discharges.
	domestic septic wastewater;		Other Applicable Standards	
	industrial or manufacturing wastewater (including anything discharged into floor drains);		Sec. 4.5.2	Riparian and Littoral overlay zone precludes application of pesticides except where approved by Agency of Ag.
	stormwater from parking lots and other contaminated surfaces;		Ch. 17	City Pesticide application ordinance (outside of zoning)
	fuels, chemicals, pesticides, and the like;		Ch. 14	Solid Waste Ordinance (outside of zoning)
	batteries and other hazardous products; and			
	construction debris			
1 C	Water Conservation	TBD		
	Every project that consumes water should be designed to conserve water. This reduces burdens on municipal sewage and water systems, saves energy used to heat water, and protects groundwater reserves during droughts. For domestic plumbing, water-conserving plumbing fixtures are available. For larger commercial water users, applicants should detail how the project will use the "best available technology" for conserving water.			Ch 26, building code
1 (D)	Flood Hazard Areas, River Corridors	DUPLICATIVE	Sec. 4.5.2 (F)	Special Flood Hazard Overlay
	If a project will impinge on the flood hazard areas of a river or stream, it should be designed to withstand flooding and to avoid causing any significant increase in the flood level. This usually means no construction should occur in Flood Hazard Areas. Any proposed construction in River Corridors should be reviewed by an engineer or other qualified expert to document that it will not cause peak flood levels or fluvial erosion hazards to increase.			Overlay zone that encompasses areas identified by most current federal flood insurance studies and maps, and as provided by ANR pursuant to 10 VSA 573, as well as a buffer around such areas. Restricts uses to ag, recreation and accessory residential uses, and only to the extent that they do not require the erection of structures or modification/obstruction of the floodway. Notably, requires applicant to use ANR review sheet, and codifies DEC review period.
1 E	Streams		Sec. 4.5.2 (C)	Riparian & Littoral Conservation Zone Overlay

	Any project that encroaches on a stream should be designed to minimize the impact and maintain the natural condition of the stream. A stream may include any intermittent flow of water where there is a defined channel. Applicants are encouraged to avoid disturbing any streams (by minimizing road crossings, locating buildings away from riparian zones, etc.) and to provide a natural riparian zone (buffer) along all perennial and intermittent streams to provide shade and filter out sediment and other pollutants. For guidance on appropriate riparian zone widths, refer to ANR’s Riparian Buffer Guidance.	DUPLICATIVE		Overlay zone applies to areas within 100 ft upland of major streams, and 50 ft upland of minor streams/ponds (as well as to 250 ft of Lake Champlain and 250 ft of Winooski River).
1 (F)	Shorelines	DUPLICATIVE		Shoreland Delegation Process & Natural Resource Overlays
	Projects must be designed to avoid or minimize the impact to, and maintain the natural condition of, the shoreline of any river, pond, or lake. Refer to the discussion of streams under Criterion 1(E) for general guidelines. Direct any questions about retaining the natural condition of the shoreline to the ANR Regional Fisheries Biologist.			Administers Natural Resource Overlays, specifically Sec. 4.5.2 C and F above, and includes recent standards for low-mow zone establishment along Lake Champlain & Winooski River in certain development types.
1 (G)	Wetlands	DUPLICATIVE	Sec 4.5.2 (D)	Wetland Conservation Zone Overlay
	Any project that encroaches on a wetland considered significant under the Vermont Wetland Rules should be designed to avoid and minimize project impacts on the wetland. Significant wetlands are those determined to be significant by ANR, including, but not limited to, those on the Vermont Significant Wetland Inventory (VSWI) maps, available online on the ANR Natural Resources Atlas (aka, the ANR Atlas). VSWI maps are intended to denote approximate locations and boundaries of some wetlands, but these maps are incomplete and therefore, should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Vermont Wetland Rules, Section 3.2). Additionally, not all wetlands are mapped, and many wetlands not mapped on the VSWI are still considered significant. Only a qualified wetland scientist can determine the absence or presence of a wetland and its boundaries.			Includes wetlands and vernal pools, and 100 ft upland of these resources.
2 & 3	Water Supplies	DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	Every project that consumes water should be designed to have an adequate supply of water without creating an unreasonable burden on an existing water supply. Typically, applicants demonstrate they will have an adequate water supply by providing information on nearby wells or by providing a commitment letter from a municipal water department.			The City is served by municipal water service. Conditional Use requires analysis of capacity of public utilities to support the use; Major Impact requires a review of impact on the city’s current and future water supply system.
4	Soil Erosion & Drainage	DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	Every project should be planned in a manner to prevent undue soil erosion during and after construction. This usually requires that measures be implemented to retain soil on the construction site and prevent sediment from entering any streams or other water bodies or allowing sediment-contaminated runoff to flow onto adjoining property.		Ch 26- Art 3	Erosion Prevention and Sediment Control standards (outside zoning)
5 (A)	Transportation- Congestion	(MOSTLY) DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	Commission must find that projects will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed. Every project should be designed to have safe access onto local or state roadways. In addition, projects should not create or contribute to unreasonable congestion on area roadways. To ensure safe access will be provided, applicants should focus on the design of the intersection of any driveways or access roads with the main road. Typical concerns include:			Both conditional use and major impact reviews require analysis of capacity of transporation system to accommodate.
	sight distance along the main road from the driveway or access road;		Other Applicable Standards	
	approach grades on the driveway or access road (ability to stop in slippery weather);		Ch. 20	Motor Vehicles & Traffic Ordinance (outside of zoning)–Downtown Great Streets Standards
	traffic controls (stop signs, automated signals, etc.);		Article 6	Development Review Standards- Site Design Standards (zoning) provide guidance on vehicular access to reduce congestion and improve traffic safety.
	speed limits on the main road		Article 3, Part 3	Impact Fees- includes traffic impact fee
	turning or stacking lanes on the main road or driveway;			
	radii of corners (ability to make turns at reasonable speeds);			
	width of driveways or access roads; and			
	number of driveways onto main road.			
5 (B)	Transportation- Demand Management		Art 3, Part 5	Conditional Use & Major Impact Review

	Commission must find that projects as appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.	DUPLICATIVE	Article 8	Parking- includes standards for Maximum Parking, Required on-site short and long term bicycle parking, Transportation Demand Management plans and basic strategies for all projects over 10 units, and Insitutional Parking Management plans for UVMMC, UVM, and Champlain College.
	Applicants must also demonstrate the project will, as appropriate, incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. The application should explain how these requirements will be met considering the type, scale, and transportation impacts of the proposed development or subdivision. For multi-unit structures containing >10 housing units, long-term, sheltered, secure bicycle storage should be provided.		Other Applicable Standards	City is also currently contracting for a consultant to support a TDM & Transportation Options Study, which will likely inform additional future reglations/incentives.
6	Educational Services	DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	If a project will have an impact on area schools, the applicant must demonstrate that the project will not create an unreasonable burden on the municipality’s ability to provide educational services. Title 16 of Vermont Statutes provides each town with a block grant from the State Education Fund for the operating expense of educating each student in the school system. Therefore, the operating expenses of educating the additional students resulting from the project are generally not considered to be a burden on the municipality’s ability to provide educational services. However, if the new students cause the need for an addition to the school or other capital improvements, applicants will need to address the potential financial burden to the municipality that this might cause.		Other Applicable Standards	Article 3, Part 3- Impact Fees (assess a school impact fee on some forms of housing development)
7	Municipal Services	DUPLICATIVE	Art 3, Part 5	Conditional Use & Major Impact Review
	Most projects require services from the municipality, and applicants need to demonstrate that the project will not place an unreasonable burden on those services. Areas of concern usually include the following:		Other Applicable Standards	
	fire and police protection;		Article 3, Part 3	Impact Fees (covers traffic (intersections), schools, parks, police, fire, and)
	solid waste disposal (landfill, transfer station, etc.);		Ch. 26	Water/wastewater, etc connection/permit fees
	sewage treatment;			
	water supply;			
	rescue service (volunteer or paid professional); and			
	road maintenance.			
8	Scenic Beauty, Aesthetics, Historic Sites, Natural Areas	DUPLICATIVE	Sec. 4.5.1	Design Review Overlay Zone
	Scenic Beauty & Aesthetics: Every project should be designed to be consistent with the visual character of the area, and not have an undue adverse impact on the aesthetics of the area. If a project is out of context with the scenic qualities of the area, it may be considered to have an adverse impact. The type of visual aesthetic concerns to watch for include:			Purpose of overlay is to provide detailed individual review to certain uses and structures in areas of the city which contain structures of historic, architectural, or cultural merit, or where the community has a particular interst in the design of future development to achieve its land use goals. Overlay applies to all zoning district except RL & Form Code areas; does apply to a few neighborhoods within RL, and to the very limited allowed non-residential uses within RL.
	compatibility with nearby land uses (commercial, retail, agricultural, etc.);		Article 6	Development Review Standards
	proximity to prominent visual features (ridgelines, wetlands, open meadows, scenic overlooks, historic buildings, shorelines, etc.);			Development principles, derived from established community goals/plans, and more specific design standards for subdivision, site plan, and architectural design. These guide development that is sensitive to the city's built, historic, and natural features, while enhancing livability and walkability of the urban environment.
	frequency and duration of public view;			
	compatibility with nearby architectural styles and colors;			
	consistency with area building density; and		Sec. 3.5.6	Conditional Use Review Criteria
	visibility from nearby residences.			To the extent a proposed use is conditionally permitted, review standards required a "character of the area" review, which evluates conformity to stated policies and standards of the municipal plan.
			Article 14	Downtown Form Based Code

				Note: The City does not (and should not) regulate views from private residences. In fact, Sec. 6.2.2 and Sec. 6.3.2.c. indicate that views to the lake and of important cultural landmarks from <i>public spaces</i> shall be considered and maintained. This explicitly states "this shall not be construed to include views from exclusively private property."
	Historic Sites: In addition to scenic qualities, projects must respect existing historic sites. Historic sites may include buildings, structures, districts, or archeological sites listed on, or eligible for, the State or National Registers of Historic Places. The Vermont Division for Historic Preservation (DHP) at the Agency of Commerce and Community Development (ACCD) evaluates all applications involving impacts to historic sites according to the Vermont Historic Preservation Act Rules. For more information about DHP's review process and a link to the Rules, see the Division's dedicated web page for Act 250 - Criterion 8 or contact the Division directly. Applicants are strongly encouraged to contact DHP for assistance in advance of applying to avoid project delays. In general, a building or structure may be listed on, or eligible for, the Historic Registers if it is at least 50 years old. A Historic District may include a group of buildings that is at least 50 years old. For example, part or all of an older village center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury occupation. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using information about the project area and the applicant's project description, DHP can provide applicants or the Commissions with a determination of archeological sensitivity and the potential for project impacts to archeological sites.	DUPLICATIVE	Sec. 5.4.8	Historic Buildings & Sites- requires review for sites and structures with historical and cultural significance with the goal to preserve, maintain and enhance this aspect of the city's built environment and to promote the adaptive reuse of historic buildings and sites.
	Natural Areas: Finally, in addition to scenic qualities and historic sites, applicants must avoid and protect rare and irreplaceable natural areas. The F&W Wildlife Diversity Program maintains an inventory of mapped significant natural communities that can be viewed on the ANR Atlas. Additional rare and irreplaceable natural areas exist statewide that have not yet been mapped. Applicants are encouraged to contact F&W staff early during project design to incorporate protections of sensitive natural communities.	DUPLICATIVE	Sec. 4.5.4	Natural Resource Overlays (see other references to these standards). Additionally, the City has an active Conservation Board which has a role in reviewing certain land development applications and providing comment to the staff/DRB as applicable. The Parks, Recreation & Waterfront Department also staffs an active Conservation Program, which has prepared and implements management plans for surveyed city-owned Significant Natural Areas & Communities.
8 (A)	Endangered Species & Necessary Wildlife Habitat		Sec. 4.5.4	Natural Resource Overlays
	All projects should be designed to avoid necessary wildlife and endangered species habitats. Necessary wildlife habitat means concentrated habitat that is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life, including breeding and migratory periods. Necessary wildlife habitat need only be decisive to the survival of the wildlife using that habitat, not to the survival of the entire species. F&W's Wildlife Division and/or Fisheries Division can identify critical wildlife habitat and endangered species habitat on a site-specific basis. Typical habitats identified by F&W or other state agencies often include the following:			Special zoning overlays that applies to mapped Riparian & Littoral zones, wetlands, significant natural areas, and special flood hazard areas, and supercede underlying zoning district regulations where applicable.
	deer wintering areas, which include, among other characteristics, evergreen tree cover, browse areas, and steep southern-facing woodlands;			
	bear feeding areas, which include, among other characteristics, stands of beech or oak trees and certain wetlands;			
	salmonid spawning areas, found in streams and rivers with gravel bottoms; and			
	bat, reptile, amphibian, and bird feeding and breeding areas			
9 (A)	Impacts of Growth		Art 3, Part 5	Conditional Use & Major Impact Review

	Applicants must demonstrate that the project will not significantly impact the municipality's ability to provide services to its residents. For instance, if a project adds significantly to the population of a town, the town's budget may become so strained that it will have difficulty providing services to its residents. Similarly, if a large retail project causes other retail establishments to fail, the subsequent loss of property tax revenues may also affect the town's ability to provide services. In this latter example, the emphasis is not on the loss of existing retail stores themselves; rather, it is on the impact that this loss might cause to the Town's financial health and its ability to serve its residents. For residential projects, applicants should indicate how many additional people could live in the project, what portion of that population might be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, apvillage center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury occupation. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using	DUPLICATIVE		The City is served by municipal water service. Conditional Use requires analysis of capacity of public utilities to support the use; Major Impact requires a review of impact on the city's current and future water supply system.
9 (B)	Primary Agricultural Soils	(Likely) DUPLICATIVE	Sec. 4.4.6	RCO- Agriculture District Regulations
	Definition of Primary Agricultural Soils (10 VSA § 6001(15)): "Primary agricultural soils" means each of the following: (A) [It is an] important farmland soils map unit that the Natural Resources Conservation Service (NRCS) of the US Department of Agriculture has identified and determined to have a rating of prime, statewide, or local importance, unless the Commission determines the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider: (i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements; (ii) the presence on the soils of a Class I or Class II wetland under Chapter 37 of this title; (iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and (iv) other factors relevant to the agricuvillage center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury occupation. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using information about the project area and the applicant's project des			District is intended to protect productive agricultural soils, provide opportunities for viable commercial agricultural production, and protect natural resources and working forest lands.
	When a project results in the reduction of the agricultural potential of any primary agricultural soils on the project tract, applicants must generally demonstrate compliance with sub-criteria (i)–(iv) of Criterion 9(B). Compliance with specific sub-criteria depends on whether the project tract is located within or outside of certain State-designated areas where the State seeks to encourage development, subject to the mitigation flexibility of 10 VSA § 6093. These specific areas are designed to encourage development near Vermont's historic downtowns and designated growth centers pursuant to 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside of a designated area, please contact your town office or consult the Vermont Department of Housing and Community Development (DHCD)'s Planning Atlas online. Projects located within a designated area must comply with only sub-criteria (i) and (iv). Projects located outside a designated area must comply with all four sub-critervillage center may be considered a Historic District. Archeological sites might include prehistoric Native Amer			
	(i) For all projects, applicants must demonstrate that the project will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and			
	(ii) for projects located outside of a designated area, the applicant must demonstrate that there are no lands other than primary agricultural soils owned or controlled by the applicant that are reasonably suited to the purpose of the project; and			

	(iii) for projects located outside of a designated area, the applicant must demonstrate the project has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and			
	(iv) for all projects, the applicant must provide “suitable mitigation” for any reduction in the agricultural potential of the primary agricultural soils caused by the project.			
9 C	Productive Forest Soils	DUPLICATIVE	Sec. 4.4.6	RCO- Agriculture District Regulations
	“Productive forest soils” [see 10 VSA § 6001(8)] means: “...those soils that are not primary agricultural soils but that have a reasonable potential for commercial forestry and that have not been developed. In order to qualify as productive forest soils, the land containing such soils shall be of a size and location, relative to adjoining land uses, natural condition, and ownership patterns, so that those soils will be capable of supporting or contributing to a commercial forestry operation. Land use on those soils may include commercial timber harvesting and specialized forest uses, such as maple sugar or Christmas tree production.”			District is intended to protect productive agricultural soils, provide opportunities for viable commercial agricultural production, and protect natural resources and working forest lands.
	When a project results in the loss of any productive forest soils on the project tract, applicants must demonstrate compliance with sub-criteria (i)–(iii) of Criterion 9(C). Compliance with these sub-criteria depends on whether the project tract is located within or outside of a designated “growth center” as defined by 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside a designated growth center, consult DHCD’s Planning Atlas online. Projects located within a designated growth center must comply with only sub-criterion (i). Projects located outside a designated growth center must comply with sub-criteria (i)–(iii). The three sub-criteria are:			
	(i) The development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agriculture or forestry potential; and			
	(ii) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and			
	(iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation. [10 VSA § 6086(a)9(C)]			
9 (D)	Protection of Earth Resources	N/A		Not applicable
	Similar to primary agricultural soils and productive forest soils, all projects with high potential for extraction of mineral or earth resources should be designed to allow the future extraction or processing of those earth resources. To identify where potential reserves of earth resources may be located, check local and regional planning maps, hire a consulting geologist, or consult the geology layers of the ANR Atlas.			Based on the work from our most recent Comprehensive Plan update, I don’t believe we have any sites left now that Bayberry has developed over the old SD Ireland quarry. Because planning for these sites is REQUIRED in statute, we had to have a statement in the plan that essentially said "because we have no sites, we have no policies rgulating these sites" in order to satisfy the CCRPC’s statutory compliance checklist.
9 E	Extraction of Earth Resources	N/A		Not applicable
	If the project involves the extraction of earth materials, such as topsoil, sand, gravel, crushed rock, marble, slate, granite, or other stone, the extraction process should be designed to minimize impacts on neighboring land uses and the environment, and a suitable reclamation plan must be prepared. Impacts on neighboring land uses most often include noise, dust, water supplies, and traffic. Applicants should contact area residents during the planning of their project and prior to submitting a land use permit application, to explore mitigation measures that might be acceptable. Many applicants limit the hours of operation and use earthen berms or wooded buffers to reduce noise. Dust can be controlled by various means, including water spray, truck covers, and the like. Water supplies can be protected by limitations on blasting depth and preservation of drainage patterns.			The city does not have regulations for earth extraction beyond what might otherwise be considered as part of Major Impact review. If there are not applicable resources, the city should not be required to regulate this.

9 (G)	Private Utilities	N/A or DUPLICATIVE	Article 6	Development Review Standards
	If a project involves a utility, such as a road, water line, sewer line, well, or the like, which will be shared by more than one user, the applicant must provide a mechanism to protect the municipality from having to assume responsibility for the utility in the future or that ensures that the utility will not be a burden on the municipality.			The City is served by publicly owned water and sewer in the vast majority of the city boundaries, as well as municipal electric. The entire city is served by gas through VGS, and main area of other utility build out is most likely telecoms. I believe DPW has engineering standards for new connects (Check with DPW). Main concern would be new roads, and DPW has basic standards for roadway design for new private roads that may become public. In addition, Major Impact Review will look at burden on city.
9 H	Scattered Development	N/A or DUPLICATIVE		N/A All development within areas of city services.
	This criterion is intended to ensure that a proposed subdivision or development outside of an existing settlement doesn't impose additional costs of public services and facilities that outweigh the tax revenue and other public benefits that the development or subdivision will provide. The first step under this criterion is to determine whether the project tract is physically contiguous to an existing settlement. "Existing settlement" means an area that constitutes one of the following: (i) a designated center; or (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens. Strip development outside of an area described in subdivision (i) or (ii) village center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury oc			But otherwise, Major Impact, CU, Article 6, etc.
9 (J)	Public Utilities	DUPLICATIVE		CU & Major Impact, Impact Fees
	All projects must be designed to not cause excessive or uneconomic demands on public utilities, which include natural gas companies, electric companies, telephone companies, cable television companies, water companies (public or private), sewer utilities (public or private), and highway departments.			
9 (K)	Public Investments	DUPLICATIVE		CU & Major Impact, Impact Fees
	Projects should be designed to avoid unreasonable impacts on any public investments adjacent to the project site. Typical investments of concern include highways (existing or proposed), sewer and water lines, schools, parks and wildlife refuges, recreation trails, municipal or state buildings, publicly financed projects, and public waterways. Direct any related questions to your Coordinator.			
9 (L)	Settlement Patterns	N/A or DUPLICATIVE		Article 6, CU, Major Impact
	Criterion 9(L) is intended to prevent and minimize linear commercial development along public highways that erodes the functions and benefits of Vermont's traditional land use pattern of compact centers separated by rural lands.			
10	Local & Regional Plans	DUPLICATIVE		CU & Major Impact, Impact Fees
	All projects must be in conformance with the municipal plan, the regional plan, and any capital improvement plan that may exist.			

Municipal Delegation Framework Report

As requested by the Vermont Legislature in Act 47 of 2023

December 21, 2023

Table of Contents:

1. Introduction and Process
2. Municipal Delegation in the Act 250 Process
 - a. Legislative Report Request
 - b. Recommendation to Legislature – Municipal Delegation
3. Benefits of Municipal Delegation
 - a. Existing Delegation of Statutory Requirements
4. Proposed Process for Issuing a Municipal Delegation Agreement
 - a. Minimum Requirements for Municipal Delegation
 - b. Proposed Process to Receive Municipal Delegation
5. Relation to other Act 47 studies

Appendix A – Draft Act 250 Criteria and Municipal Regulation Crosswalk

Appendix B – Possible Permits Related to Act 250 Permitting

Appendix C – Technical Memo on Proposed Delegation of Act 250

Appendix D – Comments Received

Introduction and Process

This report was assigned to the Vermont Association of Planning and Development Agencies (VAPDA). There were several layers of outreach involved in developing and reviewing this report. First, VAPDA reached out to municipal planning directors of many of the largest municipalities to determine interest in the concept. Out of those discussions, Burlington, Rutland City, St. Albans City, South Burlington, and Winooski were most interested in the concept of municipal delegation. The planning directors from those municipalities (except for Rutland) worked with CCRPC and VAPDA to develop this report.

The draft report was discussed at public meetings by each regional planning commission. The predominant response was that this concept was not of significant interest to the member municipalities outside of those expressing interest above. It was noted that the standards and process proposed would only be appropriate for the municipalities with the most capacity.

VAPDA reviewed the report with the NRB staff and received the comments included in Appendix D. Generally, the NRB would prefer to see municipalities use the process to achieve exemption as recommended in the Necessary Updates to the Act 250 Program study.

VAPDA also sent the draft report to State Agencies and stakeholder organizations on November 14, 2023, for review. The State Agencies were Agency of Natural Resources, Agency of Transportation, Agency of

Commerce and Community Development, Public Service Department, and Vermont Emergency Management. Stakeholder organizations were Vermont Natural Resources Council, Conservation Law Foundation, Vermont Housing and Conservation Board, Vermont League of Cities and Towns, Regional Development Corporations, and Vermont Planners Association. Comments received are included in Appendix D.

Comments received were addressed in the report to the extent they helped improve clarity. VAPDA has taken no official position on this report other than to support its creation.

Municipal Delegation in the Act 250 Process

The State of Vermont has recognized that it is in a housing crisis, one that is deeply intertwined with its workforce, demographic, equity and environmental goals and priorities. With the passage of Act 47 (S.100) of 2023, the Legislature took major steps to address regulatory barriers to new housing in municipal zoning. Key provisions of Act 47 include requiring multi-unit dwellings and minimum residential density standards in municipalities that are served by public water and wastewater and temporarily increasing a key jurisdictional threshold that triggers Act 250 review of housing projects in designated places (specifically, the threshold commonly known as the “10/5/5” rule—or the creation of 10 units within five miles within five years by the same developer). The aim of these provisions was to increase the number of homes in places that are planned and suitable for growth.

Consistent with the Legislature’s intent to increase housing opportunities statewide, Act 47 also directed three studies in addition to this one to review and recommend modernizations to statewide regional land use planning, the Act 250 process, and state designation programs. These discreet studies are closely interrelated, particularly in terms of their relationship to where and to what degree Act 250 review is applicable. Despite these relationships, **the concept for Municipal Delegation outlined herein is feasible independent of the other tangentially related efforts.** It is acknowledged that location-based jurisdiction as contemplated in the Necessary Updates to the Act 250 Program study may negate the need for municipal delegation if a tier exists for municipalities meeting certain standards to be exempt from jurisdiction. However, the geographic area supported by such a tier may not include all areas in a municipality that are planned for growth that should also be exempt from Act 250 jurisdiction. Furthermore, the functional equivalence contemplated by this study may enable municipalities to permit areas of subsequent tiers not otherwise suggested for exemption from Act 250 in the NRB study.

In the more than 50 years since the inception of Act 250, statewide development considerations have evolved, and many municipalities have modernized their planning and permitting efforts. Act 250 was enacted in 1970, providing a new forum to review developments that would have significant regional or environmental impacts. Today, many municipalities have adopted plans in compliance with statutes guiding municipal and regional planning; robust regulatory measures adopted accordingly (24 VSA Chapter 117); professional staff; and boards and commissions that provide consistent review and interpretation of local land use regulations. In communities with such resources, Act 250 can often present a duplicative review process, and in some locations require the review of criteria that are not applicable; for instance, agricultural soils in and around a substantially developed area that is slated for further growth.

Duplicative state permitting processes can add significant expenses to new housing developments in the form of time, money, and expertise required to prepare an Act 250 application and shepherd it through the review process. In fact, a 2017 report by the Agency of Commerce and Community

development found that current exemptions from Act 250 for Priority Housing Projects¹ “facilitated the development of more than 200 housing units by saving an estimated 6 months in state permitting timelines and more than \$250,000 in permitting fees”.²

During the 2023 session, as the legislature discussed strategies to meet the state’s housing needs and the role of Act 250, a group of municipalities proposed the concept of **Municipal Delegation as a time-sensitive complement to other broad reforms under consideration—one that would help reduce this permitting redundancy and support housing production**. As a result, the legislature included the Municipal Delegation framework study among other studies directed by Act 47.

This report outlines a proposed process for Municipal Delegation whereby municipalities with high quality bylaws and other statutorily authorized ordinances that are functionally equivalent to the criteria of Act 250 can pursue an agreement with the Natural Resources Board (NRB) to delegate review of development to the municipality and exempting development within the municipality from Act 250 review. This concept is not unique—other forms of municipal delegation exist in statute, including Lake Shoreland Protection Standards (10 V.S.A. § 1448), Potable Water Supply and Wastewater Systems (10 V.S.A. § 1976), and Building Codes/Fire Safety Standards (20 V.S.A. § 2736), all with slightly different processes. In fact, municipalities such as Burlington & South Burlington have Municipal Inspection Agreements with the Division of Fire Safety to issue one or more local permits in compliance with fire, electrical, accessibility, plumbing, and/or structural building codes. In Burlington, a Shoreland Delegation Agreement with the Agency of Natural Resources allows the city to issue permits for construction or vegetation removal in a protected shoreland area. This report acknowledges that these examples are limited in their scope and are included to show examples of well-integrated state & local regulatory collaboration.

This report’s recommendations for Municipal Delegation do not entail a municipality administering Act 250 permits and review processes on behalf of the local District Commission. Rather, upon demonstrating to the NRB that local regulations provide a similar or more stringent level of review for any relevant Act 250 criteria within the municipality, a municipal permit can be issued in lieu of Act 250 review. Such delegation would eliminate the need for an Act 250 permit in addition to a municipal land use permit for the same project.

Legislative Report Requested

The legislature asked the Vermont Association of Planning and Development Agencies (VAPDA) to develop a proposed framework for delegating administration of Act 250 permits to municipalities. The specific language from Act 47 requesting this report states:

Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION

*(a) The Vermont Association of Planning and Development Agencies, in consultation with the Natural Resources Board, shall develop a **proposed framework for delegating administration of***

¹ <https://nrb.vermont.gov/sites/nrb/files/documents/PHP%20Flowchart%202023.pdf>

² Act 157 Report to the Vermont General Assembly on ways to improve the quality and quantity of housing and tools to finance infrastructure prepared by the Agency of Commerce and Community Development; January 15, 2017 - <https://accd.vermont.gov/community-development/resources-rules/publications/Act157-Housing-Report>

Act 250 permits to municipalities (emphasis added). They shall consult with other relevant stakeholders, including those with experience issuing Act 250 permits under 10 V.S.A. chapter 151, environmental organizations, State agencies, and municipal planning and zoning officials. Each regional planning commission shall hold one public meeting on the framework.

(b) On or before December 31, 2023, the Vermont Association of Planning and Development Agencies shall report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy on the proposed framework to delegate Act 250 permit administration to municipalities.

Alternative Municipal Delegation Framework Recommended – Functional Equivalency

After discussions with various municipalities (primarily Burlington, South Burlington, St. Albans City, and Winooski) and other stakeholders engaged in the Act 250 process, it became clear that there is **no interest or support for municipalities taking on responsibility of issuing and administering Act 250 permits as it is currently done by the District Environmental Commissions**. Chief among the concerns about this potential process for delegation is that it would not address the central concern behind this proposal: to eliminate the duplication of local and state permitting. Such a framework would in fact maintain parallel reviews—instead of duplicate reviews between municipalities and District Commissions, there would be parallel reviews at the local level itself. Additionally, there are concerns that this could create new or additional inconsistencies in Act 250 decisions, even within District Commission boundaries, with some localities reviewing state requirements.

Instead, these municipalities with local capacity are interested in a process for delegation that includes a review and recommendation by the municipality’s RPC and approval from the NRB that a municipality has legally adopted local regulations and administrative capability for issuance and enforcement of development permits that are functionally equivalent to relevant Act 250 criteria.

Upon a recommendation by the RPC and approval from the NRB, the NRB will execute an agreement with the municipality that exempts development within that municipality from requiring an Act 250 permit and certifies that a municipal permit can be issued in lieu of an Act 250 permit. More specifically, this process is envisioned to function like other existing forms of municipal delegation in which the state defers to a municipal permit issued in lieu of a state permit. These existing forms of delegation are based on state agencies’ review of applicable municipal regulations to determine they will have either a substantially similar or better effect than the state’s regulations, or evidence that a municipality has locally adopted and administers the same codes as the state.

The municipalities contributing to this report estimate that approximately 90% to 95% of the issues covered by Act 250 criteria are addressed by their local regulations, and this framework would not have an adverse impact on other applicable state permitting requirements. In support of this recommended framework for Municipal Delegation, four municipalities reviewed the existing criteria in Act 250 (including sub-criteria) and identified the extent to which local regulations provide similar or enhanced review and regulation for each issue. Further, this report identifies other applicable state permits that may be triggered for development projects regardless of Act 250’s jurisdiction over a project (see Appendix B). As such, this proposed framework only relates to the need for an Act 250 permit itself; other applicable state permits including wetlands, stormwater, and wastewater would still be required. These permits are currently issued by the authorized state agencies independent of the Act 250 process

and continue to be applicable even when a Priority Housing Project may otherwise be exempt from Act 250.

While this concept deviates from the legislative language included in Act 47, the resulting process would address the legislative intent. Specifically, the intended outcome of this alternative option would be to create a system where municipalities, through their local regulatory processes, can demonstrate that local bylaws, ordinances, and regulations provide standards of review to regulate and enforce the criteria and sub-criteria included in Act 250 where applicable based on the specifics of project and its location. This would also have the benefit of consistency in interpretations of regulations, reduced time to receive permits to begin projects, and reduced permitting costs that can be reinvested in the projects themselves.

Benefits of Municipal Delegation

Municipalities with functionally equivalent regulations that successfully receive delegation from the NRB will be on the forefront of helping to alleviate the housing crisis and begin to realize positive impacts on state and local economies. Specific benefits of this process may include:

- Municipalities will be incentivized to adopt stronger regulations and establish best practices related to land use regulations and planning.
- Enforcement of permit conditions and regulatory requirements will be addressed at the local level.
- District Environmental Commissions can focus more resources on communities with less robust regulations and local capacity; or projects that have significant regional impacts as defined by regional plans.
- The NRB will maintain formal oversight of the program, including benchmarks to ensure continued compliance with delegation standards.
- Reduced permitting requirements in communities that have infrastructure and regulations to support additional growth will help reduce development pressure in open natural areas and working agricultural landscapes.
- Provide cost and time savings for new developments in areas planned for growth and supporting the creation of much-needed housing and mixed-use projects in those communities.

Existing Statutory Provisions for Delegation of State Permitting or Review

Delegation of statutory requirements to municipalities is not new. As stated previously, statutes provide municipalities with an opportunity to regulate specific statutory requirements (Lake Shoreland Protection; Potable Water Supply and Wastewater Systems; and Building Codes/Fire Safety Standards) through agreements between the state agencies and the municipality when municipal regulations have been found to be functionally equivalent.

In addition, statute already provides a form of delegation through an exemption to Act 250 permitting for Priority Housing Projects. Projects that are proposed in Downtown and Neighborhood Development

Areas (NDA) and meet the housing affordability standards for Priority Housing are exempt from Act 250 review and only require local land use permits and other applicable state permits³.

In order to receive the NDA designation, a municipality must receive approval from the Vermont Downtown Board by demonstrating that:

- The municipality has a confirmed planning process as outlined in 24 V.S.A. § 4350.
- The proposed NDA area conforms to complete street standards as outlined in 19 V.S.A.309d.
- The proposed NDA area is compatible with Historic Register Historic Districts including state or national historic sites and significant cultural resources.
- Mapping includes Important Natural Areas consistent with 24 V.S.A. § 2791(14).
- Municipal bylaws meet minimum standards for density, accessory dwelling units, and design guidelines.

Exempting Priority Housing Projects from Act 250 review is an important tool to support the construction of affordable housing in areas planned for growth. However, it is important to note that such projects can have the same land use and infrastructure impacts as non-priority housing projects of the same scale within those locations. The current exemption recognizes the importance of reducing duplicative permitting that can add cost and time to affordable housing development and defers to the adequacy of municipal land use regulations and other applicable state regulations. The proposed Municipal Delegation framework builds on this limited exemption from Act 250 and provides a more thorough foundation for examining the effect of local regulations in order to exempt other projects as well.

Proposed Process for Issuing a Municipal Delegation Agreement

In order to advance this Municipal Delegation Framework, this report suggests a new, key definition in statute:

Municipal Delegation of Act 250 through functional equivalency is an agreement between the NRB and a municipality upon the NRB finding the municipality's regulations, standards of review, and enforcement mechanisms are functionally equivalent or better at reviewing development issues currently covered by each applicable Act 250 criterion. This will be commonly referred to as Municipal Delegation of Act 250. Areas of a municipality included in the Municipal Delegation agreement will be exempt from Act 250 review.

The process for achieving such Municipal Delegation is described in the two sections below.

Minimum Requirements for Municipal Eligibility

To be considered for municipal delegation, the municipality must demonstrate that robust planning, permitting, administration, and enforcement are in place. To accomplish this, a municipality would need to provide supporting information to show at a minimum:

³ Other state permits such as wetland, stormwater, and wastewater permits are still required even with Priority Housing Projects.

- An adopted municipal plan, approved by the RPC as compatible with the Regional Plan and statewide planning goals and objectives.
- An RPC-approved municipal plan.
- Adopted zoning and subdivision bylaws, in compliance with Title 24, Chapter 117 of Vermont Statute, and other duly adopted municipal ordinances or codes enabled by statute, which regulate issues relevant to any applicable Act 250 criteria within the municipality.
- One or more current (or future equivalent) state designated areas including Downtown, Neighborhood Development Area, or Growth Center designations within municipal limits.
- Professional staff to administer and enforce municipal codes and ordinances and demonstrated commitment from the legislative body to invest in, and support, enforcement.
- Utility infrastructure to support growth and development including the ability to expand capacity when necessary.
- The municipality will demonstrate that their local regulations and processes are functionally equivalent to the applicable criteria currently evaluated through Act 250
- Received approval from the municipal legislative body at a public meeting to pursue municipal delegation through an agreement with the NRB.

Process to Recommend and Approve a Municipal Delegation Agreement

The process to receive municipal delegation is proposed to be a collaborative effort between the municipality, the respective RPC, and the NRB. This process would require the municipality to demonstrate that their local regulations and processes are functionally equivalent to the applicable criteria currently evaluated through Act 250 permitting. It may be possible that only a specific area of a municipality has the necessary regulatory and physical infrastructure to support municipal delegation, or that certain Act 250 criterion are not applicable within certain locations of a municipality (i.e. preservation of agricultural soils in downtown). As such, each municipality will have an individualized agreement with the NRB outlining terms of the delegation agreement, if granted. An example of this process would include the following three steps:

1. RPC Review & Recommendation of an Application

- Applications for delegation would be prepared by the municipality, based on responses to an available checklist, and submitted to their RPC for a recommendation.
- The RPC would review the application to confirm the municipality has a regionally approved municipal plan and planning process, document findings regarding the extent that the municipal regulations look at similar areas of impact as Act 250, and provide additional technical input and advice as needed to improve the application. Upon affirmative findings of functional equivalency, the RPC provides a letter of recommendation to accompany the municipal application.
- The municipality would submit the application with the letter of recommendation from the RPC to the NRB for approval. If the RPC raises objections to the municipality's application, the municipality could choose to rework the application and resubmit it to the RPC or submit the application for review by the NRB without RPC approval. In the latter instance, the municipality would have to prove to the NRB that the application is consistent with the regional plan and explain why it chose not to rework its application.

- In order to address projects that may have significant regional impacts, consider a statutory change to provide RPCs with interested party status in those municipal permitting processes for projects that are defined as having significant regional impacts by the RPC.

2. NRB Review of an Application

- The NRB would hold a public meeting to review a municipal application, which includes an opportunity for public comment, and then issue a determination on the application.
- During the NRB review, an RPC's recommendation and affirmative finding of functional equivalency should create a presumption that the application is consistent with the regional plan, and therefore state planning goals, and shall be given deference with regard to the adequacy of municipal bylaws.

3. NRB Decisions on an Application

- Upon concurrence with the findings of an RPC, the NRB may execute an agreement with responsible municipal officials outlining the terms of the Municipal Delegation. The agreement may include identifying areas of the community or certain project types that remain within Act 250 jurisdiction due to their regional significance (such as airports, landfills, or ski resorts) as determined by the NRB. The agreement shall exempt developments from review under all of Act 250's current criteria and identify criteria which are not applicable within the municipal boundaries and therefore not required to be regulated at the local level.
- If the NRB rejects a municipal application which has received a recommendation from its RPC, the NRB must clearly articulate deficiencies in municipal planning or bylaws relative to any applicable Act 250 criteria within the municipality. Municipalities shall be allowed to address those deficiencies, modify their applications, and reapply.
- If approved, Municipal Delegation Agreements must be reviewed and recertified every 8 years.
- Delegation agreements may be amended or rescinded if the underlying Act 250 thresholds or criteria are adjusted by the State, if a municipality substantially amends local regulations that are applicable to such agreement, or if a municipality fails to administer or enforce local regulations according to the terms of the agreement.
- During the term of the Municipal Delegation Agreement, the municipality shall report to the NRB on a schedule, and with the content, as included in the Municipal Delegation Agreement.

Existing Act 250 Permits in Municipalities with Delegation

If prior to the effective date of the Municipal Delegation agreement an Act 250 permit exists for a property, the permit (including any conditions and enforcement) would remain under the authority and enforcement of the District Environmental Commission that has jurisdiction. However, when a property with an existing Act 250 permit proposes redevelopment or substantial modification in a community with Municipal Delegation, the property may proceed under the requirements of the Municipality's bylaw/ordinance and any other applicable state and local laws and regulations and is not required to be reviewed by Act 250. Consider a mechanism to notify the District Environmental Commission to terminate the Act 250 permit or otherwise recognize that the property is no longer subject to the Act 250 permit.

Appendix A – Draft Act 250 Criteria and Municipal Regulation Crosswalk

The following information lists the 10 criteria and sub-criteria in Act 250 and the specific impacts they set out to evaluate. Included below each criterion is an **initial draft** set of questions or requests for information to provide an example of the information that may be used by a municipality to demonstrate functional equivalency. This is not intended to be the final format or final list. Specific standards should be agreed upon by the municipality, the RPC, and the NRB in order to receive Municipal Delegation.

GENERAL INFORMATION
NAME OF MUNICIPALITY
SIZE OF MUNICIPALITY (Acres or Square Miles)
POPULATION
FORM OF GOVERNMENT
POINT OF CONTACT FOR DELEGATION
MASTER PLAN ADOPTION DATE
EFFECTIVE DATE OF LAND USE REGULATIONS
DEPARTMENT RESPONSIBLE FOR ADMINISTERING LAND USE REGULATIONS
NUMBER OF STAFF IN DEPARTMENT
DEPARTMENT BUDGET (if applicable)
CRITERION 1 - AIR POLLUTION
Every project should be designed to minimize air pollutants to levels that will not threaten public health or create an unreasonable nuisance for nearby residents. Some areas of concern include:
industrial/manufacturing emissions, such as paint fumes, sawdust, chemical vapors, and fly ash;
vehicle exhaust at congested intersections;
excessive dust, smoke, or noise during construction;
processing or storage of radioactive materials;
noise during operations, to the extent that it may have an adverse effect on health
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
List the section of from the municipal land use regulations that include standards consistent with 24 V.S.A. § 4414(5)
Last enforcement action related to these standards
Federal or state agencies included
Outcome of enforcement action
CRITERION 1(A) - HEADWATERS

Every project must comply with the applicable water quality regulations. This is particularly true in headwater areas. Criterion 1(A) applies to lands that are not already devoted to intensive development and that meet at least one of the following subcategories:
headwaters of watersheds characterized by steep slopes and shallow soils;
drainage areas of < 20 square miles;
lands > 1,500 feet in elevation;
lands within watersheds of public water supplies designated by the ANR Drinking Water & Groundwater Protection Division; or
areas supplying significant amounts of recharge waters to aquifers.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
List any headwaters that include steep slopes and shallow soils
List any drainage areas within the municipality, including the size (in square miles)
List any public drinking water supplies within the municipality that are designated by the ANR Drinking & Groundwater Protection Division
List any areas supplying recharge waters to aquifers within the municipality
Provide maps that identify any of the above information
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(B) - WASTE DISPOSAL
In addition to meeting any other applicable regulations regarding waste disposal, every project should be designed to provide treatment or proper disposal of wastes or toxic materials that are generated at the project site. Wastes or materials of typical concern include the following:
domestic septic wastewater;
industrial or manufacturing wastewater (including anything discharged into floor drains);
stormwater from parking lots and other contaminated surfaces;
fuels, chemicals, pesticides, and the like;
batteries and other hazardous products; and
construction debris
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide citations for any land use regulations or municipal code sections that regulate water, wastewater, waste disposal, toxic chemicals, construction debris, or other hazardous products
Provide maps that identify any areas served by municipal water, wastewater, and stormwater
Include information on any MS4 permitting that may be applicable in the municipality
Provide maps that identify industrial properties including brownfields, superfund sites, or similar locations
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(C) - WATER CONSERVATION

Every project that consumes water should be designed to conserve water. This reduces burdens on municipal sewage and water systems, saves energy used to heat water, and protects groundwater reserves during droughts. For domestic plumbing, water-conserving plumbing fixtures are available. For larger commercial water users, applicants should detail how the project will use the "best available technology" for conserving water.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Identify any building codes that are enforced within the municipality
Provide information on public water supply sources, including capacity
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(D) - FLOOD HAZARD AREAS; RIVER CORRIDORS
If a project will impinge on the flood hazard areas of a river or stream, it should be designed to withstand flooding and to avoid causing any significant increase in the flood level. This usually means no construction should occur in Flood Hazard Areas. Any proposed construction in River Corridors should be reviewed by an engineer or other qualified expert to document that it will not cause peak flood levels or fluvial erosion hazards to increase.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide information on land use regulations, including section citations, where flood hazards, river corridors, or floodways are regulated
Provide information on municipal standards, including citations, for erosion and sedimentation control
Provide mapping of flood hazard areas and river corridors, including any structures located in these areas
Provide details on any vulnerable structures located in flood hazard areas or river corridors
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(E) - STREAMS
Any project that encroaches on a stream should be designed to minimize the impact and maintain the natural condition of the stream. A stream may include any intermittent flow of water where there is a defined channel. Applicants are encouraged to avoid disturbing any streams (by minimizing road crossings, locating buildings away from riparian zones, etc.) and to provide a natural riparian zone (buffer) along all perennial and intermittent streams to provide shade and filter out sediment and other pollutants. For guidance on appropriate riparian zone widths, refer to ANR's Riparian Buffer Guidance.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify all streams within the municipality
Provide information, including citations, for land use regulations that will limit impacts to identified streams
Provide information, including citations, for any riparian buffer standards that are consistent with ANR's Riparian Buffer Guidance

Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(F) - SHORELINES
Projects must be designed to avoid or minimize the impact to, and maintain the natural condition of, the shoreline of any river, pond, or lake. Refer to the discussion of streams under Criterion 1(E) for general guidelines. Direct any questions about retaining the natural condition of the shoreline to the ANR Regional Fisheries Biologist.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify all water bodies within the municipality
provide information, including citations, for any land use regulations that will limit impacts to water bodies
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(G) - WETLANDS
Any project that encroaches on a wetland considered significant under the Vermont Wetland Rules should be designed to avoid and minimize project impacts on the wetland. Significant wetlands are those determined to be significant by ANR, including, but not limited to, those on the Vermont Significant Wetland Inventory (VSWI) maps, available online on the ANR Natural Resources Atlas (aka, the ANR Atlas). VSWI maps are intended to denote approximate locations and boundaries of some wetlands, but these maps are incomplete and therefore, should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Vermont Wetland Rules, Section 3.2). Additionally, not all wetlands are mapped, and many wetlands not mapped on the VSWI are still considered significant. Only a qualified wetland scientist can determine the absence or presence of a wetland and its boundaries.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify any Class I and Class II wetlands within the municipality
Provide information, including citations, for any land use regulations that will limit impacts to wetlands
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERIA 2 AND 3 - WATER SUPPLIES
Every project that consumes water should be designed to have an adequate supply of water without creating an unreasonable burden on an existing water supply. Typically, applicants demonstrate they will have an adequate water supply by providing information on nearby wells or by providing a commitment letter from a municipal water department.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on the source of municipal water supply (this does not require the exact location of the water supply to be identified)
Provide detailed information on current use and overall capacity of the municipal water supply

Provide detailed information on any planned expansions, upgrades, or improvements to the water supply
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 4 - SOIL EROSION AND DRAINAGE
Every project should be planned in a manner to prevent undue soil erosion during and after construction. This usually requires that measures be implemented to retain soil on the construction site and prevent sediment from entering any streams or other water bodies or allowing sediment-contaminated runoff to flow onto adjoining property.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including citations, on municipal regulations that address erosion and sedimentation
Provide information to ensure the municipal regulations meet or exceed the Vermont DEC Green Stormwater Infrastructure and Low Impact Development Standards
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 5 - TRANSPORTATION
Criterion 5 consists of the following two sub-criteria and requires the Commission to find that projects:
(5)(A) will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed; and,
(5)(B) as appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.
CRITERION 5(A) Every project should be designed to have safe access onto local or state roadways. In addition, projects should not create or contribute to unreasonable congestion on area roadways. To ensure safe access will be provided, applicants should focus on the design of the intersection of any driveways or access roads with the main road. Typical concerns include:
sight distance along the main road from the driveway or access road;
approach grades on the driveway or access road (ability to stop in slippery weather);
traffic controls (stop signs, automated signals, etc.);
speed limits on the main road;
turning or stacking lanes on the main road or driveway;
radii of corners (ability to make turns at reasonable speeds);
width of driveways or access roads; and
number of driveways onto main road

CRITERION 5(B) Applicants must also demonstrate the project will, as appropriate, incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. The application should explain how these requirements will be met considering the type, scale, and transportation impacts of the proposed development or subdivision. For multi-unit structures containing >10 housing units, long-term, sheltered, secure bicycle storage should be provided.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on standards and specifications for intersection, curb cut, driveway, and other access design elements
Provide detailed information on standards and specifications related to sight distances from intersections, driveways, or access points
Provide detailed information on standards that limit or otherwise consolidate curb cuts that access public roadways
If the municipality requires a Transportation Impact Study in conjunction with development applications, provide details on the information required to be included
Provide detailed information on requirements for vehicle parking, bicycle parking, and pedestrian facilities
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 6 - EDUCATIONAL SERVICES
If a project will have an impact on area schools, the applicant must demonstrate that the project will not create an unreasonable burden on the municipality's ability to provide educational services. Title 16 of Vermont Statutes provides each town with a block grant from the State Education Fund for the operating expense of educating each student in the school system. Therefore, the operating expenses of educating the additional students resulting from the project are generally not considered to be a burden on the municipality's ability to provide educational services. However, if the new students cause the need for an addition to the school or other capital improvements, applicants will need to address the potential financial burden to the municipality that this might cause.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on how your municipality measures impacts to educational facilities from new development
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 7 - MUNICIPAL SERVICES
Most projects require services from the municipality, and applicants need to demonstrate that the project will not place an unreasonable burden on those services. Areas of concern usually include the following:
fire and police protection;
solid waste disposal (landfill, transfer station, etc.);
sewage treatment;

water supply;
rescue service (volunteer or paid professional); and
road maintenance
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on the land development review process that includes reviews for impacts to municipal services, including municipal code citations where applicable
Provide information on municipal staff including police, fire, public works, and similar departments that provide municipal services
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 8 - SCENIC BEAUTY, AESTHETICS, HISTORIC SITES, AND NATURAL AREAS
Scenic Beauty and Aesthetics Every project should be designed to be consistent with the visual character of the area, and not have an undue adverse impact on the aesthetics of the area. If a project is out of context with the scenic qualities of the area, it may be considered to have an adverse impact. The type of visual aesthetic concerns to watch for include:
compatibility with nearby land uses (commercial, retail, agricultural, etc.);
proximity to prominent visual features (ridgelines, wetlands, open meadows, scenic overlooks, historic buildings, shorelines, etc.);
frequency and duration of public view;
compatibility with nearby architectural styles and colors;
consistency with area building density; and
visibility from nearby residences
Historic Sites
In addition to scenic qualities, projects must respect existing historic sites. Historic sites may include buildings, structures, districts, or archeological sites listed on, or eligible for, the State or National Registers of Historic Places. The Vermont Division for Historic Preservation (DHP) at the Agency of Commerce and Community Development (ACCD) evaluates all applications involving impacts to historic sites according to the Vermont Historic Preservation Act Rules. For more information about DHP's review process and a link to the Rules, see the Division's dedicated web page for Act 250 - Criterion 8 or contact the Division directly. Applicants are strongly encouraged to contact DHP for assistance in advance of applying to avoid project delays. In general, a building or structure may be listed on, or eligible for, the Historic Registers if it is at least 50 years old. A Historic District may include a group of buildings that is at least 50 years old. For example, part or all of an older village center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury occupation. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using information about the project area and the applicant's project description, DHP can provide applicants or the Commissions with a determination of archeological sensitivity and the potential for project impacts to archeological sites.
Natural Areas

Finally, in addition to scenic qualities and historic sites, applicants must avoid and protect rare and irreplaceable natural areas. The F&W Wildlife Diversity Program maintains an inventory of mapped significant natural communities that can be viewed on the ANR Atlas. Additional rare and irreplaceable natural areas exist statewide that have not yet been mapped. Applicants are encouraged to contact F&W staff early during project design to incorporate protections of sensitive natural communities.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on historic districts and regulations for historic properties
Provide maps detailing natural, historic, architectural, cultural, or archeological resources that have been identified in your municipality
Provide specific citations in your municipal regulations that provide regulations or protections for natural, historic, architectural, cultural, or archeological resources
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 8(A) - ENDANGERED SPECIES AND NECESSARY WILDLIFE HABITAT
All projects should be designed to avoid necessary wildlife and endangered species habitats. Necessary wildlife habitat means concentrated habitat that is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life, including breeding and migratory periods. Necessary wildlife habitat need only be decisive to the survival of the wildlife using that habitat, not to the survival of the entire species. F&W's Wildlife Division and/or Fisheries Division can identify critical wildlife habitat and endangered species habitat on a site-specific basis. Typical habitats identified by F&W or other state agencies often include the following:
deer wintering areas, which include, among other characteristics, evergreen tree cover, browse areas, and steep southern-facing woodlands;
bear feeding areas, which include, among other characteristics, stands of beech or oak trees and certain wetlands;
salmonid spawning areas, found in streams and rivers with gravel bottoms; and
bat, reptile, amphibian, and bird feeding and breeding areas
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps that identify any endangered species or necessary wildlife habitat
Provide detailed information, including citations, for municipal regulations that provide protections or limit impacts to endangered species or necessary wildlife habitat
Identify local staff that will be responsible for reviewing this information, including their credentials; or provide information on contractual agreements or similar arrangements for review of areas that include endangered species or necessary wildlife habitat
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(A) - IMPACTS OF GROWTH

Applicants must demonstrate that the project will not significantly impact the municipality's ability to provide services to its residents. For instance, if a project adds significantly to the population of a town, the town's budget may become so strained that it will have difficulty providing services to its residents. Similarly, if a large retail project causes other retail establishments to fail, the subsequent loss of property tax revenues may also affect the town's ability to provide services. In this latter example, the emphasis is not on the loss of existing retail stores themselves; rather, it is on the impact that this loss might cause to the Town's financial health and its ability to serve its residents. For residential projects, applicants should indicate how many additional people could live in the project, what portion of that population might be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, applicants should provide information regarding anticipated employment growth, growth in personal income, retail sales growth, or growth in tourism. For all projects, applicants should provide an estimate of the tax revenues the project will generate. This includes property tax revenues paid to the municipality as well as income tax, sales, and rooms and meals taxes paid to the State, if appropriate.

POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed information on the municipal budget, including funding levels for core government services

Provide detailed information on any municipal departments or supported organizations that specifically target business development and retention

Provide detailed information on municipal capacity to expand and accommodate new residential and non-residential growth

Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250

CRITERION 9(B) - PRIMARY AGRICULTURAL SOILS

Definition of Primary Agricultural Soils (10 VSA § 6001(15)): "Primary agricultural soils" means each of the following: (A) [It is an] important farmland soils map unit that the Natural Resources Conservation Service (NRCS) of the US Department of Agriculture has identified and determined to have a rating of prime, statewide, or local importance, unless the Commission determines the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider: (i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements; (ii) the presence on the soils of a Class I or Class II wetland under Chapter 37 of this title; (iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and (iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of the Vermont Agency of Agriculture, Food & Markets. (B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units [10 VSA § 6001(15)].

POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed maps that identify any prime agricultural soils as defined in statute
Provide detailed information, including citations, for any municipal regulations that protect or preserve prime agricultural soils
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(B)'S FOUR SUB-CRITERIA
When a project results in the reduction of the agricultural potential of any primary agricultural soils on the project tract, applicants must generally demonstrate compliance with sub-criteria (i)–(iv) of Criterion 9(B). Compliance with specific sub-criteria depends on whether the project tract is located within or outside of certain State-designated areas where the State seeks to encourage development, subject to the mitigation flexibility of 10 VSA § 6093. These specific areas are designed to encourage development near Vermont’s historic downtowns and designated growth centers pursuant to 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside of a designated area, please contact your town office or consult the Vermont Department of Housing and Community Development (DHCD)’s Planning Atlas online. Projects located within a designated area must comply with only sub-criteria (i) and (iv). Projects located outside a designated area must comply with all four sub-criteria subject to any exercise of mitigation flexibility by the Commission in accordance with 10 VSA § 6093(a)(3).
for all projects, applicants must demonstrate that the project will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and
for projects located outside of a designated area, the applicant must demonstrate that there are no lands other than primary agricultural soils owned or controlled by the applicant that are reasonably suited to the purpose of the project; and
for projects located outside of a designated area, the applicant must demonstrate the project has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and
for all projects, the applicant must provide “suitable mitigation” for any reduction in the agricultural potential of the primary agricultural soils caused by the project.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
<i>See standards under Criterion 9(B)</i>
CRITERION 9(C) - PRODUCTIVE FOREST SOILS

“Productive forest soils” [see 10 VSA § 6001(8)] means: “...those soils that are not primary agricultural soils but that have a reasonable potential for commercial forestry and that have not been developed. In order to qualify as productive forest soils, the land containing such soils shall be of a size and location, relative to adjoining land uses, natural condition, and ownership patterns, so that those soils will be capable of supporting or contributing to a commercial forestry operation. Land use on those soils may include commercial timber harvesting and specialized forest uses, such as maple sugar or Christmas tree production.”
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps that identify any productive forest soils as defined in statute
Provide detailed information, including citations, for any municipal regulations that protect or preserve productive forest soils
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(C)'S THREE SUB-CRITERIA
When a project results in the loss of any productive forest soils on the project tract, applicants must demonstrate compliance with sub-criteria (i)–(iii) of Criterion 9(C). Compliance with these sub-criteria depends on whether the project tract is located within or outside of a designated “growth center” as defined by 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside a designated growth center, consult DHCD’s Planning Atlas online. Projects located within a designated growth center must comply with only sub-criterion (i). Projects located outside a designated growth center must comply with sub-criteria (i)–(iii). The three sub-criteria are:
the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agriculture or forestry potential; and
except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and
except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation. [10 VSA § 6086(a)9(C)]
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
<i>See standards under Criterion 9(C)</i>
CRITERION 9(D) - EXTRACTION OF EARTH RESOURCES

If the project involves the extraction of earth materials, such as topsoil, sand, gravel, crushed rock, marble, slate, granite, or other stone, the extraction process should be designed to minimize impacts on neighboring land uses and the environment, and a suitable reclamation plan must be prepared. Impacts on neighboring land uses most often include noise, dust, water supplies, and traffic. Applicants should contact area residents during the planning of their project and prior to submitting a land use permit application, to explore mitigation measures that might be acceptable. Many applicants limit the hours of operation and use earthen berms or wooded buffers to reduce noise. Dust can be controlled by various means, including water spray, truck covers, and the like. Water supplies can be protected by limitations on blasting depth and preservation of drainage patterns.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps identifying any locations that include extraction areas for earth resources
Provide detailed information, including citations, for municipal regulations that include information on the operations locations, or proximity of earth resource extraction areas to other land uses
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(F) - ENERGY CONSERVATION
All projects must incorporate the best available technology for energy efficiency and reflect principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy. All projects must also provide evidence that the project complies with the applicable building energy standards under 30 VSA § 51 or 53 [Residential Building Energy Standards (RBES), and the RBES Stretch Code and Commercial Building Energy Standards (CBES), respectively].
Residential Buildings
Applicants for residential projects (single-family dwellings, two-family dwellings, and multi-family housing three stories or less in height) must certify that the project, when constructed, will meet the RBES–Stretch Code. (Multi-family housing projects that are four stories or greater in height must meet the CBES. See below). Post-construction, you will need to submit certification from the Department of Public Service (PSD) the project meets the Stretch Code. Contact PSD for the RBES Certificate forms. Under the Criterion 9(F) Procedure and statute, these actions create a presumption of compliance with Criterion 9(F). If the presumption cannot be met, additional documentation will be required.
Commercial Buildings

Applicants for commercial projects (including multi-family housing projects that are four stories or greater in height) must certify that the project, when constructed, will meet the CBES. A Department of Public Service certification that the project meets the CBES must be filed post-construction. Contact the PSD for the CBES Certificate form. However, compliance with the CBES does not serve as a presumption of compliance with Criterion 9(F). To demonstrate compliance with Criterion 9(F), applicants must prove that they have incorporated the best available technology for efficient use or recovery of energy. Applicants are encouraged to list details related to the energy features of the project, such as interior and exterior lighting, energy controls, space heating and cooling, water heating, ventilation systems, insulation levels, fenestration, and other proposed energy conservation measures. Applicants are encouraged to submit “renewable ready” building designs, including providing the electrical infrastructure to support the future installation of electric vehicle charging stations, photovoltaics, solar hot-water systems, or other infrastructure to reduce greenhouse gas emissions from the use of energy from the project.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including regulatory citations, that require recording certification of RBES or CBES with the municipal clerk
Provide detailed information, including regulatory citations, that include information on requirements for energy conservation measures in land development projects
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(G) - PRIVATE UTILITIES
If a project involves a utility, such as a road, water line, sewer line, well, or the like, which will be shared by more than one user, the applicant must provide a mechanism to protect the municipality from having to assume responsibility for the utility in the future or that ensures that the utility will not be a burden on the municipality.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including regulatory citations, that include information on design standards for private utilities such as roads, water lines, sewer lines, or similar utilities
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(H) - SCATTERED DEVELOPMENT

This criterion is intended to ensure that a proposed subdivision or development outside of an existing settlement doesn't impose additional costs of public services and facilities that outweigh the tax revenue and other public benefits that the development or subdivision will provide. The first step under this criterion is to determine whether the project tract is physically contiguous to an existing settlement. "Existing settlement" means an area that constitutes one of the following: (i) a designated center; or (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens. Strip development outside of an area described in subdivision (i) or (ii) above shall not constitute an existing settlement. [10 VSA § 6001(16)(A)-(B)] If the project is contiguous to an existing settlement, Criterion 9(H) does not apply.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including maps, on municipal service areas such as water, wastewater, stormwater, and emergency services
Provide detailed information on any regulatory measures that would limit subdivision of land in locations outside of municipal service areas
Provide detailed information on land uses that are permitted in locations outside of municipal service areas
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(J) - PUBLIC UTILITIES
All projects must be designed to not cause excessive or uneconomic demands on public utilities, which include natural gas companies, electric companies, telephone companies, cable television companies, water companies (public or private), sewer utilities (public or private), and highway departments.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide certification from any public utility providers that indicate their ability to serve the municipality; or any issues or constraints to future service of a municipality
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(K) - PUBLIC INVESTMENTS
Projects should be designed to avoid unreasonable impacts on any public investments adjacent to the project site. Typical investments of concern include highways (existing or proposed), sewer and water lines, schools, parks and wildlife refuges, recreation trails, municipal or state buildings, publicly financed projects, and public waterways. Direct any related questions to your Coordinator.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed information on any review processes that coordinate discussions between municipal departments, state agencies, or other community partners that relate to protection or preservation of public investments
Provide information on any future capital projects, including maps that show locations in relation to existing public investments
Provide detailed information and citations on any measures that are included in municipal regulations to protect public investments
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(L) - SETTLEMENT PATTERNS
Criterion 9(L) is intended to prevent and minimize linear commercial development along public highways that erodes the functions and benefits of Vermont's traditional land use pattern of compact centers separated by rural lands.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including citations from municipal regulations that will prohibit or limit linear development along public highways
Provide maps that identify where growth is planned in the municipality, including land use categories
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 10 - LOCAL AND REGIONAL PLANS
All projects must be in conformance with the municipal plan, the regional plan, and any capital improvement plan that may exist.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide information on the municipal plan, including adoption date, and acknowledgement by the regional planning commission of conformity with state statute and regional plans

Appendix B – Possible Permits Related to Act 250 Permitting

The following is a list of common permits that the state requires. In many cases, these permits are needed regardless of the project needing an Act 250 permit. This list is intended to provide information on the level of oversight that may still be required if a municipality receives delegation through functional equivalency; including any municipal role in issuing a similar permit. This does not represent and is not intended to be an exhaustive list of all possible state permits that may apply to a project.

POSSIBLE PERMITS & REQUIREMENTS RELATED TO ACT 250 PERMITTING		
PERMIT/REQUIREMENT	STATE AGENCY	LOCAL ROLE
Water and/or Wastewater Permitting	ANR – Department of Environmental Conservation	State permit typically issued based on municipality's ability to serve.
Construction/Modification of Source	ANR – Air Pollution Control Division	Generally covered under nuisance regulations
Demolition Waste	ANR – Waste Management & Prevention Division	
Hazardous Waste Handler Site ID	ANR – Waste Management & Prevention Division	
Used Septic System Components/Stone	ANR – Waste Management & Prevention Division	Only applies if septic systems are used
Universal Recycling and Food Waste	ANR – Department of Environmental Conservation	
Construction Permit – Public Drinking Water Systems	ANR – Drinking Water & Groundwater Protection Division	Covered under building codes and building permitting
Nongame & Natural Heritage Program (Threatened and Endangered Species)	ANR – Department of Fish & Wildlife	
Wetlands	ANR – Department of Environmental Conservation	
Floodplains	ANR – Watershed Management Division	
Stormwater: Developments	ANR – Watershed Management Division	
Construction Permit – Public Drinking Water System	ANR – Drinking Water & Groundwater Protection Division	
Multi-Sector General Permit for Stormwater Associated with Industrial Activities	ANR – Watershed Management Division	
Construction Permit Fire Prevention, Electrical, Plumbing, ADA	Department of Public Safety	If building codes are delegated to municipalities, this would be covered locally

POSSIBLE PERMITS & REQUIREMENTS RELATED TO ACT 250 PERMITTING		
PERMIT/REQUIREMENT	STATE AGENCY	LOCAL ROLE
Plumbing in residences served by public water/sewer with 10 or more customers	Department of Public Safety	If building codes are delegated to municipalities, this would be covered locally
Historic Buildings & Architectural Sites	Division for Historic Preservation	Local historic regulations would address these issues
Program for Asbestos Control & Lead Certification	Department of Health	
Food, Lodging, Bakeries, Food Processors, Children's Camps	Department of Health	
Liquor Licenses	Department of Liquor Control	Also requires local liquor control approval
Access to State Highway	Agency of Transportation	Only applicable if on state highway, otherwise local access permit is required
Signs	Agency of Transportation	Local sign regulations address this
Construction within State Highway Right-of Way	Agency of Transportation	Only applicable if on state highway, otherwise local right-of-way permit required
Airports and Landing Strips	Agency of Transportation	Super specific permitting
Vermont Building Energy Standards	Vermont Energy Code Assistance Center	Certification required for local CO issuance
Business Registration	Secretary of State	
Income and Business Taxes (sales, meals/rooms, etc.)	Department of Taxes	

Appendix C – Technical Memo on Proposed Delegation of Act 250

Editors Note: The following memo was provided to Senator Wendy Harrison in February of 2022. The purpose of this memo was to outline a process whereby municipalities would receive delegation through functional equivalency for Act 250 permitting. This was the foundational document that outlined how this process may work and is provided for informational purposes only. Many of the concepts included in this memo have been outlined in this report.

To: Honorable Senator Wendy Harrison, Windham District

From: Paul Conner, AICP, Director of Planning and Zoning, City of South Burlington
Meagan Tuttle, AICP, Director of Planning, City of Burlington
Eric Vorwald, AICP, Planning & Zoning Manager, City of Winooski

RE: **Technical Memo on Proposed Delegation of Act 250**

Date: February 22, 2023

Overview

The purpose of this memo is to provide information as requested on a possible process for delegation of Act 250 review to municipalities where state and local development review are substantially similar. This process would require municipalities to demonstrate that-- through adopted regulations, policies, and plans-- local regulations are functionally equivalent to the ten criteria (including sub-criteria) outlined in Act 250 (10 V.S.A. Chapter 151), and that capacity exists to perform development review and permitting at the local level.

Other forms of municipal delegation exist in statute, including Lake Shoreland Protection Standards ([10 V.S.A. § 1448](#)), Potable Water Supply and Wastewater Systems ([10 V.S.A. § 1976](#)), Building Codes/Fire Safety Standards ([20 V.S.A. § 2736](#)), local Act 250 review of municipal impacts ([24 V.S.A. § 4420](#)), and acceptance of permits or approvals by state agencies or municipalities for identified criteria ([10 V.S.A. § 6086\(d\)](#)) in Act 250 permitting. This memo outlines a mechanism to expand upon current Act 250 delegation by authorizing a process for municipal review and permitting for all criteria, town-wide, which is most closely related to the current shoreland delegation process.

Municipal Delegation as a Response to Jurisdictional Challenges

Planning as a foundation for development review

As originally envisioned, the Land Use and Development Law, or Act 250, would have relied on a Statewide Capability and Development Plan to guide decision-making through the permitting process at the District Commissions ([10 V.S.A. § 6042](#)). However, this plan did not come to fruition and for the last 40 years there has been no statewide land use plan providing the foundation for Act 250's review.

As such, **current jurisdictional thresholds¹¹ provide a proxy for developments of regional significance or impacts on resources of statewide interest.** These thresholds apply to both the most urban and rural places within the state. However, a new ten-unit development in downtown Winooski has very different land consumption and infrastructure impacts than a ten-lot subdivision

in a rural municipality or a ten-acre commercial development. Similarly, the current Act 250 thresholds present substantial discrepancies even within urban areas: a ten unit residential development in an urban area will have a much lesser impact than a 9-acre commercial project, which would currently be exempt. As a result, for decades both proponents and opponents of the law have documented ways in which Act 250's jurisdiction has not been effective at preventing certain development impacts-- such as sprawl and natural resource fragmentation-- nor at effectively directing growth into areas planned for it.

A municipality must have a municipal development plan that is in conformance with the 14 state planning goals (24 V.S.A § 4302) in order to adopt or amend municipal zoning regulations, establish local impact fees, and for the plan to have standing in Act 250 or Section 248 (Public Utility Commission) proceedings. These plans include current and future land use maps; information on future population projections; and policies regarding development impacts that should be planned for and mitigated. These municipal development plans are reviewed and approved by the Regional Planning Commissions to ensure consistency, and effectively act as a local capability and development plan.

In the 50 years since Act 250's adoption, **many municipalities have successfully utilized this planning framework to adopt increasingly specific bylaws and other ordinances to implement municipal plans.** The state's economic development and planning programs recognize and reward this planning. For example, growth center designations require municipalities to commit to meeting minimum standards through zoning and other land development controls that advance the statewide goal of dense mixed-use centers.

Over the years, **some local regulations have evolved to be more finely tuned to development thresholds that will impact municipal or regional systems' capacity to support growth.** For example, in Burlington, the City's major impact criteria evaluate many of the same development impacts in Act 250's criteria-- these standards apply to developments of as few as five units in areas planned for the lowest-density development, but are only applicable to developments of fifty units or more in downtown. In other municipalities, thresholds may be based on specific impacts, such as traffic.

Due to statewide applicability, **not all of Act 250's criteria include clear tests for when a particular criteria will be relevant or how developments demonstrate that a potential impact has been minimized,** which can vary significantly based on context and in some cases rely on decisions of the courts. Some local zoning bylaws provide more specific standards-- such as Winooski's Form Based Code. This code includes specific guidelines and parameters for the siting, design, and overall context for how a building interacts with both the individual building site and the adjacent streetspace. A number of other communities throughout the state have also adopted form-based codes to provide detailed and prescriptive standards to guide new developments with sensitivity to an area's existing character. Another example includes Burlington's natural resource overlay zones, which apply specific development regulations to the natural areas and resources that were inventoried and mapped in the city's open space plan.

Leveraging municipal resources to reduce permitting redundancy

Despite this evolution at the municipal level, **Act 250 jurisdiction and its limited exemptions have not evolved to recognize the capacity of local review processes, which has created significant redundancy in some communities.** Today, full exemption from Act 250 jurisdiction is possible only

for priority housing projects of varying sizes within state-designated downtowns, neighborhood development areas, and growth centers. This creates a process where two identical developments-- but for the fact that one incorporates 20% of its housing units at an affordable rate-- can have substantially different review processes. While this is an important incentive for the creation of more affordable homes in the state's designated areas, the local impacts, including review and permitting, from these developments are the same and have the opportunity to be treated as such.

A more robust local delegation process can eliminate duplicative development review, which can speed housing development without compromising Act 250's jurisdiction and criteria. For decades, there have been tensions between Act 250's regulatory structure and certain statewide goals-- including the increasingly urgent need to speed housing production statewide. Significant reforms to this law take time, and there are many important perspectives on how to do so. New delegation authority does not replace the need or ability to consider these reforms, but provides a time-sensitive solution in areas equipped to manage development review at the local level.

Burlington, South Burlington, and Winooski have professional staff and development review boards which develop local bylaws; apply these bylaws and other codes; review development plans; and coordinate with local, regional, and state agencies to identify appropriate mitigations where needed. Within these three cities, Zoning Administrative Officers are unaware of a situation in the past 5 to 10 years in which a development that was approved at the local level was subsequently denied by Act 250, or for which Act 250 conditions resulted in the need for substantial modifications to the local permit.

As noted above, the state has recognized local capacity and expertise by creating processes through which **other state permits can be administered or replaced by municipalities with functionally equivalent local regulations and the professional capacity to administer.** A similar process for Act 250 delegation could recognize where local regulations have the necessary foundation to review and permit projects within the context of local and statewide goals together. These procedures can identify areas where municipal regulations may not adequately address certain critical statewide resources, and provide a route for local regulations to be amended or for the expertise of certain state agencies to continue to apply to certain aspects of a local development review. It is possible to engage the important and valuable expertise of these agencies for targeted issues without a duplicative development review framework for all other aspects of a project.

A more robust delegation of Act 250 review would provide a direct impact on new development, particularly for housing. These impacts include reduced review times; reduced permitting and professional service fees; and more predictability in development review and permitting processes. This could also enable the Natural Resources Board (NRB) to leverage the capacity and resources of municipalities in support of meeting statewide housing needs. For example, local delegation offers the opportunity for direct enforcement of regulations including potential violations after a project has been completed and can also reduce the number of projects that require review by the District Commissions in areas with functionally equivalent regulations, increasing access to resources for project review in municipalities that have fewer local technical resources.

An Expanded Process for Local Act 250 Delegation

Delegation based on functional equivalency

Statute currently provides for partial local delegation of Act 250, limited to a review on municipal impacts ([24 V.S.A. § 4420](#)). This enables municipal review of Act 250's criteria 6, 7, and 10 only. Once

established, this requires municipal review of these criteria for all projects that meet Act 250's current jurisdictional thresholds. All other criteria continue to be reviewed by the District Commissions, or by state agencies where enabled by [10 V.S.A. § 6086\(d\)](#)--therefore, both state and local review remains. Just 12 municipalities have local delegation, including communities such as Brattleboro, Vergennes, Middlebury, Morristown and Hardwick.

Amendments to 24 V.S.A. § 4420 may be a logical place to authorize another tier of local delegation that exempts Act 250 jurisdiction where municipal regulations and review processes are functionally equivalent to Act 250's development thresholds and criteria. In the case of municipal delegation for Lake Shoreland Protection Standards, the City of Burlington entered into a delegation agreement with the Secretary of the Agency of Natural Resources (ANR) to issue and enforce local permits in lieu of state permits after demonstrating adopted ordinances were functionally equivalent to shoreland protection standards in statute, and that the City had adequate resources to administer and enforce its ordinances. This review and agreement identified two key areas of the City's ordinances that were required to be amended in order to obtain full municipal delegation of this process. This agreement requires the City to take on the cost of administering this review, but enables municipal assessment and retention of permit fees to do so, and requires routine reporting to ANR regarding local permits issued.

The intent is not for municipalities to issue Act 250 permits, but rather ensure the outcomes of the local review and permitting process are functionally equivalent or better. Act 250 delegation similar to the shoreland delegation would enable a municipality to demonstrate, through a series of benchmarks, that local zoning bylaws, other enforceable local ordinances, permitting requirements, and locally adopted plans provide a substantially similar or greater level of consideration to development projects. This process would expand upon the three criteria currently enabled by 24 V.S.A. § 4420 to enable municipal review of most, if not all, of Act 250's criteria. For example, an analysis of Winooski's local development regulations relative to Act 250 criteria has been provided to the Senate Committee on Economic Development, Housing, and General Affairs; similar analyses have been prepared for Burlington and South Burlington and can be provided if helpful.

Statutory framework vs. rulemaking

Changes to statute would only need to accommodate a process for expanded authority for local delegation of Act 250 review, the minimum benchmarks that must be demonstrated for such delegation, and an exemption from Act 250 jurisdiction in such circumstances. Similar to the legislation that created Act 250, the statutory language provides the basis for the 10 criteria ([10 V.S.A. § 6086](#)), but what is expected to be demonstrated by an applicant is set out through NRB and other agencies' rulemaking processes. A more robust local delegation could be formalized through a similar rulemaking process which includes local planning professionals, regional planning commissions, the NRB, and district commissions.

Local delegation would not eliminate the need for certain state permits such as wetland permits, erosion & sedimentation control permits, or similar statewide requirements where applicable. Rather than relying on the Act 250 review process as the clearinghouse for ensuring applicable state permits are issued, the rulemaking process could establish processes for ensuring these reviews take place-- this is particularly relevant since Act 250 is not currently applicable to all projects that may require such permits. Additionally, the statutory framework can make it clear that a community with delegated authority may consult state agencies' expertise on specific topics (such as reviewing particular wildlife habitats, prime agricultural soils, or intermunicipal impacts on state highways if applicable).

Finally, like other delegation processes, routine reporting is an appropriate mechanism to ensure delegated municipalities' bylaws and administrative capacity maintain agreed upon standards. Consistent reviews at set intervals would also ensure a municipality is reviewing and updating local regulations and processes consistent with any applicable changes to Act 250 statutes.

[1] Throughout this memo, "jurisdiction" or "jurisdictional thresholds" refer to the [location or circumstances](#) that require a development project to be reviewed through Act 250, and "the criteria" refers to the [ten standards](#) outlined in statute that are used in an Act250 project review.

Appendix D – Comments Received

The following are the comments received from entities or individuals:

1. Natural Resources Board

Thank you for the opportunity to comment on the draft Municipal Delegation Report required under Act 47. The NRB notes that it was not a participant in drafting this report but offers the following comments after reviewing a [draft report](#) dated Nov. 14, 2023.

General:

- The NRB notes several practical complexities with this framework as specified below, and therefore suggests that the location-based jurisdiction approach described in the Necessary Updates to the Act 250 Program study would likely provide a simpler approach, build upon the existing Act 250 framework, and, functionally, most municipalities eligible for delegation would mostly fall within the proposed Act 250 exempt Tier 1A areas.
 - o Recommend adding to report: “It is acknowledged that location-based jurisdiction as contemplated in the Necessary Updates to the Act 250 Program study may negate the need for municipal delegation if a tier exists for municipalities meeting certain standards to be exempt from jurisdiction.”
- The standards described for delegation in the report could be assessed and integrated, in part, into the Tier 1A areas suggested in the Necessary Updates to the Act 250 Program study.
- Although this report suggests that municipal delegation would only apply to a limited number of municipalities, various delegation agreements (potentially 250+) with varying criteria, land uses and locations at play, would be administratively challenging, unnecessarily complex, and prone to inconsistency.

Specific Comments:

- Staffing requirements should include expertise in several areas where state review would now fall upon the municipality to administer. This would include: historic preservation, traffic management, stream habitat and identification.
- Similarly, Act 250 provides a platform for agency and regional planning participation in project review; a mechanism should exist to continue that practice especially if that level of expertise is not available at the municipal level. Volunteer commissions cannot reliably provide that level of expertise. The NRB notes that this review may not be easily accommodated by state agencies and could require additional state resources for those agencies and regional planning commissions to participate fully at the municipal level.
- Identification of state permitting needs outside of the process are often provided by NRB staff. It is unclear how this task would be accommodated under the proposal.
- A mechanism to assess Act 147 (traffic impact fees) is lacking currently at the municipal level.

- Act 250 incentivizes affordable housing through an exemption for Priority Housing Projects. Without that incentive, municipalities seeking municipal delegation should have a mechanism in place to incentivize affordable housing.
- For existing permits some consideration should be given to “critical conditions” relied upon in the commissions’ decisions. Termination of these permits, when renewals are only for 8 years gives some concern especially since it is unclear if a municipality may not qualify for municipal delegation upon the 8-year renewal process.

2. Comments (12/6/23) by Alex Weinhausen, Director of Planning & Zoning, Town of Hinesburg

- Page 2, 2nd paragraph - This 2017 report seems out of date. The number of priority housing project dwelling units completed or under construction (and that benefitted from the current act 250 exemption) is likely much higher when the last 5+ years is factored in. Per the act 250 fee formulas, any project with construction costs (site preparation, utilities/infrastructure, buildings, landscaping) of \$32 million or more would result in the maximum act 250 fee of \$165,000. Given high construction costs since 2020, a single, large housing project (e.g., 75 dwelling units) could have construction costs at this level, and easily max out act 250 fees of \$165,000. As a result, permit fee savings for act 250 exempt projects since 2017 are even more substantial than the 2017 ACCD report indicated.
- Page 4, 2nd paragraph - Repetitive with the paragraph above that begins, “instead these municipalities with local capacity...” consolidate these two paragraphs.
- Page 6, 2nd bullet - Enhanced energy plan designation not relevant to Act 250 municipal delegation.
- Page 6, 4th bullet - Unsure why having a designation area somewhere in the municipality is relevant.

3. Comments from VLCT, Ted Brady, Executive Director

Thank you for leading the effort and gathering input on the Municipal Delegation Framework Report on behalf of the Vermont Association of Planning and Development Agencies (VAPA). The Vermont League of Cities and Towns (VLCT) exists to serve and strengthen Vermont municipalities. All 247 cities and towns in Vermont are members of VLCT. Although many of our members may not pursue or qualify for Municipal Delegation, as contemplated by the Legislature in Act 47, we strongly support the goal of municipal delegation of Act 250. Our members have repeatedly expressed the need to address our housing crisis and support solutions to make building homes easier statewide with efforts such as Act 250 reform. Please accept our comments on the Draft Municipal Framework Report.

In Vermont, we embrace our independence and enjoy a highly localized form of municipal government. Without a county government structure, the Regional Planning Commissions (RPCs) provide essential support and services to our municipalities. A collaborative relationship between RPCs and municipalities is critical. We are concerned that some aspects of the process identified in the RPC Review & Recommendation of an Application section could negatively impact this relationship.

In particular, granting RPCs “interested party status” in local municipal permitting processes could create an unnecessary adversarial relationship. VLCT believes this could undermine the goals of the

delegation process and could create conflicts between RPCs and member communities. Local permitting processes, once approved for Act 250 functional equivalency by the Natural Resources Board (NRB), should not be subject to second guessing by an RPC or other entity not already granted party status. In the proposed process, RPCs would play an important role in the municipal application to the NRB. We support this collaborative approach which fosters cooperation between municipalities and their RPC in seeking delegation approval from the NRB.

In closing, we want to express appreciation and support for VAPDA's work on the draft Municipal Delegation Framework Report. We hope our comments can be incorporated into the final report and wish to continue advancing cooperation and collaboration among RPC's and their member municipalities.

4. Comments from RDCs, Andy Julow, President

The RDCs of Vermont is the confederation of the twelve regional development corporations (RDCs) in Vermont. The RDCs of Vermont meets monthly throughout the year, and weekly during the legislative session, to hear partner presentations and reports and to discuss business of common interest to the RDCs and the businesses they promote and support throughout the state.

Much like the regional planning commissions that make up VAPDA, the regional development corporations have first-hand knowledge of the impacts of the housing crisis in Vermont, as well as how permitting complexities may play a role in delaying, and sometimes thwarting, important housing and economic development projects.

Act 47, commonly known as the HOME Act, passed by the Vermont General Assembly last session made efforts to address some of the regulatory barriers to the development of new housing in Vermont. The HOME act also tasked VAPDA with the development of two studies. One study analyzes the possibility of certain, qualified municipalities assuming the permitting of projects in lieu of Act 250 under defined conditions. The second study identifies possible opportunities to better integrate municipal, regional and state plans, policies and investments through the development of regional land use maps using common themes and criteria.

The RDCs of Vermont sincerely appreciates VAPDA sharing the draft reports and for your time in attending the December 1st RDCs of Vermont meeting to discuss the reports and to answer questions. Following that discussion, and as part of RDCs of Vermont meeting devoted to conducting RDC business, the RDC directors endorsed the concepts of both studies.

The RDCs of Vermont see significant value in implementing policies and procedures that can eliminate duplication in permitting efforts as well as those that simplify the permitting process and promote a better understanding of land use policies, principles and procedures for practitioners, permit applicants and the general public.

The RDCs of Vermont understands that the specific recommendations of both reports will be discussed, dissected and debated during the coming legislative session. While, as a result of the legislative process, there may end up being discreet recommendations that would be difficult for any individual RDC to support without reservation, at this time the RDCs of Vermont offers its support of the overarching goals of both the Municipal Delegation Framework Report and Future Land Use Area Report authored by

VAPDA. We appreciate the opportunity to review the reports and to offer our opinion on them, as well as our thanks to VAPDA for its work in compiling these documents.

Board of Finance and City Council Submission Checklist

Version: April 2025

Department: Office of City Planning Submitter: Charles Dillard

Title/Subject: Tier 1A Work Session

Approval Requested:

- ☐ Board of Finance
☒ City Council
☐ Both BOF and Council

Meeting Date:

[Click or tap to enter a date.](#)

9/14/2026

[Click or tap to enter a date.](#)

Instructions

1. This form must be completed by the person submitting the materials.
2. This form must be sent with the final submission of materials in advance of the meeting.
3. Do not indicate that a sign-off was received until it has actually been obtained.
4. Commission reports and presentations do not need to be reviewed by the CAO or Attorneys.
5. Name the reviewing Attorney or HR Manager in the Note column.

Signoff Needed	Received?	Approval Date	Note
Department Head	Yes	9/8/2026	Charles Dillard
Mayor's Office	Yes	9/9/2026	Lisa Gerlach
Board/Commission	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and contracts or legal documents	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office for memo and motion(s) or resolution(s)	Yes	9/9/2026	Kim Sturtevant
CAO for budget, financing, and memo	Yes	9/9/2026	Katherine Schad
Human Resources, if personnel action or policy	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if IT-related	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

2026 Chittenden County
ECOS Regional Plan
Future Land Use

Legend

- +

 Railroad
- River or Stream
- Municipal Boundary
- Property Boundary
- Future Land Use Area

Downtown Center

Village Center

Planned Growth Area

Village Area

Enterprise

Transition or Infill

Hamlet

Rural General

Resource Based Recreation

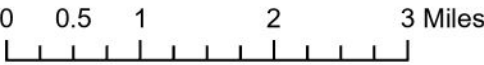
Rural Ag or Forestry

Rural Conservation

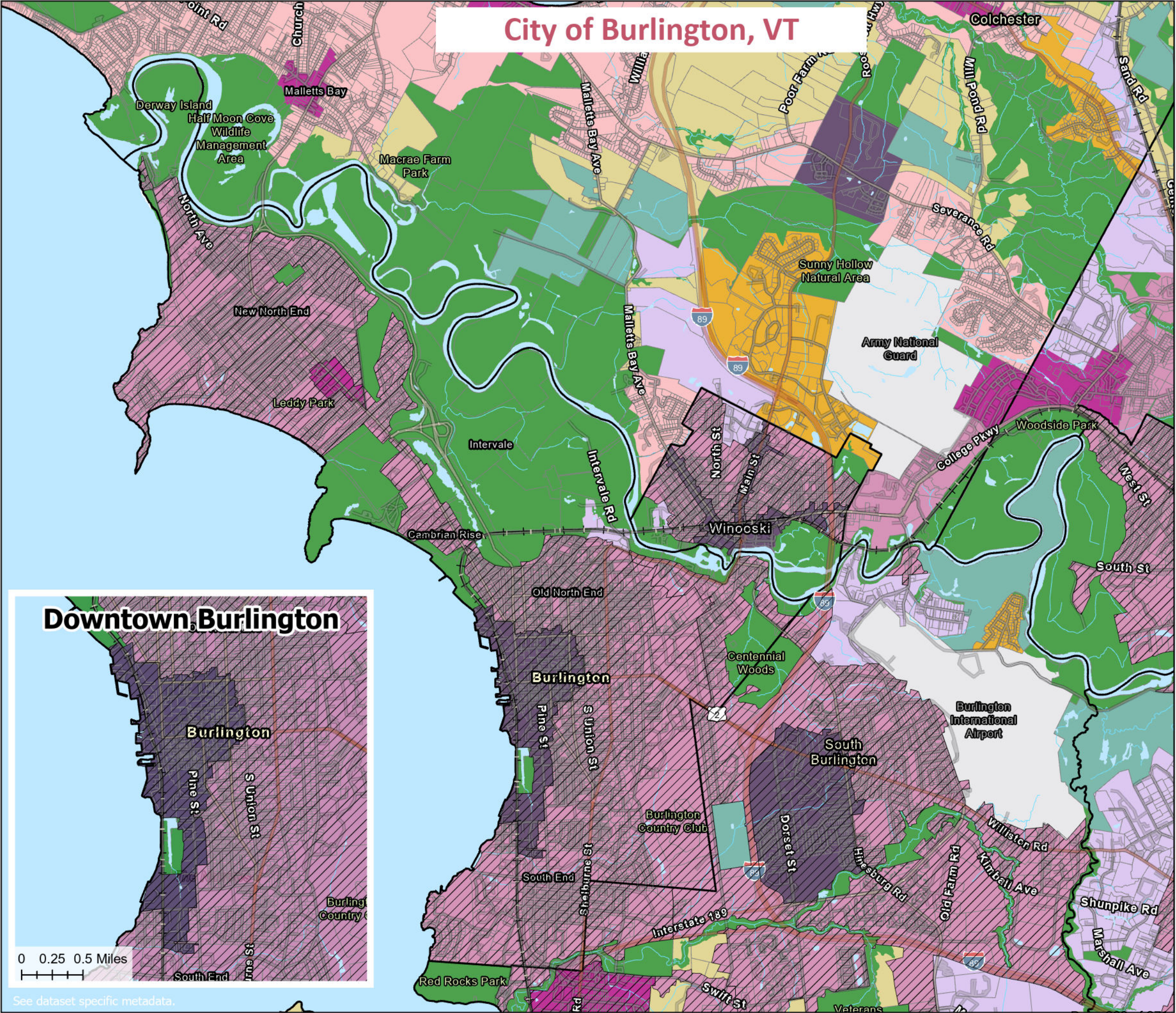
Special Use

Water

Tier 1B Act 250 Exemption Area



Disclaimer:
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.



Tier 1A Work Session

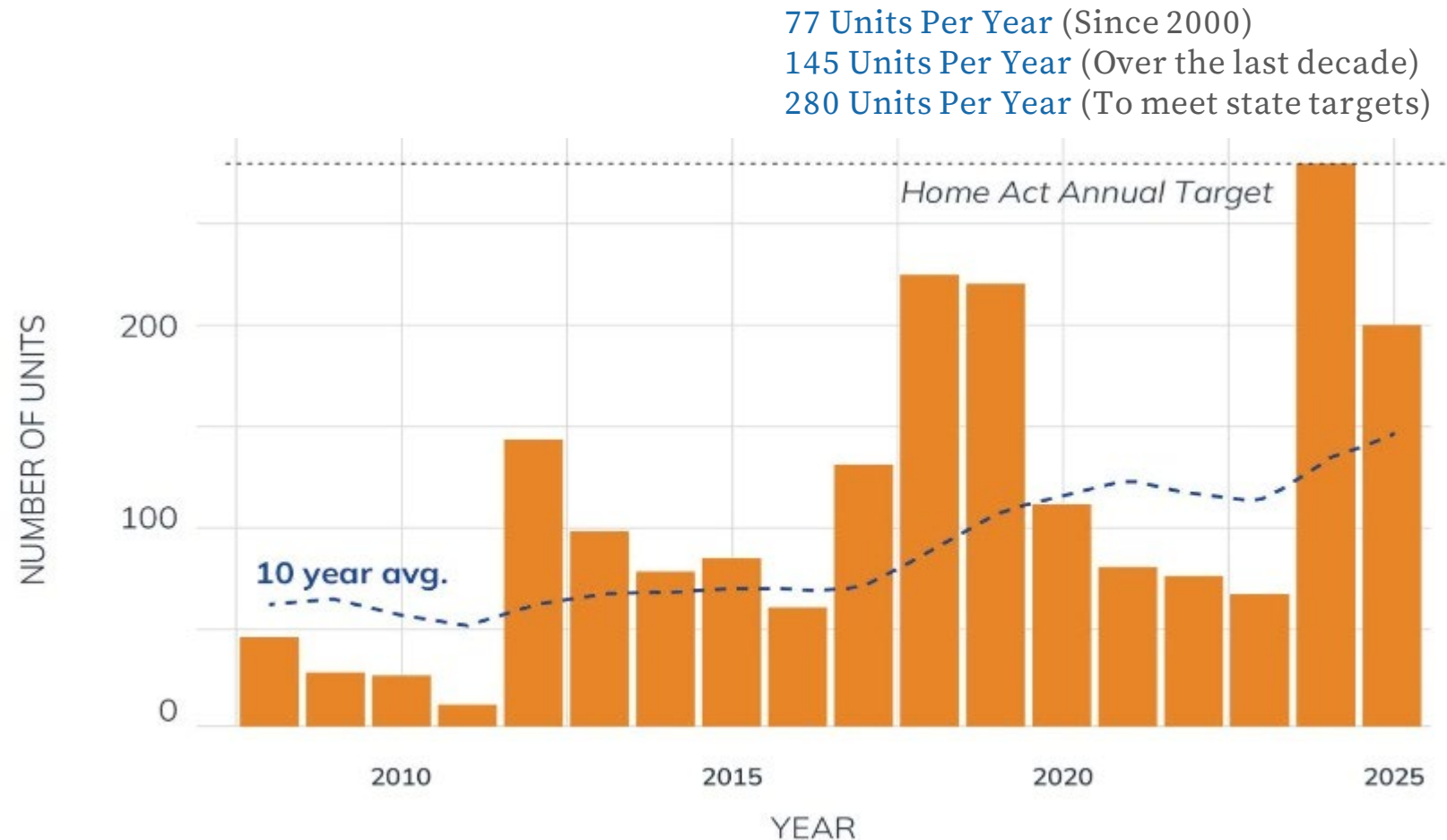
City Council – September 14, 2026

Overview

- Background – Act 181 and Act 47
- Regional Plan – Municipal Plan Alignment
- New Designation Structure for Community Investment Program
- Act 250 Exemptions
- Burlington's Tier 1A Proposal

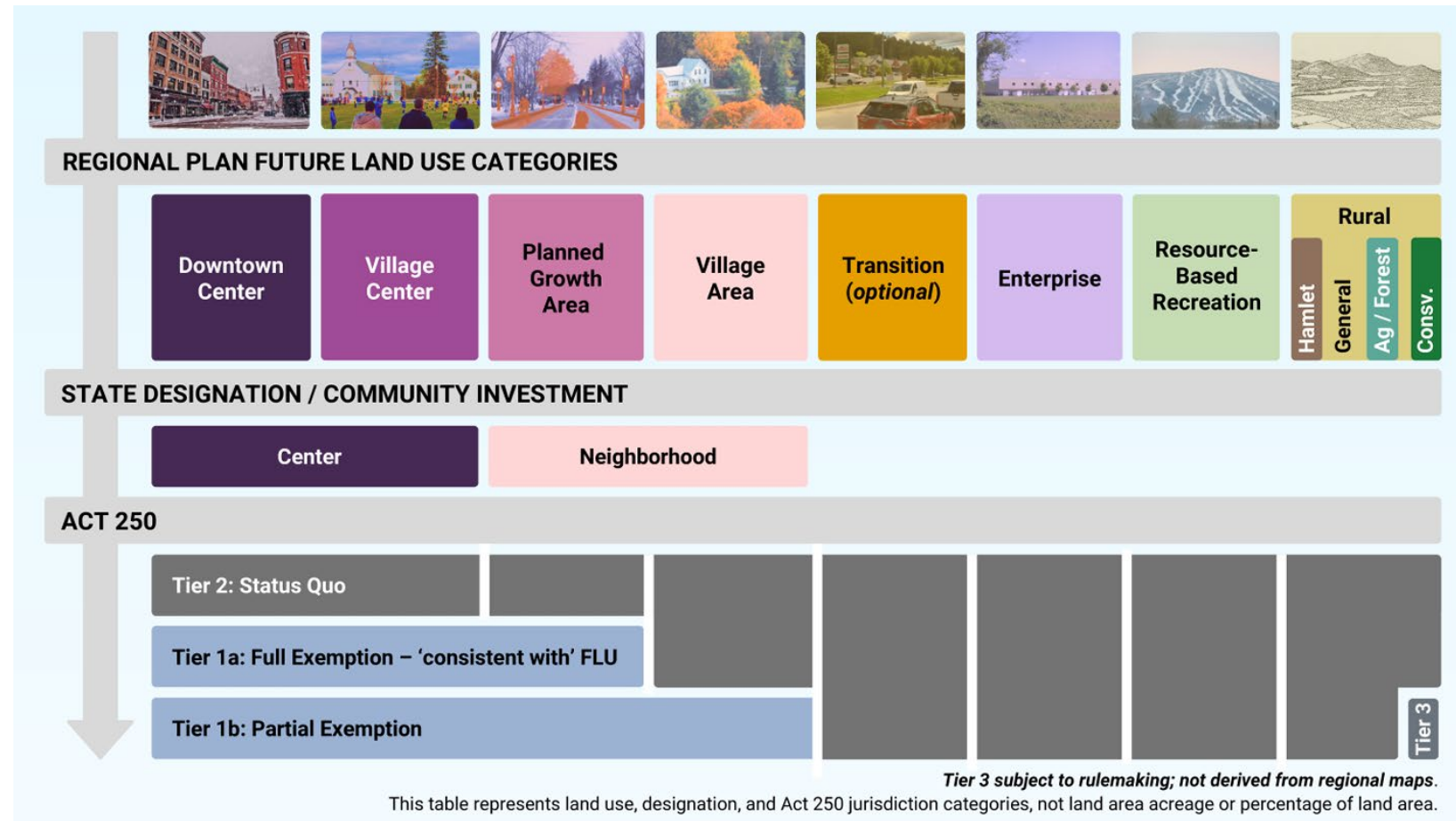
Act 47

- This is the source of the state, regional and municipal housing targets
- Burlington must include the mid-range target and supportive policies to meet that target in planBTV 2050
- Burlington's mid-range target: **6,986 new homes by 2050** – a rate of **279 homes per year**



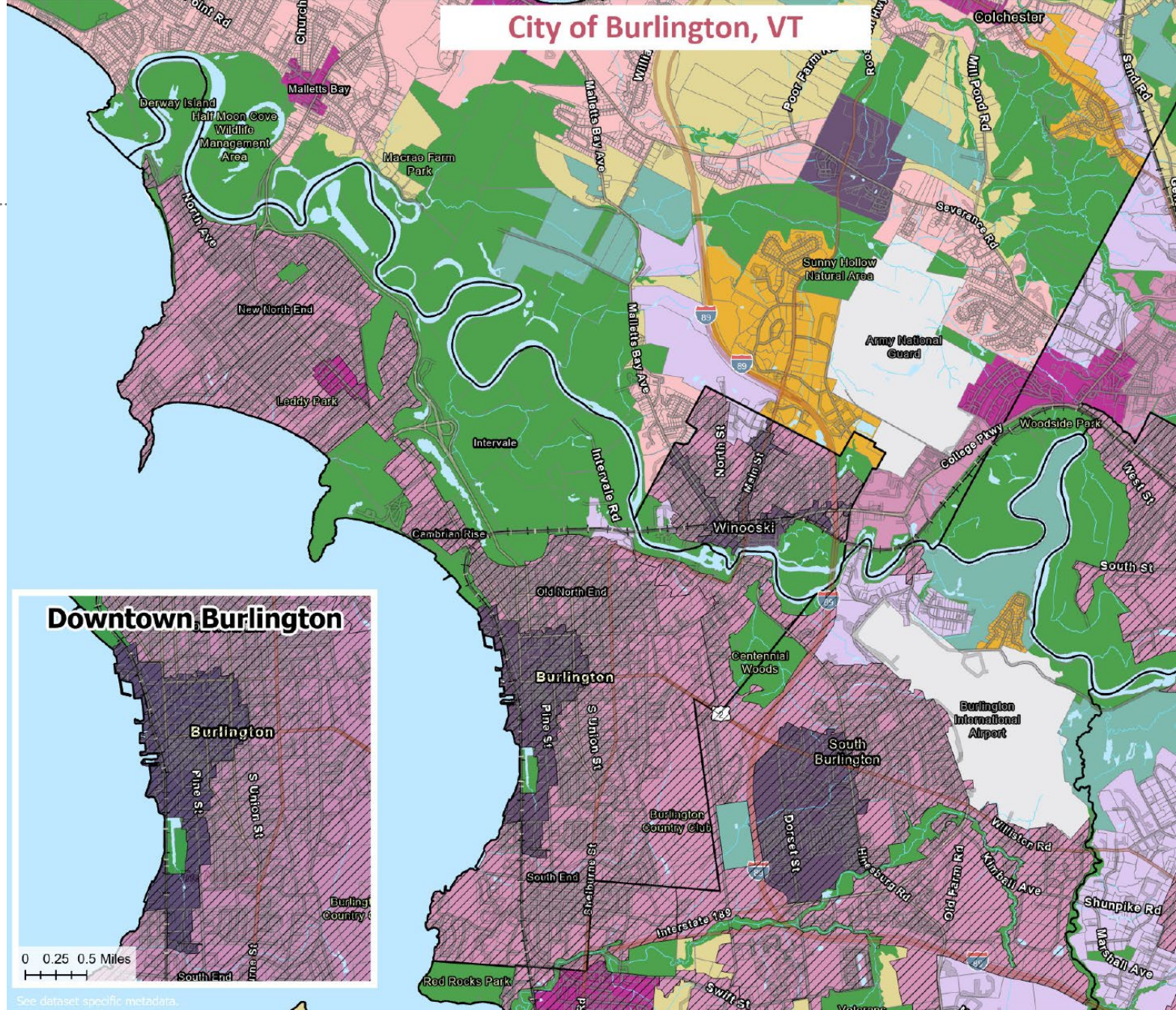
Act 181

- Regional Planning Commission and Municipal Land Use planning alignment
- Reformed and simplified Community Investment Program designations
- Act 250 Exemptions



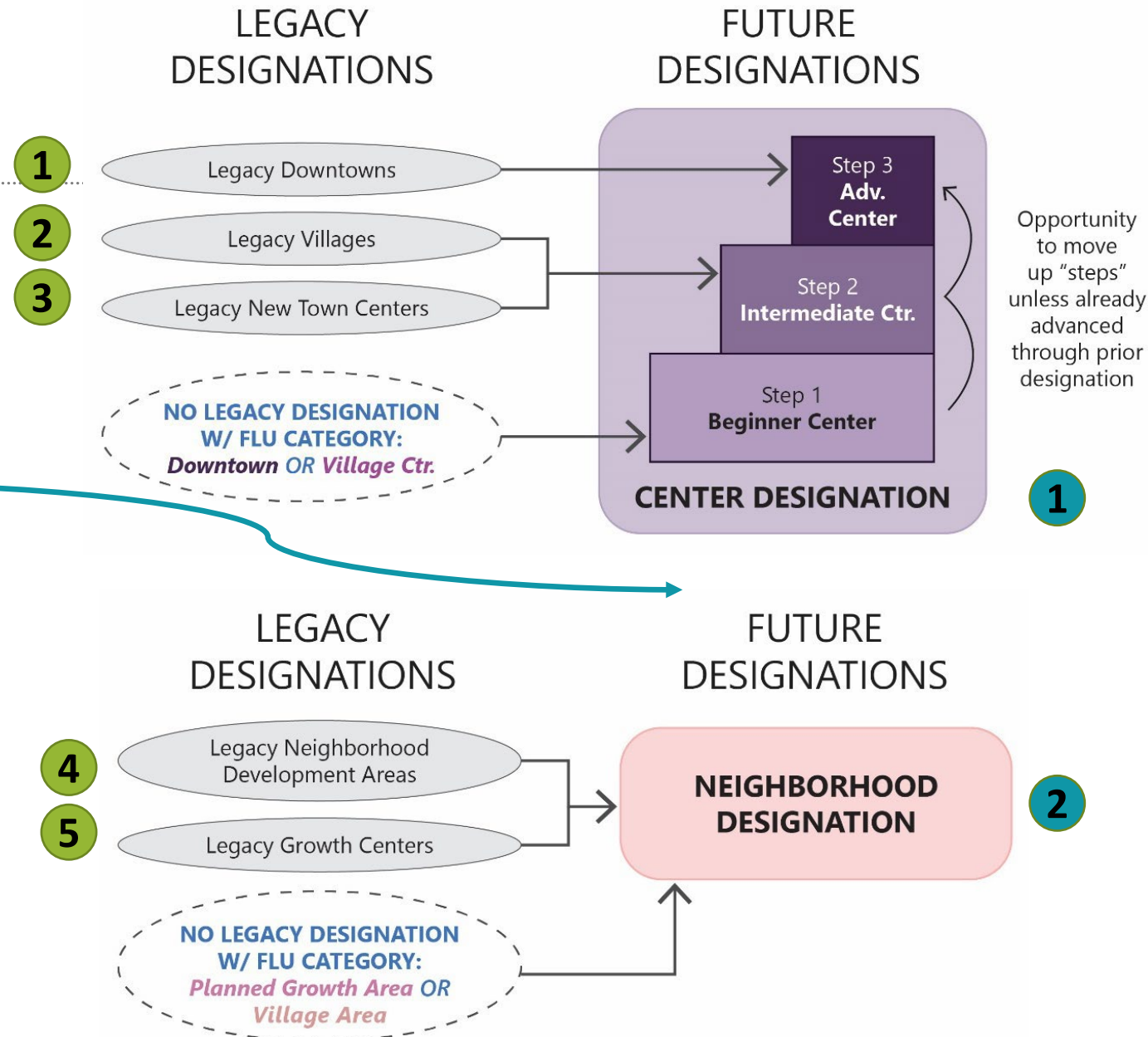
Act 181 – Land Use Planning Alignment

- All state land use maps use the same land use categories (e.g. Downtown Center, Rural Conservation, etc.)
- CCRPC ECOS Regional Plan includes a Future Land Use Map for each County municipality.
- Created through staff and community collaboration
- planBTV 2050 must be consistent with ECOS Regional Plan Future Land Use Map



Act 181 – Simplified Designation Structure

- Reorganizes five **legacy designations** into **two categories**
- Center category includes all legacy **and** newly mapped Downtowns, Villages, and New Town Centers
- Neighborhood category includes all legacy **and** newly mapped Planned Growth Areas and Village Areas



Act 181 – Simplified Designation Structure

- Updated Community Investment Program
- Goal is to support revitalization efforts through
- Financial Incentives, Training, and Technical Assistance
- Address diversity of economic development interests (e.g. historic preservation, walkability, housing, investment, etc.)

Center Benefits

- Downtown Vibrancy Grant
- Sales Tax Reallocation
- National Main Street America Eligibility
- Housing Permit Appeals Limits
- Location priority for State Office Bldg. Development
- Downtown Transportation Improvement Fund
- Better Connections Grant
- Infrastructure Funding Priority
- State/Federal Affordable Housing Funding Priority
- Special Taxing District Authority
- State/Federal Funding Priority
- Lower Speed Limit Authority
- State Water/Wastewater Permit Fee Reduction
- Land Gains Tax Exemption
- Historic Preservation Regulation Assistance
- Municipal/Regional Planning Resilience Fund
- Better Places Grant (not currently funded)
- Downtown and Village Tax Credits

Act 181 – Simplified Designation Structure

- Updated Community Investment Program
- Goal is to support revitalization efforts through
- Financial Incentives, Training, and Technical Assistance
- Address diversity of economic development interests (e.g. historic preservation, walkability, housing, investment, etc.)

Neighborhood Benefits

- Municipal/Regional Planning Resilience Fund
- Better Connections Grant
- Infrastructure Funding Priority
- Downtown and Village Tax Credits
- State/Federal Affordable Housing Funding Priority
- Housing Permit Appeals Limits
- Lower Speed Limit Authority
- State Water/Wastewater Permit Fee Reduction
- Land Gains Tax Exemption
- Municipal Special Taxing Authority

Act 181 – Act 250 Exemptions

- Culmination of multi-year effort to address Act 250 impacts on housing creation and development review redundancy
- Three tier structure:
 - Tier 1 includes 1A (full Act 250 exemption) and 1B (50 homes)
 - Tier 2 is everything not in Tiers 1 or 3
 - Tier 3 applies enhanced Act 250 protection for “Critical Resource Areas”
- Tier 1B applied via municipal opt-in
- Tier 1A applied via application

Tier 1B Requirements

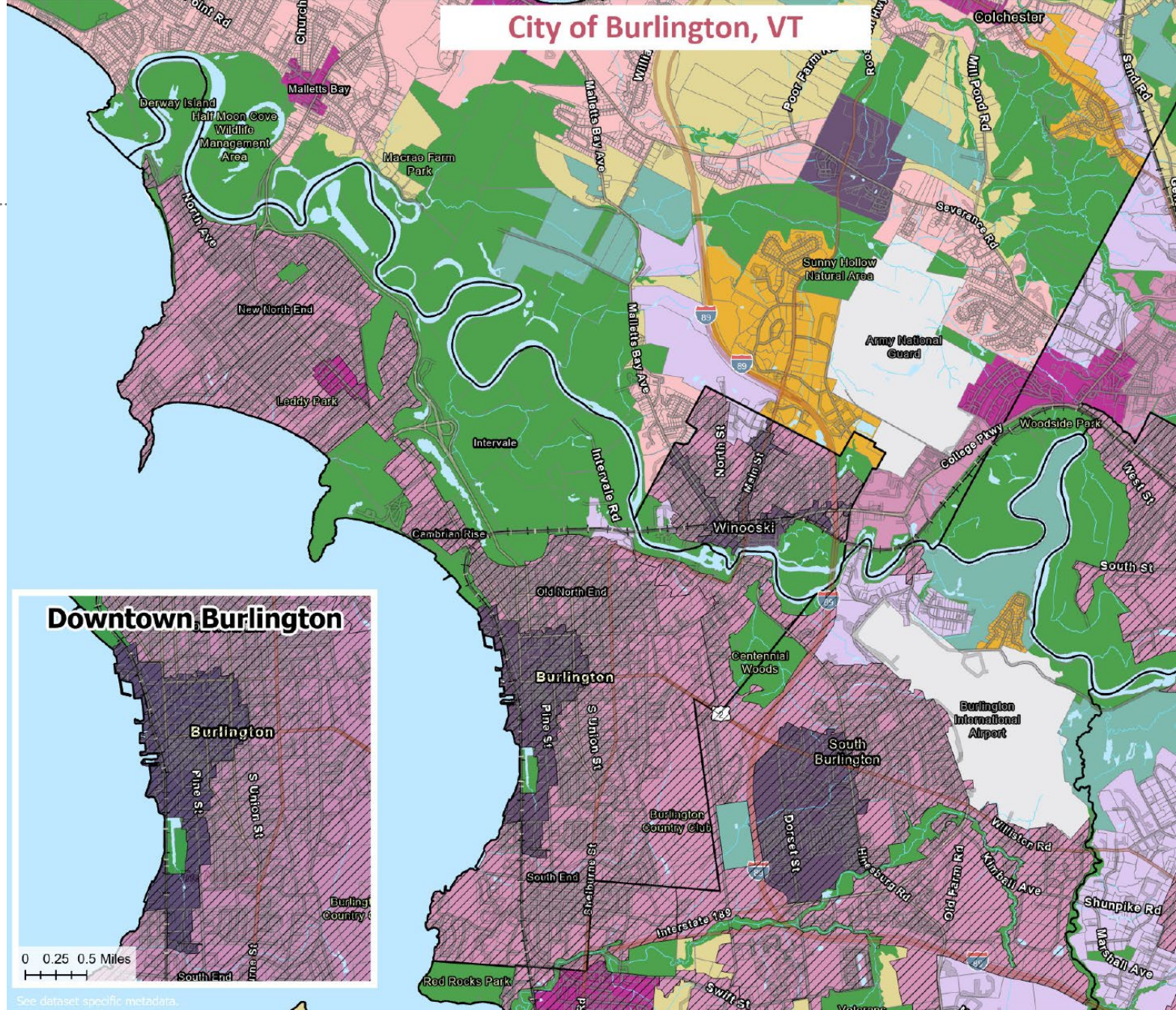
- Must be qualifying future land use map category.
- Municipality must have a confirmed plan, zoning, and subdivision bylaws.
- If the area has floodplain and river corridors, the municipality must have flood hazard and river corridor bylaws.
- Municipality must have water or wastewater infrastructure or soils to accommodate compact housing.
- Municipality must “opt-in” with resolution affirming capacity to support

Tier 1A Requirements

- All the requirements of Tier 1B.
- Required review of determinations at least every four years.
- Preapplication and application meetings.
- Fee (\$295).
- Application must include map data layers and narrative.
- Municipal resolution must include an explanation of its capacity to administer and enforce previously permitted Act 250 permits.

Act 181 – Tier 1A Proposal

- All **Mauve**, **Magenta**, and **Plum** colored areas in Burlington's Future Land Use Map are already designated Tier 1B
- **Proposal is to classify all existing Tier 1B areas as Tier 1A**
- All **Green** and **Lavender** areas will be Tier 3, with enhanced Act 250 protections



Act 181 – Tier 1A Proposal

- 90%-95% of issues covered by Act 250 are addressed by local Burlington regulations (2023 VAPDA Report)
- OCP proceeding with zoning amendment on Significant Natural Communities and Rare, Threatened, and Endangered Species to close only outstanding regulatory gap
- Greatest unknown is staff capacity for future development activity, given municipal responsibility to administer and enforce the hundreds of existing Act 250 permits in Burlington.

Act 181 – Tier 1A Proposal

Discussion

Council Work Session on Community Safety

SEPTEMBER 14, 2026

2026 Hot Spots Working Group

Purpose: To explore quick, practical strategies to help ease pressure in “hot spot” areas of the city.

Who Participates: Cross-departmental team with representatives from BPD, BFD, CEDO, BPRW, DPW, CAO, CJC, Permitting and Inspections, and the Mayor's Office. Community partners engaged as needed.

How Does It Work: Convened weekly by FFL Director Mary Danko. Everyone gets in one room to brainstorm and identify potential strategies; to implement and evaluate these strategies; and to adjust or change strategies based on effectiveness.

Background: Originally launched in 2024 and helped stabilize the Fletcher Free Library and Marketplace Garage.

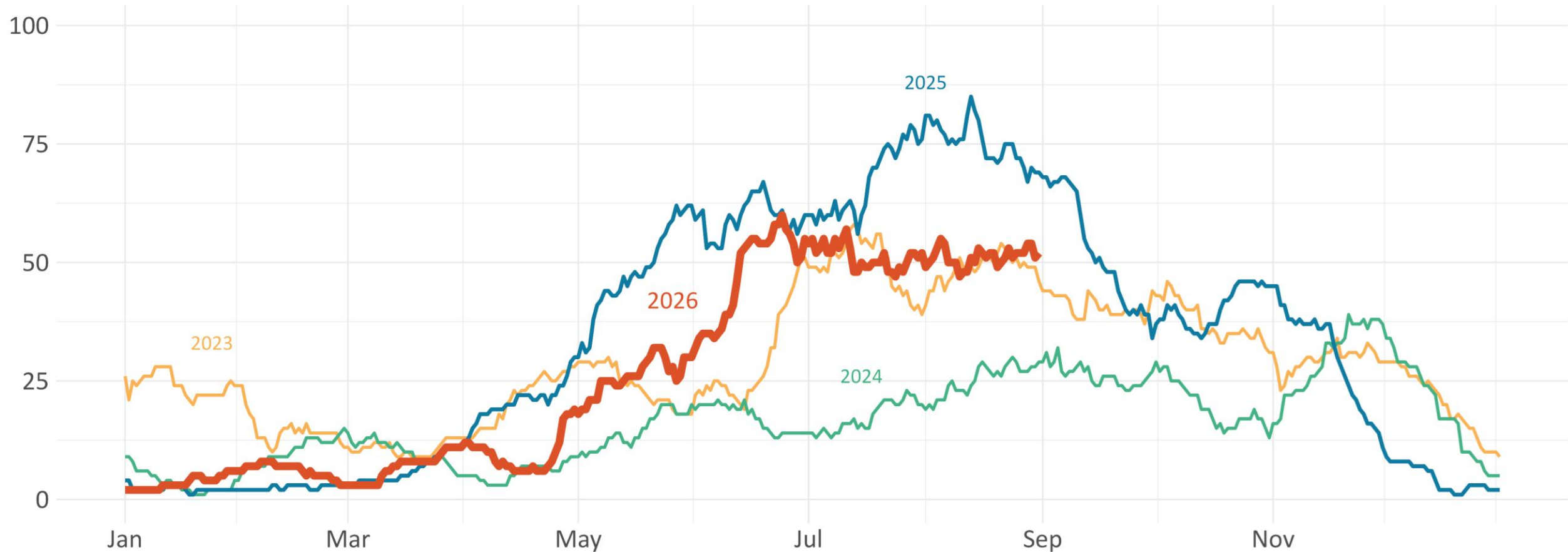
2026 Hot Spots Working Group

Current Focus: City Hall Park

- Temporary Parking Disruptions on College Street
- Two ADA-Compliant Portable Toilets
- Temporary Fencing in High-Traffic Areas for Restoration
- Sidewalk Cleaning (North Side - College Street)
- Mobile Camera Deployment
- Music in the Park
- Deployment of Sheriff's Office

BPD Incidents in City Hall Park, 2023 – 2026

Rolling 30-day counts



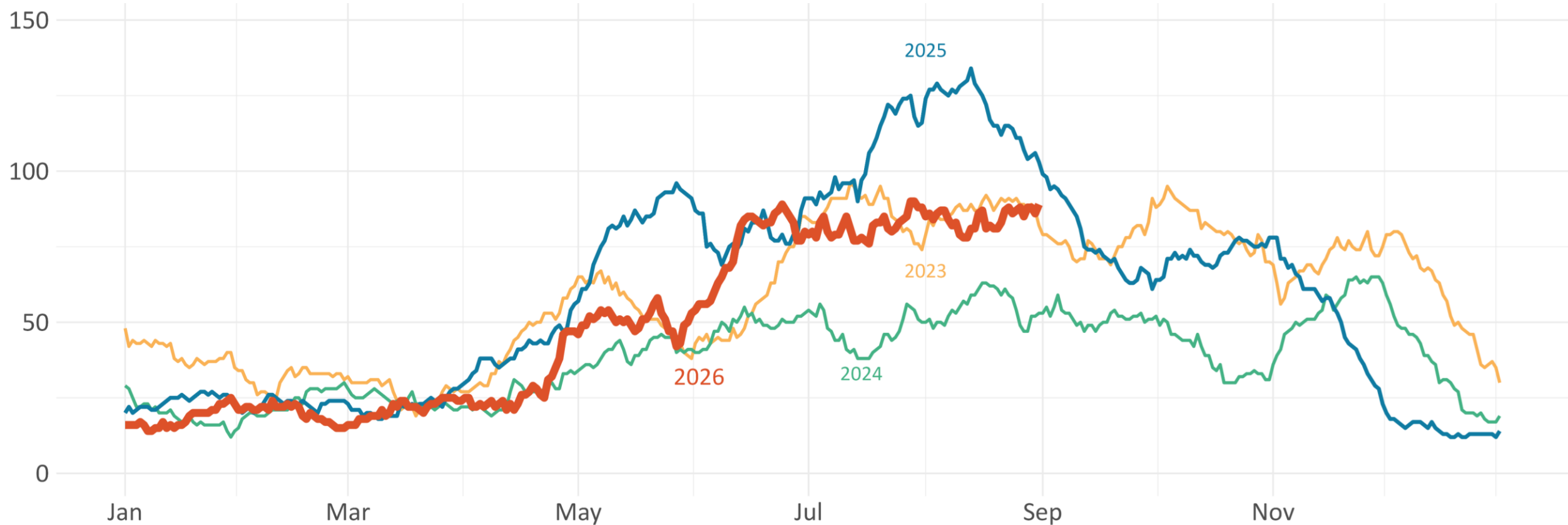
Data
1/1/2023 –
8/31/2026

Proactive incidents (Patrols, Traffic, Outreach, etc.) excluded

Officer-initiated incidents also excluded

BPD Incidents in *Vicinity of City Hall Park*, 2023 – 2026

Rolling 30-day counts



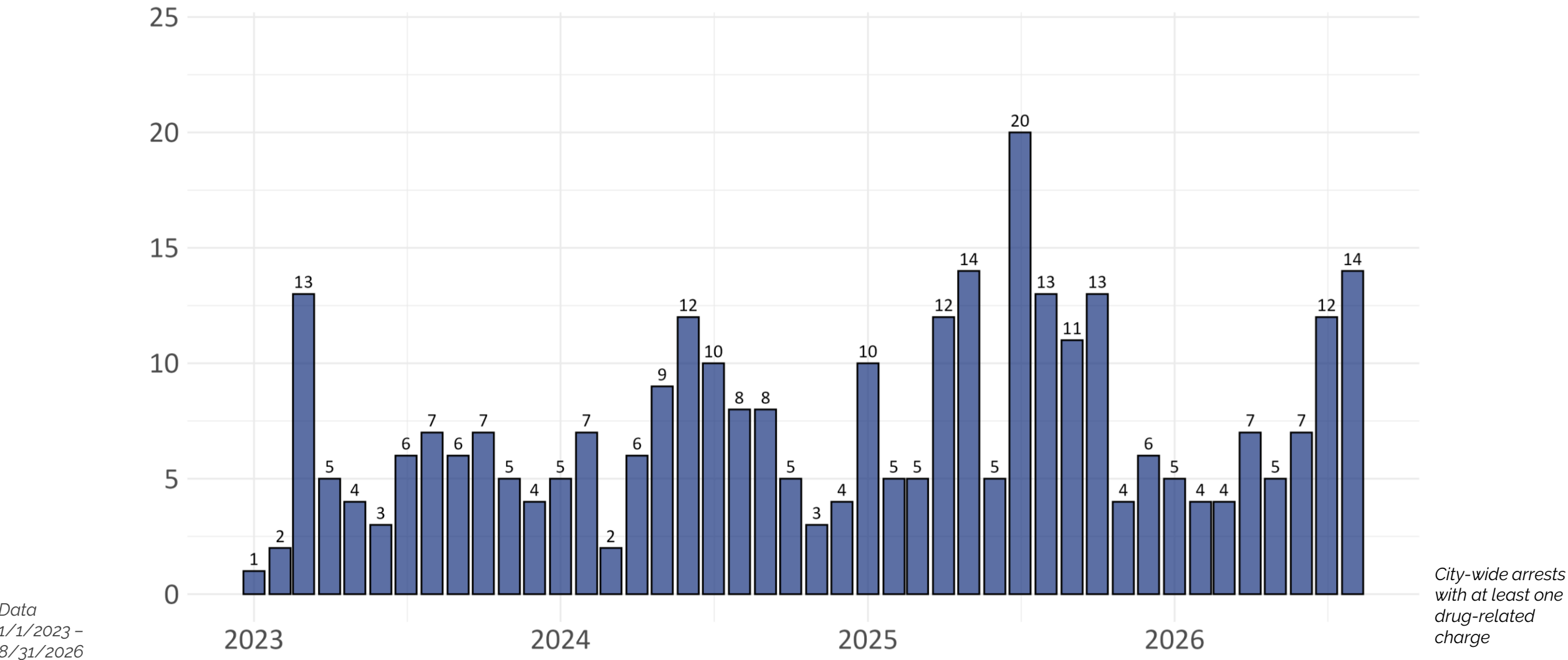
Data
1/1/2023 –
8/31/2026

Proactive incidents (Patrols, Traffic, Outreach, etc.) excluded

Officer-initiated incidents also excluded

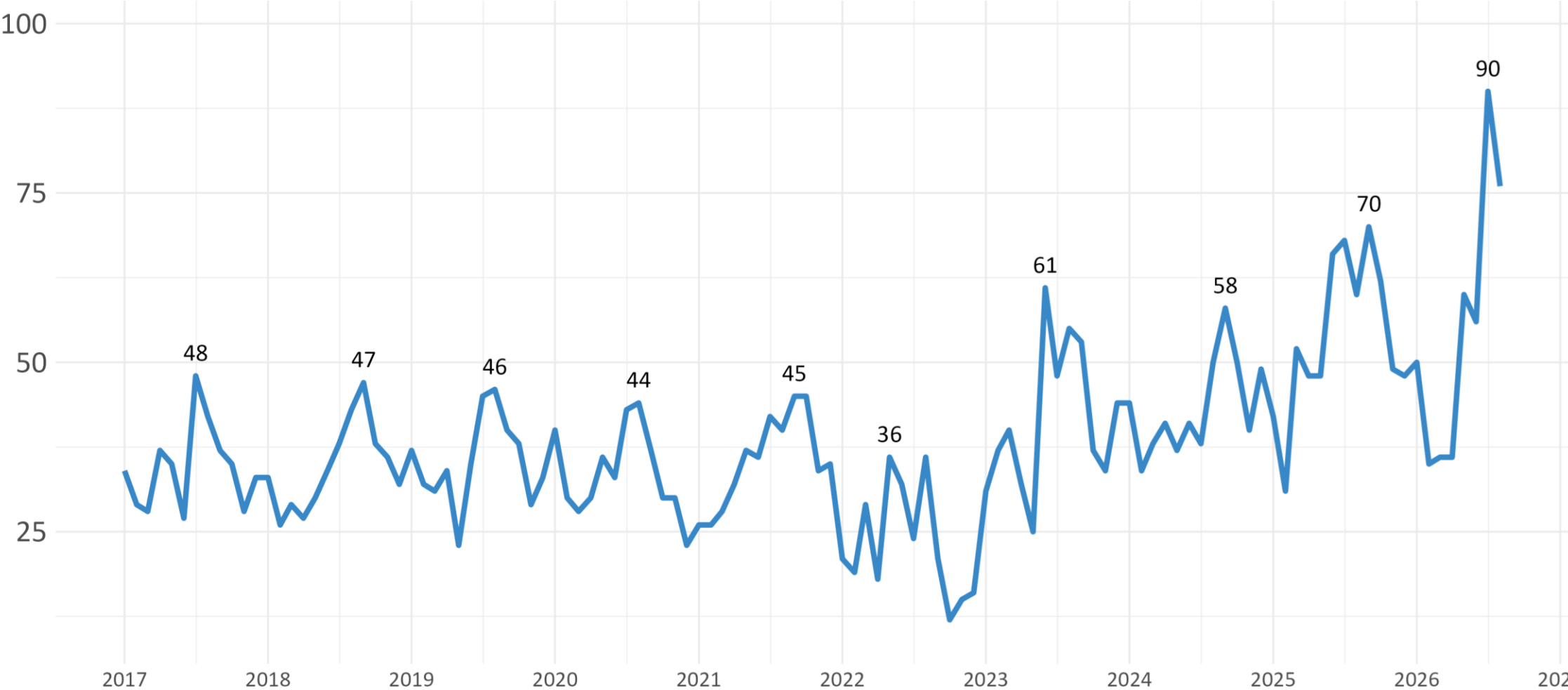
*Area defined as Main & St.
Paul to Church & College*

BPD Monthly Drug-Related Arrests, 2023 – 2026

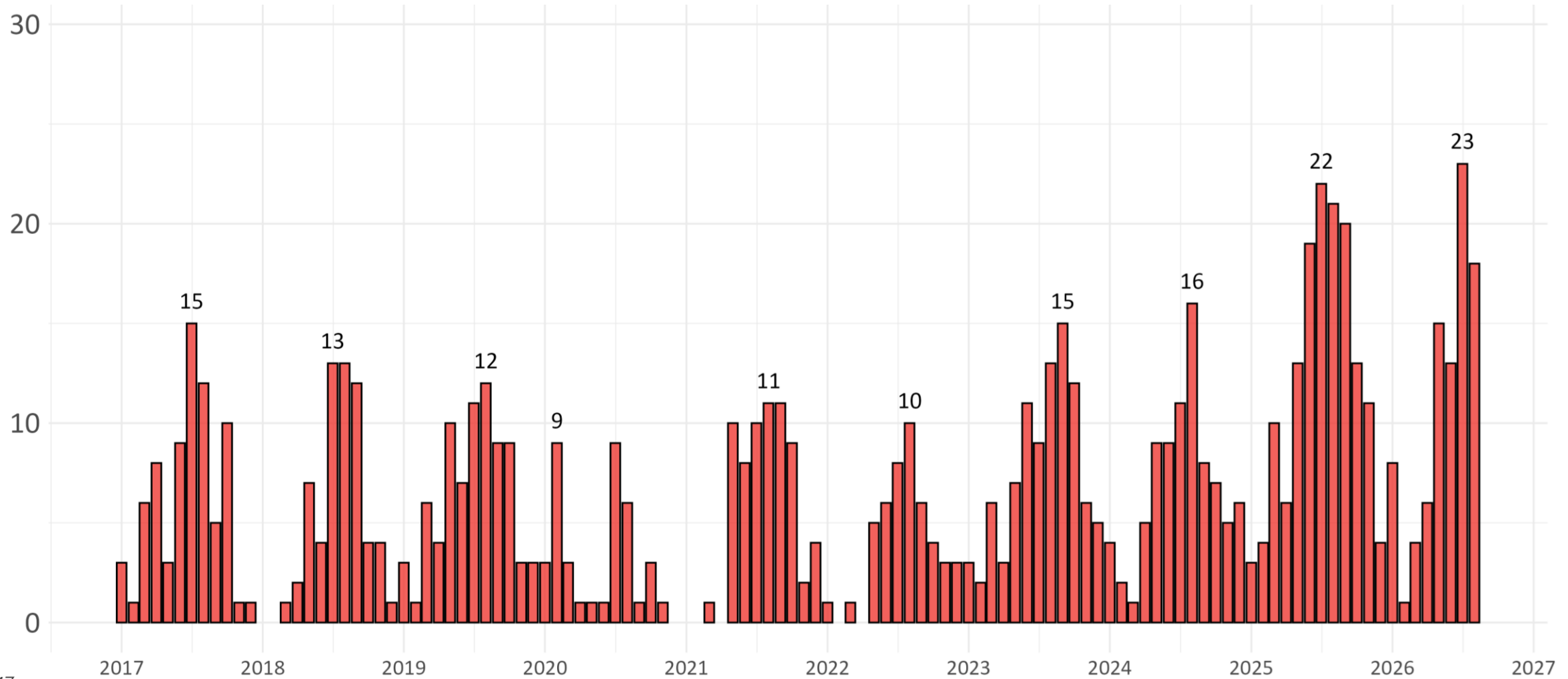


Data
1/1/2023 –
8/31/2026

Median Sworn Officer Response Count, by Month



Sworn Officers Responding to 100+ Calls, by Month



Data
1/1/2017 -
8/31/2026

Traffic stops, Patrols, and Airport incidents removed

Thank you!



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: City Council

From: Rachel Jolly, Director, Community Justice Center

DATE: September 14, 2026

RE: City Circle

City Circle began as a CJC pilot in January 2026 as part of a multi-pronged response for community safety needs in the downtown core. As originally conceived, the purpose of the program was to offer a restorative justice alternative for lower-level ordinance violations by having accused individuals participate in community-supported meetings to discuss their offense, address the harm caused, and prevent repeat behaviors, thereby reducing the burden on the traditional criminal legal systems and increasing safety for those impacted. The AGO originally agreed to fund this pilot through FY26, with the intent to only cover municipal criminal violations. In June 2026, they communicated that they would not be funding the pilot into FY27.

As of July 31, the program had received 154 referrals with the top violations being Open Container, Disorderly Conduct and Smoking. Of those 154 tickets, 44 had successfully closed, 99 were unsuccessful. The remaining 11 either declined to work with us or we declined the referral.

44 Successful Completions: all met at least one time with a City Circle volunteer team or with members of the CJC staff for a restorative conversation focused on accountability and repair. Some participants connected or reconnected with supportive community-based services, examples of these connections are Alcoholics Anonymous, their doctor, Howard Center Street Outreach and Vermonters for Criminal Justice Reform.

99 Unsuccessful Completions: 99 municipal violations were issued to 78 people, each of whom received one or more tickets. Many of those referred did not have reliable contact information and CJC staff were not able to connect with the assistance of community-based providers. Referrals were deemed unsuccessful if they did not appear.

11 Declined: the CJC declined one referral; the ten other tickets were obtained by four individuals (one person received seven tickets) and they declined to work with us.

Many of the people who received tickets were some of the most vulnerable in our community — unemployed, with unstable housing, and lacking reliable contact information. Many of them were known to the CJC and to the criminal legal system as well. A hope was that the swiftness of the program's processes might engage those referred in greater numbers than standard, Pre-Charge Diversion. However, this was not the case. Those referred received a card directing them to come to

meet with the CJC and City Circle volunteers on the Monday following the receipt of their violation. The CJC would wait at least 30 days before closing the ticket. This rapid response is however important and should be maintained in terms of working with potential victims.

Unfortunately, being in a specific place on a regular predictable schedule did not correlate with a higher number of people appearing. Therefore, we will not be holding a separate program with its own staffing and volunteer structure exclusively for civil violations. However, the CJC will continue accepting municipal violation tickets. These will be considered “community” referrals and will be paid for through direct City General Fund dollars that the CJC already receives. The City should also rely on our long-standing (20+ years) Pre-Charge program where police directly refer individuals for criminal violations to the CJC.

We plan to keep the same group of (City Circle) volunteers to expand beyond municipal violations and focus on incidents that happen anywhere in Burlington who are referred to any of our programs-- Community, Pre-Charge, Post-Charge and post-conviction programs. If we aren't able to serve someone through the Community referral pathway for any reason, it is likely we will work with them in one of our two courthouse-based programs focusing on substance use and mental health violations.

One additional service that staff members from those programs have begun offering is coming to City Hall Park once/week to offer “office hours” of sorts. Staff members have found that, working in coordination with the Community Service Liaison and Street Outreach teams, and literally meeting participants where they physically are, has increased accessibility and efficient use of resources for this population. There is significant overlap between who the CSLs, Street Outreach and CJC staff are working with at any given time.



BURLINGTON VERMONT

To: City Council

From: Laura Sánchez-Parkinson, Racial Equity, Inclusion, and Belonging (REIB) City Council Committee Chair

Date: September 11, 2026

Subject: Impact Assessment for the Burlington Forward Resolution

Background

On August 3, 2026, the City Council introduced *Burlington Forward: A Comprehensive Framework for Safe Public Spaces and a Stronger Community* and referred the resolution to four committees, including the Racial Equity, Inclusion, and Belonging (REIB) City Council Committee. The City Council's motion stated:

"Refer the resolution to the Committees on Public Safety, REIB, CDNR, and PAC and request a report back to the full Council on any recommended amendments on items within each committee's jurisdiction by September 14, 2026."

Our Approach to Review the Resolution

Because the resolution did not identify specific provisions for review by the REIB Committee, the Committee determined that a broader review of the resolution was appropriate.

To conduct this review in a thoughtful and systematic way, Committee members discussed using the State of Vermont Impact Assessment Tool as a guiding framework. Developed by the Vermont Office of Racial Equity, the tool is designed to help assess the potential impacts of proposed policies, including identifying unintended consequences, considering who may be disproportionately affected, and ensuring that proposed solutions respond to the needs of diverse communities. Using principles from this framework, the REIB Committee reviewed both the process used to develop the resolution and its content.

Expert & Community Engagement

The REIB Committee held three meetings to engage the community and hear from local and national experts including those with lived experience in the fields of substance use, community safety, and mental health. Below are the meeting dates and links to the agenda, minutes, and recordings:

- Tuesday, August 18, 2026
burlingtonvt.portal.civicclerk.com/event/10132/files/agenda/20799
- Tuesday, August 25, 2026
burlingtonvt.portal.civicclerk.com/event/10148/files/agenda/20859
- Tuesday, September 1, 2026
burlingtonvt.portal.civicclerk.com/event/10153/files/agenda/20921

Notably, we want to highlight meeting guests who helped inform the committee discussions:

- **Michael Curtin**, Chief of Department, Burlington Fire Department
- **Marsha McCombie**, Battalion Chief of Emergency Medical Services, Burlington Fire Department
- **Brandon Marshall**, Royce Family Professor of Teaching Excellence in Epidemiology and Professor of Epidemiology at Brown University in Rhode Island
- **Kellen Russoniello**, Director of Public Health, Drug Policy Alliance and Drug Policy Action
- **Jess Kirby**, Director of Client Services, Vermonters for Criminal Justice Reform
- **Rachel Jolly**, Assistant Director, Community and Economic Development Office (CEDO)
- **Kate O'Neill**, Vermont-based writer covering addiction crisis, sex trafficking, and harm reduction.

Across the three meetings we engaged **50 community attendees**, engaging them during public forums and throughout our discussions for their input and insights.

Additionally, two members of the REIB Committee (Councilors Melo Grant and Laura Sánchez-Parkinson) are members of the Public Safety Committee and Laura Sánchez-Parkinson serves on the Community Development and Neighborhood Revitalization (CDNR) committee where the resolution was also reviewed and discussed. For meeting agendas, minutes, and recordings, please visit:

burlingtonvt.portal.civicclerk.com

We want to thank the community members who engaged throughout this process. Their time and perspectives are critical to the future of the health and wellbeing of our community.

Three Areas for Consideration

The REIB committee has identified high-level considerations for the resolution and for future development of resolutions. These considerations were informed by committee discussions and insights from experts and community members:

- 1. Reconsider the resolution's structure and framing to reflect a systems-level understanding of the challenges and clearly distinguish homelessness, substance use, and mental illness from criminal conduct citywide.**

The resolution would be strengthened by grounding its analysis in relevant historical context and existing evidence-based frameworks. Although these issues may intersect, treating them as interchangeable risks reinforcing harmful assumptions and advancing short- and long-term responses that fail to address their distinct causes and conditions.

- 2. Engage a diverse range of stakeholders early and meaningfully.**

Effective policy development requires early input from people directly affected by a proposal, city staff responsible for implementation, community partners, and subject-matter experts. Introducing this resolution without sufficient stakeholder engagement contributed to confusion, frustration, and limited buy-in. Future proposals should consider incorporating engagement from the outset to identify potential impacts and unintended consequences, strengthen proposed solutions, and build shared understanding and support before reaching the City Council.

- 3. Seek guidance early when considering proposals with potential legal and budgetary implications.**

Consultation with the mayor and department heads, particularly the City Attorney and Chief Administrative Officer can help determine whether proposed actions are legally permissible and achievable. Proposals do not need to be fully developed before they are introduced; however, the Council should be cautious about advancing ideas that may create expectations among the public if significant legal or budgetary limitations could ultimately prevent implementation.

The committee wants to thank city staff and community members who took the time to offer detailed feedback on the resolution (see attachments), this includes:

- The Office of Racial Equity, Inclusion and Belonging
- Vermont Racial Justice Alliance (VRJA)
- Street CATs

We hope the City Council will consider the REIB Committee and community's feedback for the Burlington Forward resolution and the development of future resolutions.

Resolution Related to	Christian's feedback: Highest-Priority Changes If the goal is to make the resolution substantially stronger through a ... Kelli Perkins 08/18/2026 14:04
BURLINGTON FORWARD COMPREHENSIVE FRAMEWORK FOR SAFE PUBLIC SPACES AND A STRONGER COMMUNITY	Christian's feedback: I recommend adding a overarching equity statement near the beginning of the resolution, perhaps after ... Kelli Perkins 08/18/2026 13:13
WHEREAS, Burlington's downtown, parks, sidewalks, streets, libraries, waterfront, bike paths, and other public spaces are among the City's greatest civic assets. They are the places where neighbors gather, children play, businesses and tourism thrives, visitors form lasting impressions, and community life unfolds every day. Preserving these shared public spaces as safe, welcoming, orderly, accessible and well-maintained for everyone is among the City's most fundamental responsibilities; and	Add a WHEREAS statement that speaks to and sets an equity framework for the resolution, so that it is clear that producing ... Kelli Perkins 08/18/2026 11:49
WHEREAS, over the past several years, the Burlington City Council has adopted multiple resolutions and initiatives intended to strengthen public safety, improve community well-being, expand access to housing and behavioral health services, and respond compassionately to the challenges of homelessness, substance use, and mental illness; and	Christian's feedback: Equity: The language establishes that public spaces belong to everyone, which is an important equity ... Kelli Perkins 08/18/2026 13:17
WHEREAS, the City of Burlington, together with healthcare providers, nonprofit organizations, businesses, faith communities, neighborhood organizations, educational institutions, and countless volunteers, has committed substantial public and private resources toward emergency shelter, affordable housing, outreach, behavioral health services, recovery programs, harm reduction initiatives, and other efforts intended to assist vulnerable members of our community; and	Christian's feedback: Equity: The resolution recognizes significant investments but does not ask whether resources ... Kelli Perkins 08/18/2026 13:22
WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, continue to be negatively affected by persistent public disorder, criminal activity, violence, repeated overdoses, open drug dealing and use, prohibited camping, vandalism, aggressive or threatening behavior, and other conduct that reasonably interferes with the use and enjoyment of Burlington's shared public spaces; and	Consider revising this so that homelessness is not repeatedly framed alongside criminal activity. The resolution should distinguish ... Kelli Perkins 08/18/2026 11:48
WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruitment of police and other city staff, and undermined Burlington's reputation while also failing many individuals who continue to experience homelessness, addiction, or untreated mental illness without achieving lasting stability, recovery, or improved health outcomes; and	Christian's feedback: This is one of the most important areas for revision. Equity: The clause combines ... Kelli Perkins 08/18/2026 13:25
	Christian's feedback: Equity: The clause should recognize that public disorder and enforcement policies can ... Kelli Perkins 08/18/2026 13:27



WHEREAS, Burlington is and will remain a compassionate community where residents consistently demonstrate kindness and generosity toward neighbors experiencing homelessness, addiction, mental illness, and other crises. This resolution builds upon those values; and

Christian's feedback:
Equity:
Strong values statement, but could be more explicit about dignity and equity.
Inclusion/Belonging:
Strong foundation.
Social Responsibility:
Strong.
Kelli Perkins ...
08/18/2026 13:28

WHEREAS, the City Council also finds that allowing individuals remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor humane. Lasting compassion requires connecting people to treatment, recovery, housing, supportive services, and, where appropriate, enforcement and accountability for unlawful conduct that harms others or unreasonably interferes with the public's use and enjoyment of shared public spaces; and

Christian's feedback:
Equity:
The phrase "meaningful intervention" is positive, but "where appropriate, enforcement" should include safeguards against disproportionate enforcement.
Inclusion:
Kelli Perkins ...
08/18/2026 13:29

WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public safety, and public order are complementary, interdependent responsibilities that must be pursued together to advance the public interest and the dignity of every person; and

Christian's feedback:
Equity:
The false-choice framing is useful, but the resolution should also reject a false choice between **public safety and social justice/equity**.
Suggested
Kelli Perkins ...
08/18/2026 13:30

WHEREAS, the City further recognizes that Burlington cannot reasonably or sustainably serve as the exclusive or primary provider of shelter, behavioral health services, and substance use treatment for individuals from throughout Vermont and outside our state, and that these challenges require sustained partnership among municipalities, the State of Vermont, healthcare institutions, nonprofit organizations, and regional service providers to ensure that responsibility is shared equitably throughout the region; and

Christian's feedback:
Equity:
Strong opportunity to discuss regional inequities in service availability.
Inclusion:
Could include affected communities in regional planning.
Kelli Perkins ...
08/18/2026 13:31

WHEREAS, restoring and preserving Burlington's public spaces requires clearly articulated values, public policy, measurable implementation, meaningful accountability, prioritized enforcement of our existing laws and ordinances, sustained regional partnership, and a continuing commitment by every level of government and every community partner.

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, orderly, and accessible public spaces; expand meaningful pathways to housing, treatment, and recovery; strengthen accountability for unlawful conduct and conduct that unreasonably interferes with the use and enjoyment of our shared public spaces; and promote shared regional responsibility for addressing the complex challenges of homelessness, substance use, and behavioral health.

I would add another whereas clause here to drill down on the need for the contents of this resolution to be executed with equity at the center.
Suggested language:
WHEREAS, The City recognizes that public trust requires fair, impartial, and equitable
Kelli Perkins ...
08/18/2026 11:52

ARTICLE I

General Policy



Section 1.01. Purpose.

The purpose of this Resolution is to establish a comprehensive policy framework for restoring and preserving Burlington's public spaces as safe, welcoming, orderly, accessible, and well-maintained places for all residents and visitors, while continuing Burlington's longstanding commitment to compassion, dignity, and meaningful support for individuals experiencing homelessness, substance use disorder, behavioral health challenges, and other circumstances requiring public assistance. To achieve these objectives, Burlington must realign its values and related efforts. An honest assessment indicates that neither the current nor previous policy frameworks have achieved their intended results, making a revised strategy necessary moving forward.

Section 1.02. General Policy.

It shall be the policy of the City Council that:

A. Burlington's public spaces belong to everyone. Every resident and visitor should be able to use and enjoy the City's parks, streets, sidewalks, libraries, waterfront, bike paths, public buildings, downtown, neighborhood business districts, and other public spaces safely and without unreasonable interference or exposure to unlawful activity and disruptive behavior.

B. Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in unlawful conduct or conduct that unreasonably interferes with the use and enjoyment of shared public spaces. Effective public policy requires both meaningful opportunities for prevention, outreach, treatment, recovery, housing, and supportive services and consistent enforcement of criminal laws and municipal ordinances that protect the public's health, safety, and welfare. The City shall pursue both objectives simultaneously to ensure that Burlington's public spaces remain safe, welcoming, and accessible to all.

C. Individuals experiencing homelessness, substance use disorder, or behavioral health challenges deserve meaningful opportunities to obtain shelter, treatment, recovery services, and long-term stability. Burlington shall continue advocating for coordinated regional and statewide responses to homelessness, behavioral health challenges, and substance use disorder, recognizing that these challenges extend beyond Burlington's borders and require sustained partnership among municipalities, the State of Vermont, healthcare providers, nonprofit organizations, and other community partners.

D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and

Add equity as an explicit purpose of the resolution. Suggested language: **'...while continuing Burlington's**
Kelli Perkins ...
08/18/2026 11:55

Christian's feedback: Equity:
The phrase "realign our values" is vague and may suggest a shift away from
Kelli Perkins ...
08/18/2026 13:32

Christian's feedback: Equity:
Strong foundational language. Add explicit recognition of equitable
Kelli Perkins ...
08/18/2026 13:33

Christian's feedback: Equity:
This is one of the most consequential sections. The statement
Kelli Perkins ...
08/18/2026 13:33

The repeated framing of compassion primarily as enforcement/accountability risks creates a false equivalence between
Kelli Perkins ...
08/18/2026 11:56

Christian's feedback: Equity:
Strong but should include culturally responsive services and
Kelli Perkins ...
08/18/2026 13:34

Add an explicit racial equity impact requirement. Suggested language: **Decisions shall be guided by objective evidence**
Kelli Perkins ...
08/18/2026 12:03

Christian's feedback: Equity:
This is a strong foundation. Add disaggregated data.
Kelli Perkins ...
08/18/2026 13:35

accountability to the public. Public accountability requires admitting when systems and policies have fallen short, and when existing social services lack the capacity to deliver the interventions needed for consistent improved outcomes.

ARTICLE II

Protecting Burlington's Public Spaces

Section 2.01. Statement of Intent.

The purpose of this Article is to restore and preserve Burlington and its public spaces as safe, welcoming, orderly, accessible, and well-maintained places that may be comfortably enjoyed by residents and visitors of all ages while respecting the dignity of every person and ensuring that public spaces remain available for their intended public use.

Section 2.02. Public Space Policy.

The City shall prioritize the restoration and preservation of Burlington's public spaces for the benefit of all residents and visitors. Public spaces shall be managed to encourage lawful activity, positive community use, economic vitality, recreation, civic engagement, and public enjoyment.

Public spaces should not merely be accessible; they should be places where residents and visitors choose to gather and should reasonably expect to feel safe doing so.

The City shall make it a top priority to ensure public spaces remain reasonably free from unlawful conduct and conduct that unreasonably interferes with the public's use and enjoyment of those spaces, and that such spaces are well maintained, clean, and reasonably free of graffiti, litter, unattended personal belongings, and other conditions that detract from their safety, accessibility, and public enjoyment.

Section 2.03. Activation of Public Spaces.

The City finds that well-programmed, well-maintained, and actively used public spaces are among the most effective long-term strategies for promoting public safety, strengthening community life, and discouraging unlawful and disruptive activity.

The City shall expand the activation of Burlington's public spaces through community programming, arts and cultural events, recreational opportunities, family-oriented activities, and partnerships that increase positive public use of parks, downtown, neighborhood business districts, and other civic spaces. Consistent with the FY27 budget resolution, the City Council

Christian's feedback:

Equity:

Good emphasis on dignity, but "comfortable enjoyment" should be balanced with equitable access.

Inclusion:

Add accessibility and reasonable accommodation.

Belonging:

Strong potential.

Social Responsibility:

Strong.

Suggested addition:

"...while respecting the dignity, civil rights, accessibility needs, and..."
Kelli Perkins
08/18/2026 13:35

Christian's feedback:

Equity:

The focus on cleanliness and "unattended personal belongings" could disproportionately affect people experiencing homelessness.

Inclusion:

The policy should distinguish abandoned property from personal belongings and establish procedures to protect property rights.

Belonging:

People experiencing homelessness should not
Kelli Perkins
08/18/2026 13:36

Christian's feedback:

Equity:

Strong, but programming should be accessible and representative of diverse communities.

Inclusion:

Add free/low-cost programming and accessibility.

Belonging:

Strong opportunity to build belonging.

Social Responsibility:

Strong.

Suggested addition:

"Programming should reflect the diversity of Burlington's communities..."
Kelli Perkins
08/18/2026 13:37

requests that the Administration continue coordinating with the City Council's Parks, Arts & Culture Committee to develop and implement these efforts.

Section 2.04. City Hall Park and Organized Activities.

The City Council reaffirms its prior policies regarding the restoration and stewardship of City Hall Park as outlined in the Council's August 2025 resolution concerning the management, activation, and preservation of the Park. The City Council declares again that City Hall Park shall remain one of Burlington's principal civic gathering spaces—welcoming, accessible, well-maintained, and available for the broad enjoyment of residents and visitors.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the City Attorney's Office prepare and submit to the Council any ordinance amendments necessary to clarify where organized activities may occur within City-owned public spaces, establish when permits are required for such activities, and ensure that such activities do not materially interfere with the intended public use of City Hall Park or other public spaces.

The City Council requests that the Administration renew stalled efforts to assist with navigating how to secure any available and necessary permits for, or if permits are unavailable, offer alternative locations to unpermitted social service activities where participants could be better served while preserving the Park's role as Burlington's principal civic gathering space. If necessary to identify alternative locations, the City Council asks that the Administration evaluate appropriate indoor and outdoor municipal facilities, including Contois Auditorium where practicable and consistent with operational needs.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Department of Parks, Recreation & Waterfront issue a request for proposals seeking one or more vendors, nonprofit organizations, or other qualified operators to activate the patio area located in the northeast corner of City Hall Park through food and beverage concessions, retail kiosks, recreational uses, cultural programming, public amenities, or other uses that increase positive public activity and enhance the visitor experience. Any request for proposals shall encourage creative, seasonal, and year-round activation strategies that promote regular public use of the space and are consistent with City Hall Park's role as Burlington's principal civic gathering space. Alternatively, the Administration may evaluate repurposing the patio area as a centralized operational hub for public safety personnel, in alignment with the intent of the City Council's September 2024 resolution on establishing a downtown public safety hub, to provide a visible, accessible, and continuous public safety presence within City Hall Park.

Christian's feedback: **Equity:**

The relocation of social services raises significant equity concerns. Moving services away from downtown may create transportation and access barriers.

Inclusion:

Alternative locations must be evaluated with service users, not solely by government officials.

Belonging:

A public space should be welcoming to all, including people who use social services.

Social Responsibility:

The City should not simply relocate vulnerable populations without ensuring continuity of care.

Suggested improvement:

"Any relocation or alternative site for social service activities shall be developed in consultation with affected service users and providers and shall ensure comparable or improved access, transportation, accessibility, safety, and continuity of services." The "public safety hub" alternative should also undergo an equity and community impact assessment.

Kelli Perkins
08/18/2026 13:38

Section 2.05. Expansion of Public Safety Personnel and Public Space Response Capacity.

The City's sworn police officers, Community Service Officers, Urban Park Rangers, and other civilian public safety personnel continue to perform their duties with exceptional dedication and professionalism in protecting and preserving our public spaces. A number of these roles, particularly sworn police officers, unfortunately continue to face significant challenges to staffing, with available police officers consistently remaining at or below current levels since 2023. As the City continues with long-term efforts to rebuild its public safety infrastructure, there is an immediate need to strengthen the City's visible presence within its public spaces. Accordingly, the City Council requests that the Administration act within sixty (60) days following enactment of the Resolution to present recommendations to the Council on which public safety roles can be most immediately and substantially increased, if even on a temporary basis, to ensure more personnel are assigned to visible public safety and public space response functions. Moreover, the City Council asks that the Chief of Police continue to regularly update the Council's Public Safety Committee on recruitment efforts at the Burlington Police Department.

Immediately following enactment of this Resolution and prior to delivering the above-requested recommendations, the City Council requests that the Mayor take the steps necessary to expand the visible presence of public safety personnel in areas experiencing persistent public safety and public order concerns, which the Mayor's Administration has previously attempted to address through its working group on "hot spots," where ongoing conditions threaten public safety, diminish the public's use and enjoyment of these spaces, and risk undermining the success of generational projects like that at Burlington Square. For this purpose, the Mayor may use, as necessary, the monies allocated by the City Council in the FY27 budget to contract with third-party public safety personnel, including certified police officers. Additionally, to the extent permitted by existing agreements with contracted public safety personnel, such as those currently assigned to patrol municipal garages, the Mayor is authorized to repurpose these personnel to higher priority areas.

Moreover, to the extent practicable, the City Council requests that the Administration recruit and organize one or more Public Space Response Teams comprised of City employees and employees of other local organizations committed to the vitality of Burlington who voluntarily elect to participate and successfully complete appropriate training.

Public Space Response Teams shall supplement, but not replace, traditional public safety resources by increasing the City's visible presence within public spaces, promoting lawful and welcoming public use, and assisting in the preservation of City property. If the City's unionized staff are interested in this

Christian's feedback:

Equity:

This section needs a clear racial equity analysis. Expanding enforcement personnel can disproportionately affect BIPOC residents, people with disabilities, and people experiencing homelessness.

Inclusion:

Public Space Response Teams should include community representatives and people with lived experience.

Belonging:

A highly enforcement-centered presence may increase feelings of surveillance among some communities.

Social Responsibility:

Strong need for training, oversight, and accountability.

Recommended addition:

Kelli Perkins
08/18/2026 13:45

City employees as volunteers in this venture will exacerbate the burnout currently running rampant among the City government staff. I wonder if this is an opportunity to activate our NPAs, especially because we know there are varying levels of engagement depending on the ward—this could be a way to more actively involve residents as solving the issues in the City will take all of us.

Kelli Perkins
08/18/2026 12:45

volunteer opportunity, the Council acknowledges the potential need to submit proposals to municipal unions as necessary to accommodate this.

To the fullest extent permitted by law and consistent with appropriate training and supervision, members of **Public Space Response Teams** may be authorized to:

- A. Address and intercede conduct that unreasonably interferes with the public's use and enjoyment of Burlington's public spaces, including, but not limited to, the open use of drugs and alcohol, public intoxication, smoking where prohibited, disorderly behavior, and the encumbrance of sidewalks and walking paths;
- B. Issue municipal ordinance citations within the scope of their legal authority;
- C. Issue notices against trespass and take other lawful actions necessary to protect City property and public spaces;
- D. Promote cleanliness and sanitation, identify maintenance concerns, and coordinate the prompt removal of graffiti and other public nuisances; and
- E. Connect individuals experiencing crisis, homelessness, substance use disorder, or other behavioral health needs with appropriate treatment, recovery, housing, and supportive services.

The City Attorney and Chief Administrative Officer shall prepare and submit for Council consideration any ordinance amendments, budget proposals, administrative policies, or other measures necessary to implement this Section.

Section 2.06. Public Safety Cameras and Public Notification.

The City Council finds that visible public safety cameras, when lawfully deployed and appropriately identified, deter unlawful conduct, assist in criminal investigations, and promote public confidence in the safety of Burlington's public spaces.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the Chief Information Officer prepare and submit to the Council a report identifying all City-owned or City-operated public safety cameras currently operating within Burlington's downtown and other public spaces. The report shall identify each camera's general location, operational status, and any significant gaps in camera coverage requiring future consideration, provided that nothing in this Section shall require disclosure of information that would compromise public safety or law enforcement operations and the report will be provided confidentially to the extent permitted by Vermont's Open Meeting Law. Moreover, in carrying out this Section and

Because these teams may intervene, issue citations, and issue trespass notices, require mandatory training in racial equity, implicit bias, de-escalation, trauma-informed practice, disability awareness, cultural responsiveness, and constitutional/legal protections. Also require demographic monitoring of contacts and enforcement actions to identify disparate impacts. The CJC and REIB should be involved in this training effort.

Kelli Perkins
08/18/2026 12:41

Christian's feedback:

Equity:

Surveillance technologies can have disparate impacts and should be evaluated for racial and civil liberties implications.

Inclusion:

Public notification is good, but community participation in camera expansion should be required.

Belonging:

Over-surveillance can undermine trust.

Social Responsibility:

Strong privacy language, but stronger accountability

Kelli Perkins
08/18/2026 13:46

Strengthen the civil-rights safeguards. In addition to privacy and data-management requirements, consider explicit limits on facial recognition or other biometric uses, retention periods, access controls, periodic equity/bias audits, and public reporting on camera use and outcomes.

Kelli Perkins
08/18/2026 12:53

any future expansion of public safety camera systems, the City shall remain mindful of the importance of protecting individual privacy and civil liberties and shall ensure that the deployment, operation, and management of such systems are conducted in accordance with applicable law and appropriate safeguards governing the collection, retention, access to, and use of recorded data, including but not limited to the City's Fair and Impartial Policing Policy.

The City Council requests that the Administration install and maintain clear, visible signage at appropriate locations notifying the public that public safety cameras are in operation. Such signage shall be designed to deter unlawful conduct while promoting public awareness that public spaces are actively monitored for the protection of residents, visitors, businesses, and City property.

Section 2.07. Public Space Stewardship and Graffiti Removal.

Recognizing that clean, well-maintained public spaces contribute to public safety, civic pride, and neighborhood vitality, the City Council requests that the Mayor coordinate with the Council's Community Development & Neighbor Revitalization Committee to establish a public space stewardship program to encourage and support volunteer participation in the prompt removal of graffiti from public spaces and other beautification initiatives consistent with the purposes of this Resolution. In establishing this public space stewardship program, the Administration and CDNR Committee may collaborate with organizations and individuals already volunteering to perform the expanded work called for in this Section.

Any program shall provide participating residents with appropriate training, safety guidance, equipment, supplies, and other resources necessary to assist the City in removing graffiti from publicly owned property in a safe, lawful, and coordinated manner.

The City Council reaffirms that the prompt removal of graffiti from privately owned property remains the primary responsibility of the property owner. Any public space stewardship program should also provide a mechanism through which private property owners may authorize trained City employees or approved volunteers participating in the program to enter their property for the purpose of removing graffiti, subject to such reasonable conditions and limitations as the property owner may establish.

Section 2.08. Expanded Partnerships with Nonprofit Organizations and Private Property Owners.

The City Council recognizes that restoring Burlington's public spaces requires meaningful collaboration with businesses, nonprofit organizations, faith communities, and other private

Christian's feedback:

Equity:

Neutral overall.

Inclusion:

Volunteer opportunities are positive, but participation should be accessible.

Belonging:

Strong civic engagement potential.

Social Responsibility:

Strong.

Suggested addition:

Include neighborhood residents in deciding beautification priorities, especially communities historically underinvested in

Kelli Perkins
08/18/2026 13:49

I know CDNR was working on contracting with an organization that would supply recycled paint to help with the cost of removing graffiti and other similar beautification efforts—is that work that has been completed and if so has the process been shared publicly?

Kelli Perkins
08/18/2026 13:47

Christian's feedback:

Equity:

The provision directing nonprofit organizations to establish behavioral expectations should be paired with expectations for the City and property owners.

Inclusion:

People receiving services should have a voice in establishing expectations.

Belonging:

Good language about dignity.

Social Responsibility:

Strong shared-responsibility concept

Kelli Perkins
08/18/2026 13:50

property owners whose properties directly influence the experience of surrounding neighborhoods.

Accordingly, the City Council asks the Mayor to develop and make publicly available for private property owners educational materials on:

- A. Procedures for issuing notices against trespass as authorized by law;
- B. Crime prevention and environmental design strategies;
- C. Details on the extent to which private property owners can be held criminally or civilly liable for unlawful or other wrongful conduct permitted to continue on their premises;
- D. Other available tools to assist property owners in responding to unlawful activity while promoting safe, welcoming, and well-maintained properties.

The City Council further asks the Mayor to engage with nonprofit organizations that provide services to individuals experiencing homelessness, substance use disorder, mental health challenges, or other vulnerabilities, and to relay the City's request that such organizations adopt reasonable expectations for respectful and lawful behavior on the organization's property and within adjacent public rights-of-way and public spaces immediately surrounding the organization's facilities, including expectations designed to discourage conduct that creates public safety risks, interferes with the use and enjoyment of neighboring properties and public spaces, or otherwise adversely affects the surrounding community. The City encourages nonprofit organizations to communicate these expectations in a manner that preserves the dignity of those receiving services while reinforcing shared responsibility for maintaining safe, welcoming, and accessible neighborhoods.

Section 2.09. Public Space Performance Standards.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor collaborate with the City Council's Public Safety and Parks, Arts & Culture Committees to adopt measurable performance standards for evaluating the condition of Burlington's public spaces, which shall be publicly posted on the City's Data Hub.

The standards shall include objective performance measures relating to, as appropriate:

- A. Public safety conditions, including but not limited to the number of incidents, offenses, and arrests in public spaces;

Add equity measures to the performance framework. Current measures focus on incidents, complaints, activation, and use. Add demographic analysis of citations, arrests, police contacts, complaints, and other enforcement activity, where legally permissible, and assess whether improvements in public-space conditions are being achieved equitably across communities.

Kelli Perkins

08/18/2026 12:53

Christian's feedback:

Equity:

This section is an important opportunity to embed equity.

Inclusion:

Add community perception and participation measures.

Belonging:

Measure whether residents feel welcomed and safe, not only whether incidents decline.

Social Responsibility:

Strong transparency.

Add measures for:

racial disparities in enforcement; citations and arrests by race and ethnicity; use of force; trespass orders; access to services; community perceptions of safety; resident sense of belonging; accessibility; complaints regarding discriminatory treatment.

Kelli Perkins

08/18/2026 13:50

B. Quality-of-life complaints, including but not limited to SeeClickFix reports on cleanliness and sanitation, and graffiti response;

C. Public space activation and programming;

D. Visitor and resident use of public spaces; and

E. Such additional performance measures as the Administration determines appropriate to enable the City Council and the public to evaluate progress over time.

ARTICLE III

Sustainable Intervention and Regional Responsibility

Section 3.01. Statement of Intent.

The purpose of this Article is to establish a sustainable framework for responding to homelessness, substance use disorder, and behavioral health challenges. The City Council reaffirms Burlington's longstanding commitment to ensuring that individuals experiencing crisis are afforded meaningful opportunities to obtain shelter, treatment, recovery services, and permanent housing while recognizing that emergency interventions must ultimately lead to greater stability, independence, and improved health outcomes.

The City Council further recognizes that compassion requires meaningful intervention, measurable results, and shared regional responsibility. Emergency measures are intended to stabilize individuals and connect them to long-term solutions and should not become permanent substitutes for housing, treatment, recovery, or personal stability.

Section 3.02. Establishing Service Capacity.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor convene representatives of organizations providing emergency shelter, affordable housing, behavioral health services, substance use treatment, healthcare, emergency response, outreach, and other appropriate public and private partners to evaluate Burlington's sustainable capacity to responsibly provide emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. To the extent the City is already convening a group that includes the above-referenced stakeholders, the Administration may expand the scope of that group's work to include developing the assessment called for in this Section.

Christian's feedback:

Equity:

Strong commitment to long-term stability, but "independence" should not be treated as the only successful outcome. Some people will need ongoing supportive services.

Suggested change:

Replace "independence" with "**long-term stability, health, autonomy, and well-being.**"

Kelli Perkins

08/18/2026 13:51

Christian's feedback:

Equity:

The concept of a "maximum number" of people Burlington can serve risks turning people into a capacity calculation.

Inclusion:

Affected individuals and service providers should participate in defining capacity.

Belonging:

The framing should avoid suggesting that some people are "too many" for the community.

Social Responsibility:

The City should recognize a continuing obligation to meet urgent humanitarian needs.

Recommended addition:

"Capacity assessments shall be informed by the lived experiences of people accessing services and shall evaluate not only the number of individuals served but also whether services are accessible, culturally responsive, disability-inclusive, trauma-informed, and effective."

Kelli Perkins

08/18/2026 13:52

The assessment shall evaluate available staffing, financial resources, healthcare capacity, emergency response capability, housing availability, case management, sanitation, public safety impacts, fiscal sustainability, and such other operational considerations as may be appropriate.

Based upon that assessment, the City Council requests that the Mayor recommend the maximum number of individuals that Burlington can sustainably and humanely serve at any given time through the coordinated provision of emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. The recommendation shall identify the methodology and assumptions used to establish that number and shall include objective indicators by which the City may determine when Burlington has reached or exceeded its sustainable service capacity.

The Mayor may periodically review the recommended sustainable service capacity and recommend revisions to the City Council as conditions, available resources, or regional participation materially change.

Section 3.03. Regional Responsibility.

The City Council affirms that homelessness, substance use disorder, and behavioral health challenges are regional and statewide challenges requiring regional and statewide solutions.

The City Council further finds that current conditions strongly indicate that Burlington is providing services beyond what can be sustainably supported by its existing housing, shelter, behavioral health, public safety, and municipal resources. While the assessment required by Section 3.02 will establish a recommended sustainable service capacity, the City Council finds that immediate action to promote greater regional responsibility should not await completion of that assessment.

Burlington will continue to lead with compassion. Leadership, however, does not require Burlington to serve as the exclusive or primary provider of services for individuals from throughout Vermont.

The City Council requests that the Administration implement equitable policies and procedures to ensure that, when Burlington has reached or exceeded its sustainable service capacity, individuals seeking services are connected with available housing, shelter, treatment, recovery, behavioral health, and other supportive services in other communities, including through transportation assistance where appropriate. The City shall actively work with the State of Vermont, neighboring municipalities, healthcare providers, housing organizations, and regional service providers to expand service capacity throughout the region so that responsibility for serving vulnerable individuals is shared more equitably.

Establishing a 'maximum number' of people Burlington can serve raises equity and access concerns. The methodology should not create a ceiling that results in denial of basic services. Require the assessment to identify unmet need, legal obligations, disparate impacts, and a plan for expanding statewide/regional capacity. Include people with lived experience in developing the methodology.

Kelli Perkins
08/18/2026 12:58

Christian's feedback: Equity:

The principle is strong, but "individuals from throughout Vermont" may encourage geographic exclusion.

Inclusion:

Regional responsibility should mean expanding services everywhere, not redirecting people elsewhere.

Belonging:

People should not lose access to services because of where they originated.

Social Responsibility:

Strongest opportunity for regional equity.

Suggested change:

"Regional responsibility shall be pursued through shared investment and expanded service capacity across municipalities, rather than through exclusion or displacement of individuals based on their place of origin or current residence."

Kelli Perkins
08/18/2026 13:52

Section 3.04. Expanded Temporary Emergency Shelter Space and Sanctioned Camping.

Within ninety (90) days following adoption of this Resolution, the City Council requests that the Administration designate one or more locations for expanded temporary emergency shelter space or sanctioned camping to be utilized only when necessary to supplement available capacity at established emergency shelters.

Any expanded temporary emergency shelter space or sanctioned camping location shall be subject to approval by the City Council and generally situated outside Burlington's downtown core, waterfront, shared-use path network, and heavily utilized public parks and shall be selected with due consideration for surrounding neighborhoods, public infrastructure, environmental impacts, and the availability of supportive services. To best serve individuals able to utilize this location or locations, efforts will be made to designate locations with access to drinking water, toilets, shower facilities and handwashing stations, laundry, electricity, and dumpsters. To that end, the City Council acknowledges that while temporary emergency shelter space is preferable to sanctioned camping, neither should be considered a permanent housing solution and should be utilized only for the duration necessary to transition individuals to more appropriate placements.

Prior to approving any designated locations under this Section, the City Council will expect that the location will adopt and enforce operational standards governing admission, sanitation, security, storage of belongings, code of conduct, outreach, behavioral health services, treatment referrals, housing navigation, transportation, case management, and ongoing program evaluation.

The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting performance data in a publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:

- A. The number of individuals served during the reporting period and cumulatively;
- B. The average daily occupancy and utilization rate;
- C. The number and percentage of participants successfully transitioned to emergency shelter, treatment, recovery programs, permanent supportive housing, permanent housing, or other stable housing placements;
- D. The average length of stay for participants;
- E. The number of emergency service responses to a location; and

Christian's feedback:

Equity:

Locating shelters outside downtown can disproportionately burden people with limited transportation and disabilities.

Inclusion:

Accessibility and transportation need stronger requirements.

Belonging:

The language could unintentionally frame shelter residents as incompatible with public spaces.

Social Responsibility:

Kelli Perkins

08/18/2026 13:53

Add explicit equity and accessibility criteria for site selection. Consider proximity to transit, healthcare, food, employment, disability access, culturally responsive services, and environmental impacts. Avoid concentrating temporary shelter or sanctioned camping in communities that already experience disproportionate burdens or figure out what mechanisms can be put in place to better support these communities if site

Kelli Perkins

08/18/2026 13:01

Add equity outcomes to the required monthly reporting. In addition to utilization and transitions, report outcomes by race/ethnicity and other legally appropriate demographic categories, including referrals accepted, successful housing transitions, length of stay, and emergency responses. The goal should be both effectiveness and equitable access/outcomes.

Kelli Perkins

08/18/2026 13:02

F. Such additional performance measures as the Administration determines are appropriate to evaluate whether a location is functioning as a temporary intervention that promotes health, safety, and successful transitions to more appropriate placements.

Section 3.05. Unauthorized Encampments.

The City Council finds that unauthorized encampments located in areas where camping is specifically prohibited are inconsistent with the policies established by this Resolution.

Consistent with applicable legal requirements, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, to provide notice of a specified date on which the encampment will face ticketing, no trespass orders, other legal action, and removal of any remaining items. This date should be as soon as reasonably practicable following the provision of notice, allowing sufficient time for affected individuals to make alternative arrangements while protecting public health, public safety, environmental resources, and the public's continued use and enjoyment of Burlington's public spaces.

In accordance with City policy regarding sheltering on public lands, encampments noticed for removal will be provided contact information from local social service organizations serving unsheltered residents, the State of Vermont's Coordinated Entry Screening Form with instructions, information on other available community resources, information on the officials responsible for an encampment that is not removed, and details on where any collected personal property will be stored.

For the purposes of this Article, the City Council notes that Section 22-7 of the Burlington Code of Ordinances provides that "[i]t shall be unlawful for any person to camp in any public park in the city." Section 22-1 enumerates the City's parks and Section 22-23 further provides that "the land known as Urban Reserve ... shall be considered a city park subject to this chapter."

To the extent the City does not have sufficient staffing capacity to comply with this Section, the City Council asks that the Mayor's Administration act within sixty (60) days following enactment of this Resolution to present recommendations to the Council detailing how it will promptly increase the number of personnel authorized and trained to provide notices of removal and conduct associated outreach. The recommendations shall identify the staffing, organizational changes, funding, and implementation timeline necessary to ensure that notices of removal are issued consistently throughout the City.

The City Council requests that the Administration establish measurable performance standards governing the City's response to prohibited encampments and shall publish the resulting

Add trauma-informed and disability-responsive safeguards before removal. Require documented outreach, meaningful notice, efforts to connect people to appropriate alternatives, and procedures protecting medications, identification, assistive devices, and essential personal property. Consider requiring an equity review of encampment enforcement patterns to identify disparate impacts.

Kelli Perkins
08/18/2026 13:03

Christian's feedback:

Equity:

Encampment enforcement can disproportionately affect people with the fewest housing options and may have disparate racial impacts.

Inclusion:

The proposed 24-hour response should be balanced with meaningful notice and accessible alternatives.

Belonging:

Removal without adequate alternatives may increase exclusion and displacement.

Social Responsibility:

The City has a responsibility to protect public spaces while also protecting people from avoidable displacement and loss of essential property.

Recommended additions:

Kelli Perkins
08/18/2026 13:55

...

performance data in a publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:

- A. The number of prohibited encampments identified during the reporting period;
- B. The average time between identification of a prohibited encampment and issuance of a notice of removal;
- C. The average time between issuance of notice and removal of the encampment;
- D. The number and percentage of individuals contacted who accepted referrals or were successfully connected to shelter, a sanctioned camping location, coordinated entry, behavioral health services, treatment, recovery services, or other supportive services prior to or following removal of the encampment; and
- E. Such additional performance measures as the Administration determines are appropriate to evaluate the effectiveness of the City's outreach and enforcement efforts.

Section 3.06. Accountability and Enforcement.

The City Council reaffirms that every individual is entitled to dignity, due process, and meaningful opportunities to obtain treatment, recovery services, shelter, and supportive services. The City further reaffirms its commitment to prevention, treatment, recovery, and other evidence-based public health interventions.

The City Council rejects the notion that enforcing our laws and ordinances in response to unlawful conduct is an uncaring or unempathetic act, or that tolerance of unlawful conduct is itself an act of compassion. Effective public policy requires meaningful opportunities for treatment and recovery together with consistent enforcement of criminal laws that protect the public and preserve Burlington's shared public spaces.

Accordingly, the City Council declares that Burlington will not tolerate drug trafficking, the unlawful open use of controlled substances, retail theft and other property crimes that frequently support substance use disorder, or other criminal conduct that threatens public safety or unreasonably interferes with the public's use and enjoyment of shared public spaces.

The City Council further declares that enforcement of these laws shall remain a priority of the City. The Council supports proactive investigation, lawful detention where appropriate, arrest when supported by the facts and authorized by law, and referral for prosecution of individuals engaged in such criminal activity. Nothing in this Resolution shall be construed to discourage

Expand the performance measures beyond speed of removal. Include the percentage of people offered appropriate alternatives, accepted referrals, maintained continuity of care, retained essential belongings, and obtained stable housing after intervention. Report outcomes by race/ethnicity and other appropriate demographic categories to assess disparate impacts.

Kelli Perkins
08/18/2026 13:03

Balance the strong emphasis on individual enforcement with institutional accountability. Add a requirement that the City evaluate whether enforcement strategies produce disparate racial, disability, or other demographic impacts and modify practices when inequities are identified. Consider explicitly distinguishing drug trafficking and other criminal conduct from substance use disorder or homelessness itself.

Kelli Perkins
08/18/2026 13:04

Christian's feedback:
This is perhaps the section requiring the **most substantial racial equity revision.**
Equity:

The language strongly emphasizes arrest, prosecution, and punishment. Without explicit safeguards, enforcement can contribute to racial disparities in policing and criminal justice.

Inclusion:
People should have meaningful access to diversion and treatment...

Kelli Perkins
08/18/2026 13:55

law enforcement officers from taking appropriate enforcement action authorized by law in response to these offenses.

The City shall continue pursuing treatment and recovery for those willing to accept assistance while supporting the investigation, arrest where authorized by law, prosecution, and appropriate punishment of individuals whose criminal conduct perpetuates addiction, victimizes residents and businesses, or undermines the safety and vitality of Burlington's public spaces.

Furthermore, the City Council notes that both the Situation Table and City Circle initiatives were implemented to improve outcomes for individuals at elevated risk of involvement with the criminal justice system, behavioral health crises, substance use, and homelessness, including by reducing emergency department utilization, overdoses, and other preventable harms, while also providing a more immediate and consistent system of accountability for individuals who repeatedly violate municipal ordinances.

The City Council is particularly concerned that the City Circle initiative, which was previously identified by the Mayor's Administration as a key component of Burlington's strategy to improve public safety and accountability, appears to have been substantially curtailed or discontinued. The Council further understands that this change may have been attributable, in whole or in part, to reductions in available funding, and seeks clarification regarding the status of the initiative, the reasons for any changes in its implementation, and whether alternative funding sources or program models have been considered. The Council is also concerned that, to its knowledge, the accountability mechanisms contemplated by the City Circle model, including prosecution or other consequences for participants who failed to comply with restorative justice requirements, have not been meaningfully utilized, and requests information sufficient to evaluate whether the program has operated as originally intended.

Within thirty (30) days of the adoption of this Resolution, the City Council's Public Safety Committee shall prepare and deliver a list of questions to the Mayor's Administration, the City Attorney's Office, and the Community Justice Center, the responses to which shall provide the Council with a comprehensive update regarding the Situation Table and City Circle initiatives, including, at a minimum: (i) the current operational status of each initiative; (ii) participation levels and measurable outcomes for individuals served; (iii) data concerning compliance with restorative justice requirements and any enforcement or prosecutorial actions taken in response to noncompliance, to the extent permitted by law; (iv) the funding sources supporting each initiative, including any reductions or anticipated funding gaps; and (v) recommendations for the continuation, modification, expansion, or replacement of these initiatives based on their first year of implementation.

Section 3.07. Request for Ongoing Assistance From State Public Safety Personnel

Recognizing Burlington's ongoing public safety resource challenges, the City Council calls upon the Vermont State Police to continue partnering with the Burlington Police Department by providing supplemental law enforcement resources in and around the City's downtown and other locations where additional law enforcement presence is necessary to protect public safety, address criminal activity, and restore public confidence in Burlington's public spaces.

Separately, the City Council calls upon the Vermont Department of Motor Vehicles Enforcement Division to expand traffic enforcement efforts within the City of Burlington's principal transportation corridors, including the new Champlain Parkway, where speeding, reckless driving, excessive engine noise, and other traffic violations have become persistent public safety and quality-of-life concerns.

The City Council affirms that, to the fullest extent permitted by applicable law, it welcomes and consents to the enforcement of both the laws of the State of Vermont and the ordinances of the City of Burlington by duly authorized State law enforcement officers operating within the City, consistent with their statutory authority and any applicable intergovernmental agreements governing such enforcement.

ARTICLE IV

Public Health Policy and Permitted Uses

Section 4.01. Statement of Intent.

The purpose of this Article is to establish the City's policy regarding the implementation of significant public health initiatives, to reaffirm the City Council's legislative role in establishing zoning policy, and to strengthen collaboration between the City of Burlington and the State of Vermont in addressing public safety, behavioral health, and substance use challenges.

Section 4.02. Public Health Policy and Zoning.

The City Council continues to support evidence-based public health initiatives that improve individual and community health while recognizing that the location, operation, and long-term impacts of significant public health services should be considered through transparent public processes consistent with the City's Comprehensive Development Ordinance and adopted zoning policy.

Christian's feedback:

Equity:

Additional law enforcement presence should be accompanied by safeguards against disparate enforcement.

Inclusion:

Community members should be informed about roles and responsibilities of state personnel.

Belonging:

Increased enforcement may affect community trust.

Social Responsibility:

Strong intergovernmental coordination.

Suggested addition: ...

Kelli Perkins

08/18/2026 13:56

Christian's feedback:

Equity:

Good emphasis on evidence-based public health.

Inclusion:

Public participation should explicitly include people directly affected by substance use and harm reduction services.

Belonging:

Public health services should be framed as part of community health rather than as incompatible with public spaces.

Social Responsibility:

Strong

Kelli Perkins

08/18/2026 13:57

Christian's feedback:

Equity:

Neutral on its face, but zoning decisions can produce racial and socioeconomic disparities.

Inclusion:

Public processes should include affected service users.

Belonging:

Potential tension between neighborhood compatibility and inclusion.

Suggested addition:

"Zoning decisions shall consider potential

disparate impacts on ...

Kelli Perkins

08/18/2026 13:57

The City Council finds that significant public health services with substantial neighborhood impacts should not be established through administrative interpretation where doing so effectively creates a new principal use not expressly identified within the Comprehensive Development Ordinance.

Section 4.03. Overdose Prevention Centers.

The City Council finds that overdose prevention centers are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance.

Accordingly, the City Council declares that any proposal to authorize overdose prevention centers within the City of Burlington should proceed only through amendment of the Comprehensive Development Ordinance following public notice, public hearing, and legislative action by the City Council.

The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the City's Charter.

Section 4.04. Syringe Service Programs.

The City Council finds that syringe service programs are a valuable public health strategy but are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance and should not be deemed to constitute any currently permitted principal use absent express legislative authorization.

Accordingly, the City Council declares that any proposal to authorize syringe service programs as a principal use should proceed only through amendment of the Comprehensive Development Ordinance through the City's legislative zoning amendment process.

The City Council further declares that while syringe service programs should continue to be supported in Burlington, they should not be permitted within Burlington's Downtown Improvement District. The City Council opposes the continued operation or establishment of syringe service programs within Burlington's downtown core and calls upon the Vermont Department of Health to work collaboratively with the City and local operating partners to identify an alternative location that better advances public health objectives while supporting the restoration and preservation of Burlington's public spaces.

The City Council further calls upon the Vermont Department of Health to consult and collaborate with the City before establishing, relocating, or materially expanding significant public health services within Burlington so that public health objectives, zoning policy,

If the Council is evaluating the location of overdose prevention centers, the equity analysis should be explicit. Consider requiring evidence regarding overdose prevention, health outcomes, racial/ethnic disparities in overdose mortality, access to treatment, and impacts on people in recovery alongside neighborhood and zoning considerations.
Kelli Perkins
08/18/2026 13:06

Christian's feedback: Equity:

The section should acknowledge that overdose prevention centers may serve populations experiencing significant health disparities.

Inclusion:

A public hearing is important, but meaningful participation ...
Kelli Perkins
08/18/2026 13:58

The resolution recognizes syringe service programs as valuable public health interventions but proposes excluding them from the Downtown Improvement District. Add a health-equity analysis to the location decision, including access for people who use drugs, overdose prevention racial ...
Kelli Perkins
08/18/2026 13:06

Christian's feedback:

This section presents **substantial racial equity concerns.**

Equity:

Restricting harm reduction services from the downtown core may disproportionately affect people who rely on walking, public transit, or proximity to services.

Inclusion:

Relocation ...
Kelli Perkins
08/18/2026 13:58

neighborhood compatibility, and impacts upon public spaces may all be appropriately considered. The Mayor's Administration shall promptly notify the City Council upon learning of State-sanctioned efforts to expand public health services within Burlington.

Additionally, within sixty (60) days following enactment of this Resolution, the City Council's Community Development & Neighbor Revitalization Committee shall begin meeting to develop a resolution that reaffirms, revises, or develops new recommendations from its previously developed report on syringe litter that will further the goals of this Section.

The City Council affirms that the positions taken in this Article regarding an Overdose Prevention Center or Syringe Service Programs are in alignment with Burlington's current comprehensive municipal plan, which acknowledges the difficulties associated with the proximity of drug trafficking and use to those in recovery, and provides in pertinent part that:

[H]igh concentration of social service providers can become easily unmanageable if all stakeholders are not working together, keeping an eye on some of the larger interactions and their implications. For example, the downtown is arguably not the best environment for people recovering from alcohol and drug addiction. The presence of active drug dealing and the highest concentration of drinking establishments in the state create serious challenges for those in recovery.

ARTICLE V

Implementation, Accountability, State Partnership, and Continuing Oversight

Section 5.01. Statement of Intent.

The purpose of this Article is to ensure that the policies established by this Resolution are translated into coordinated action through measurable implementation, public accountability, regular reporting, and continuing oversight by the City Council.

Section 5.02. Partnership with the State of Vermont.

The City Council appreciates the Governor's most recent efforts to support Burlington with additional public safety resources and calls upon the Governor to establish a sustained partnership with the City of Burlington to continue addressing the unique public safety, behavioral health, homelessness, and substance use challenges confronting Vermont's largest municipality.

Christian's feedback: Equity:

Strong opportunity to make equity an implementation requirement.

Suggested addition:

"Implementation shall include ongoing racial equity, inclusion, belonging, and social impact assessment."

Kelli Perkins
08/18/2026 14:01

Christian's feedback: Equity:

Strong focus on regional coordination. Add equitable access to treatment and services.

Inclusion:

State partnership should include community voices.

Belonging:

Regional strategies should avoid displacement.

Social Responsibility: Strong.

Suggested addition:

"State and regional strategies shall prioritize equitable access to services regardless of race, ethnicity, disability, income, housing status, or place of origin."

Kelli Perkins
08/18/2026 14:01

The City Council requests that the Mayor invite representatives of the Governor's Office and appropriate State agencies to meet annually with the Administration, City Council, State legislators, and other regional leaders to evaluate regional progress, identify barriers to collaboration, and recommend additional actions to strengthen the partnership between the City of Burlington, surrounding communities, and the State of Vermont.

The City Council specifically refers back to the requests included in its August 2025 resolution on City Hall Park and its asks for the following specific actions by the State of Vermont and Governor to support Burlington in addressing chronic safety and health challenges: (1) Convene a county-wide committee of local, county and state law enforcement agencies to develop a coordinated response to drug trafficking and related crimes; (2) Convene youth service providers, schools, and staff from the Agency of Human Services to specifically examine trends among juveniles engaged in violence, drugs, and gun possession to identify strategies to interrupt these trends for at-risk juveniles; and (3) Convene a public health strategy discussion between members of the Department of Health and Department of Mental Health to examine how to remove barriers to treatment and address limited capacity to existing drug treatment centers to support people living with substance use disorder finding easier pathways to treatment and recovery.

The City Council further recognizes the substantial progress achieved through the Chittenden County Accountability Docket, which demonstrated that dedicated judicial resources could promote more timely case resolution, meaningful accountability, improved access to treatment and services, and greater confidence in the administration of justice for harm done to our communities. Accordingly, the City Council requests that the Governor, in coordination with the Chief Justice of the Vermont Supreme Court and other appropriate State officials, continue and, as appropriate, institutionalize this model in Chittenden County by supporting the continued assignment of a dedicated judge, prosecutor, public defender, and necessary court personnel and resources to ensure the prompt adjudication of cases involving repeat offenders and individuals with multiple pending criminal matters.

Section 5.03. Legislative Partnership with the Vermont General Assembly.

The City Council calls upon the members of the Chittenden County Senate and House delegations, together with members of the Vermont General Assembly representing communities throughout the State, to support the enactment and strengthening of laws that advance the purposes of this Resolution.

The City Council further calls upon the General Assembly to work collaboratively with municipalities, public safety agencies, healthcare providers, service organizations, and other stakeholders to enact legislation that:

Christian's feedback:

This section already contains a strong equity provision in subsection C.

Section 5.03(C)

"Promotes equitable regional responsibility..." This should be expanded to:

"Promotes equitable regional responsibility for addressing homelessness and behavioral health challenges while ensuring that individuals are not denied access to essential services based on race, ethnicity, disability, income, housing status, or place of origin."

Section 5.03(A)

"Strengthens public safety while protecting individual rights" could be strengthened:

"Strengthens public safety while protecting civil rights, advancing racial equity, and ensuring due process and equal protection under the law."

Kelli Perkins
08/18/2026 14:02

- A. Strengthens public safety while protecting individual rights;
- B. Expands access to and investment in behavioral health, substance use treatment, recovery services, and permanent supportive housing throughout Vermont;
- C. Promotes equitable regional responsibility for addressing homelessness and behavioral health challenges;
- D. Provides municipalities with appropriate legal authority and resources to restore and preserve public spaces;
- E. Supports timely intervention for individuals experiencing behavioral health crises or substance use disorder;
- F. Improves coordination among State agencies and municipalities; and
- G. Otherwise advances the purposes of this Resolution.

The City Council further directs the Mayor and the City's legislative representatives to advocate for legislation consistent with these principles and to report to the City Council regarding significant legislative developments affecting implementation of this Resolution.

Section 5.04. Continuing Commitment.

The City Council adopts this Resolution not merely as a response to current conditions, but as a continuing statement of municipal policy intended to guide future legislative decisions, strengthen public confidence in local government, and restore and preserve Burlington's public spaces for future generations.

The City Council believes that the strength of a community is measured not only by how it responds to those in crisis, but also by how faithfully it preserves the public spaces that belong to everyone. Through this Resolution, Burlington recommits itself to both responsibilities and affirms that they are inseparable from one another.

Add an explicit statement that the success of the resolution will be judged not only by public-space conditions and public confidence, but also by whether implementation reduces disparities and strengthens belonging and trust among communities historically experiencing disparate treatment by public systems.

Kelli Perkins
08/18/2026 13:07

Christian's feedback:

Section 5.04 — Continuing Commitment Equity:

Strong values-based conclusion, but equity is not explicitly named.

Inclusion:

Strong potential.

Belonging:

The phrase "public spaces that belong to everyone" is powerful.

Social Responsibility:

Strong.

Recommended addition:

"Burlington further ...
Kelli Perkins

08/18/2026 14:03

Christian's feedback:

The resolution has a potentially strong foundation for **social responsibility** because it recognizes that public safety, public health, housing, behavioral health, and regional cooperation are interconnected. It also contains important commitments to dignity, due process, transparency, measurable outcomes, and public accountability.

However, **racial** ...
Kelli Perkins

08/18/2026 14:05

Full Comment Appendix

This appendix contains the complete text of all 60 comments in the source Word document. The preceding document pages show the comments in the margin for context; long margin comments may be shortened visually. Each entry below provides the full comment without truncation.

Comments are listed in the source document's comment-ID order. "Document page" refers to the page in the marked-up PDF section that precedes this appendix.

Comment 1 of 60 | Source ID 1

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:04 PM UTC Document page: 1

Anchored passage: Resolution Related to

Christian's feedback:

Highest-Priority Changes

If the goal is to make the resolution substantially stronger through a racial equity, inclusion, belonging, and social responsibility lens, I would prioritize these 10 changes:

Add an explicit equity and civil rights framework that applies to the entire resolution.

Separate homelessness, substance use, mental illness, and poverty from criminal conduct so that vulnerability is not implicitly equated with criminality.

Require racial equity impact assessments for major enforcement, surveillance, public health, zoning, and service-location decisions.

Require disaggregated data on arrests, citations, trespass orders, enforcement actions, service access, and outcomes.

Add protections against disparate enforcement, including regular review of racial and demographic disparities.

Require meaningful participation by people with lived experience in decisions regarding shelters, encampments, public health services, and public space policies.

Strengthen access and accessibility requirements for relocated services, shelters, sanctioned camping, and public programming.

Revise encampment policies to prioritize adequate notice, personal property protection, accessible alternatives, and documented service connections before removal.

Reframe regional responsibility around shared investment and service capacity rather than moving vulnerable people from one jurisdiction to another.

Revise the public health provisions to ensure that decisions about overdose prevention and syringe services are evidence-based and evaluated for racial equity, accessibility, health outcomes, and disparate impacts.

Comment 2 of 60 | Source ID 3

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:13 PM UTC Document page: 1

Anchored passage: BURLINGTON FORWARD: A COMPREHENSIVE FRAMEWORK FOR SAFE PUBLIC SPACES AND A STRONGER COMMUNITY

Christian's feedback: I recommend adding a overarching equity statement near the beginning of the resolution, perhaps after the "NOW, THEREFORE" clause:

Equity, Inclusion, Belonging, and Social Responsibility. In implementing this Resolution, the City shall advance racial equity, inclusion, belonging, and social responsibility by identifying and addressing disparate impacts on historically marginalized and underserved communities; protecting the dignity and civil rights of all people; ensuring meaningful opportunities for affected communities to participate in decisions that impact them; and using transparent, disaggregated data to evaluate outcomes. The City shall seek to ensure that public safety, public health, housing, behavioral health, enforcement, and public space policies are implemented fairly, consistently, and in ways that do not disproportionately burden any racial, ethnic, socioeconomic, disability, or other historically marginalized community. This would give the rest of the resolution a clear equity framework rather than requiring equity considerations to be inferred.

Comment 3 of 60 | Source ID 4

Reviewer: Kelli Perkins Date: August 18, 2026 at 11:49 AM UTC Document page: 1

Anchored passage: WHEREAS, Burlington's downtown, parks, sidewalks, streets, libraries, waterfront, bike paths, and other public spaces are among the City's greatest civic assets. They are the places where neighbors go

Add a WHEREAS statement that speaks to and sets an equity framework for the resolution, so that it is clear that producing equitable outcomes is not an afterthought. Suggested language: WHEREAS, the City recognizes that systemic inequities—including racism, poverty, ableism, discrimination, and unequal access to housing, healthcare, behavioral health services, and economic opportunity—have contributed to the conditions addressed in this Resolution, and that effective public policy must reduce disparities while improving safety and well-being for all residents.

Comment 4 of 60 | Source ID 5

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:17 PM UTC Document page: 1

Anchored passage: WHEREAS, Burlington's downtown, parks, sidewalks, streets, libraries, waterfront, bike paths, and other public spaces are among the City's greatest civic assets. They are the places where neighbors go

Christian's feedback:

Equity:

The language establishes that public spaces belong to everyone, which is an important equity principle. However, it does not acknowledge that different communities may experience public spaces differently or that some residents face greater barriers to accessing them.

Inclusion:

"Everyone" is broad but could be strengthened by recognizing community members with disabilities, families, youth, elders, people experiencing homelessness, and communities historically excluded from civic spaces.

Belonging:

The language supports belonging by framing public spaces as shared civic assets.

Social Responsibility:

The City appropriately identifies preservation of public spaces as a municipal responsibility.

Suggested improvement: Add language acknowledging equitable access and the City's responsibility to ensure public spaces are welcoming to people with different needs and circumstances.

"The City recognizes that equitable access to public spaces requires attention to the differing experiences, needs, and barriers faced by community members and visitors, including people with disabilities, people experiencing homelessness, youth, older adults, and historically marginalized racial and ethnic communities."

Comment 5 of 60 | Source ID 6

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:22 PM UTC Document page: 1

Anchored passage: WHEREAS, the City of Burlington, together with healthcare providers, nonprofit organizations, businesses, faith communities, neighborhood organizations, educational institutions, and countless volunte

Christian's feedback:

Equity:

The resolution recognizes significant investments but does not ask whether resources have been equitably distributed or whether they reach communities with the greatest need.

Inclusion:

Community organizations are included, but people directly affected by the policies are not explicitly included.

Belonging:

The language is service-oriented rather than community-oriented.

Social Responsibility:

Strong foundation, but accountability for resource allocation could be clearer.

Suggested improvement: Add a commitment to evaluate whether public resources are producing equitable outcomes.

Comment 6 of 60 | Source ID 7

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:25 PM UTC Document page: 1

Anchored passage: WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, cont

Christian's feedback:

This is one of the most important areas for revision.

Equity:

The clause combines homelessness, addiction, mental illness, criminal activity, violence, drug use, camping, vandalism, and aggressive behavior in a single narrative. These risks reinforcing an association between poverty, homelessness, disability, mental illness, substance use, and criminality, which may contribute to racialized and stigmatizing perceptions.

Inclusion:

The language may unintentionally position people experiencing homelessness or behavioral health challenges as threats rather than community members.

Belonging:

The phrase "many individuals, including those experiencing homelessness..." places people with multiple vulnerabilities within a public disorder framework.

Social Responsibility:

The City has a responsibility to address harm, but also to distinguish between unlawful conduct and conditions of poverty, disability, or homelessness.

Suggested improvement: Separate these concepts. For example:

"WHEREAS, persistent public safety concerns, including violence, drug trafficking, property crime, and other unlawful conduct, affect community members, businesses, visitors, and individuals experiencing homelessness and other vulnerabilities; and WHEREAS, individuals experiencing homelessness, substance use disorder, and behavioral health challenges may themselves experience significant harm, victimization, and barriers to safety and stability..."

This avoids conflating being vulnerable with committing unlawful conduct.

Comment 7 of 60 | Source ID 8

Reviewer: Kelli Perkins Date: August 18, 2026 at 11:48 AM UTC Document page: 1

Anchored passage: WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, cont

Consider revising this so that homelessness is not repeatedly framed alongside criminal activity. The resolution should distinguish housing status from unlawful conduct. Separate the reference to people experiencing homelessness from the subsequent list of unlawful or harmful conduct, and add that enforcement is directed at conduct, not a person's housing status.

Comment 8 of 60 | Source ID 9

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:27 PM UTC Document page: 1

Anchored passage: WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recrui

Christian's feedback:

Equity:

The clause should recognize that public disorder and enforcement policies can also have unequal impacts on marginalized communities.

Inclusion:

Businesses and neighborhoods are mentioned, but not the voices of people directly experiencing homelessness or behavioral health challenges.

Belonging:

The framing risks creating an "us and them" distinction.

Social Responsibility:

Strong recognition of broad community impacts, but should include responsibility to avoid unintended harms.

Suggested improvement: Add:

"The City recognizes that responses to these conditions must also avoid creating or exacerbating racial, socioeconomic, disability-related, or other disparities in enforcement, access to services, or treatment."

Comment 9 of 60 | Source ID 10

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:28 PM UTC Document page: 2

Anchored passage: WHEREAS, Burlington is and will remain a compassionate community where residents consistently demonstrate kindness and generosity toward neighbors experiencing homelessness, addiction, mental illness,

Christian's feedback:

Equity:

Strong values statement, but could be more explicit about dignity and equity.

Inclusion/Belonging:

Strong foundation.

Social Responsibility:

Strong.

Suggested improvement: Define "compassion" as both individual and institutional responsibility.

Comment 10 of 60 | Source ID 11

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:29 PM UTC Document page: 2

Anchored passage: WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor

Christian's feedback:

Equity:

The phrase "meaningful intervention" is positive, but "where appropriate, enforcement" should include safeguards against disproportionate enforcement.

Inclusion:

Consider voluntary, accessible, culturally responsive services.

Belonging:

The language of dignity is positive.

Social Responsibility:

Strong, but accountability should apply to government systems as well as individuals.

Suggested improvement:

"...while ensuring that interventions are trauma-informed, culturally responsive, accessible to people with disabilities, and implemented consistently and fairly."

Comment 11 of 60 | Source ID 12

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:30 PM UTC Document page: 2

Anchored passage: WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public safety, and public order are complementary

Christian's feedback:

Equity:

The false-choice framing is useful, but the resolution should also reject a false choice between public safety and social justice/equity.

Suggested improvement:

"The City rejects the false choice between compassion, public safety, and equity and affirms that effective public safety must protect the rights, dignity, and safety of all members of the community."

Comment 12 of 60 | Source ID 13

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:31 PM UTC Document page: 2

Anchored passage: WHEREAS, the City further recognizes that Burlington cannot reasonably or sustainably serve as the exclusive or primary provider of shelter, behavioral health services, and substance use treatment for

Christian's feedback:

Equity:

Strong opportunity to discuss regional inequities in service availability.

Inclusion:

Could include affected communities in regional planning.

Belonging:

Avoid language suggesting that vulnerable people are "from outside" and therefore less deserving of services.

Social Responsibility:

Strong.

Suggested improvement: Emphasize that regional responsibility is about shared investment, not simply redirecting people elsewhere.

Comment 13 of 60 | Source ID 14

Reviewer: Kelli Perkins Date: August 18, 2026 at 11:52 AM UTC Document page: 2

Anchored passage: NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, orderly, and accessible public spaces; expand mean

I would add another whereas clause here to drill down on the need for the contents of this resolution to be executed with equity at the center. Suggested language: WHEREAS, The City recognizes that public trust requires fair, impartial, and equitable treatment across all communities and commits to implementing this Resolution in ways that strengthen trust among populations historically experiencing disparate treatment within public systems.

Comment 14 of 60 | Source ID 18

Reviewer: Kelli Perkins Date: August 18, 2026 at 11:55 AM UTC Document page: 3

Anchored passage: Section 1.01. Purpose.

Add equity as an explicit purpose of the resolution. Suggested language: ‘...while continuing Burlington’s longstanding commitment to advancing racial equity, inclusion, accessibility, belonging, compassion, dignity, and meaningful support...’ Also acknowledge that structural inequities in housing, healthcare, behavioral health services, employment, and economic opportunity contribute to the conditions addressed by this resolution.

Comment 15 of 60 | Source ID 19

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:32 PM UTC Document page: 3

Anchored passage: Section 1.01. Purpose.

Christian’s feedback:

Equity:

The phrase "realign our values" is vague and may suggest a shift away from compassion without defining what equity principles will guide the new strategy.

Inclusion:

No explicit commitment to affected communities participating in policy development.

Belonging:

The commitment to dignity is positive.

Social Responsibility:

The acknowledgment that previous policies have fallen short is good, but should include learning from evidence.

Suggested improvement:

"The City shall use evidence, community input, racial equity analysis, and measurable outcomes to assess existing approaches and develop revised strategies that advance safety, dignity, inclusion, belonging, and equitable access to services."

Comment 16 of 60 | Source ID 21

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:33 PM UTC Document page: 3

Anchored passage: A. Burlington's public spaces belong to everyone. Every resident and visitor should be able to use and enjoy the City's parks, streets, sidewalks, libraries, waterfront, bike paths, public buildings,

Christian's feedback:

Equity:

Strong foundational language. Add explicit recognition of equitable access.

Inclusion:

Consider accessibility for people with disabilities and people with different mobility, sensory, and communication needs.

Belonging:

Strong.

Social Responsibility:

Strong.

Suggested addition:

"...with particular attention to removing barriers experienced by historically marginalized and underserved communities."

Comment 17 of 60 | Source ID 22

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:33 PM UTC Document page: 3

Anchored passage: B. Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in

Christian's feedback:

Equity:

This is one of the most consequential sections. The statement "Compassion without accountability is not compassion" creates a strong rhetorical frame but may unintentionally equate enforcement with compassion.

Inclusion:

The section should distinguish unlawful conduct from homelessness, disability, or substance use.

Belonging:

Repeated references to unlawful conduct alongside vulnerable populations may contribute to stigma.

Social Responsibility:

Strong emphasis on dual responsibility, but accountability should also apply to institutions.

Suggested replacement:

"Compassion and accountability are complementary responsibilities." The City rejects the notion that public safety requires choosing between compassion and accountability. The City shall pursue meaningful opportunities for prevention, outreach, treatment, recovery, housing, and supportive services while enforcing laws and ordinances consistently, fairly, and in accordance with due process. Enforcement shall focus on unlawful conduct and actual harm rather than on a person's housing status, disability, health condition, or other protected characteristic.

This would be significantly stronger from a racial equity perspective.

Comment 18 of 60 | Source ID 23

Reviewer: Kelli Perkins Date: August 18, 2026 at 11:56 AM UTC Document page: 3

Anchored passage: B. Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in

The repeated framing of compassion primarily as enforcement/accountability risks creates a false equivalence between homelessness, substance use, and unlawful conduct. The opening sentence should be replaced with language that balances individual and institutional accountability. Suggested language: Effective public policy requires both accountability for unlawful conduct and accountability by public systems to ensure equitable access to housing, treatment, prevention, and supportive services.

Comment 19 of 60 | Source ID 24

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:34 PM UTC Document page: 3

Anchored passage: C. Individuals experiencing homelessness, substance use disorder, or behavioral health challenges deserve meaningful opportunities to obtain shelter, treatment, recovery services, and long-term stabil

Christian's feedback:

Equity:

Strong but should include culturally responsive services and equitable access.

Inclusion:

Add language access and disability access.

Belonging:

Frame people as community members rather than recipients of services.

Social Responsibility:

Strong.

Suggested addition:

"Services should be accessible, culturally responsive, trauma-informed, and available without discrimination."

Comment 20 of 60 | Source ID 25

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:03 PM UTC Document page: 3

Anchored passage: D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and accountability

Add an explicit racial equity impact requirement. Suggested language: Decisions shall be guided by objective evidence, public transparency, measurable outcomes, equity impact analysis, and accountability to the public. Where policies may have disparate impacts, the City shall identify and address those impacts before implementation.

Comment 21 of 60 | Source ID 26

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:35 PM UTC Document page: 3

Anchored passage: D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and accountability

Christian's feedback:

Equity:

This is a strong foundation. Add disaggregated data.

Inclusion:

Public transparency should include accessible formats and meaningful opportunities for community input.

Belonging:

Community members should have a role in interpreting outcomes.

Social Responsibility:

Strong.

Suggested addition:

"Where legally permissible, performance data should be disaggregated by race, ethnicity, age, disability, gender, housing status, and other relevant demographic factors to identify and address disparate impacts."

Comment 22 of 60 | Source ID 30

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:35 PM UTC Document page: 4

Anchored passage: Section 2.01. Statement of Intent.

Christian's feedback:

Equity:

Good emphasis on dignity, but "comfortable enjoyment" should be balanced with equitable access.

Inclusion:

Add accessibility and reasonable accommodation.

Belonging:

Strong potential.

Social Responsibility:

Strong.

Suggested addition:

"...while respecting the dignity, civil rights, accessibility needs, and diverse experiences of every person."

Comment 23 of 60 | Source ID 32

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:36 PM UTC Document page: 4

Anchored passage: Section 2.02. Public Space Policy.

Christian's feedback:

Equity:

The focus on cleanliness and "unattended personal belongings" could disproportionately affect people experiencing homelessness.

Inclusion:

The policy should distinguish abandoned property from personal belongings and establish procedures to protect property rights.

Belonging:

People experiencing homelessness should not be implicitly excluded from "public enjoyment."

Social Responsibility:

Add a responsibility to avoid displacement without meaningful alternatives.

Suggested addition:

"Implementation shall include reasonable procedures to protect and store personal property and shall avoid unnecessary displacement of individuals without consideration of available shelter, housing, or supportive services."

Comment 24 of 60 | Source ID 33

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:37 PM UTC Document page: 4

Anchored passage: Section 2.03. Activation of Public Spaces.

Christian's feedback:

Equity:

Strong, but programming should be accessible and representative of diverse communities.

Inclusion:

Add free/low-cost programming and accessibility.

Belonging:

Strong opportunity to build belonging.

Social Responsibility:

Strong.

Suggested addition:

"Programming should reflect the diversity of Burlington's communities and be designed with input from residents who have historically experienced barriers to participation."

Comment 25 of 60 | Source ID 35

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:38 PM UTC Document page: 5

Anchored passage: Section 2.04. City Hall Park and Organized Activities.

Christian's feedback:

Equity:

The relocation of social services raises significant equity concerns. Moving services away from downtown may create transportation and access barriers.

Inclusion:

Alternative locations must be evaluated with service users, not solely by government officials.

Belonging:

A public space should be welcoming to all, including people who use social services.

Social Responsibility:

The City should not simply relocate vulnerable populations without ensuring continuity of care.

Suggested improvement:

"Any relocation or alternative site for social service activities shall be developed in consultation with affected service users and providers and shall ensure comparable or improved access, transportation, accessibility, safety, and continuity of services."

The "public safety hub" alternative should also undergo an equity and community impact assessment.

Comment 26 of 60 | Source ID 37

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:45 PM UTC Document page: 6

Anchored passage: Section 2.05. Expansion of Public Safety Personnel and Public Space Response Capacity.

Christian's feedback:

Equity:

This section needs a clear racial equity analysis. Expanding enforcement personnel can disproportionately affect BIPOC residents, people with disabilities, and people experiencing homelessness.

Inclusion:

Public Space Response Teams should include community representatives and people with lived experience.

Belonging:

A highly enforcement-centered presence may increase feelings of surveillance among some communities.

Social Responsibility:

Strong need for training, oversight, and accountability.

Recommended addition:

"All public safety personnel and Public Space Response Teams shall receive training in racial equity, implicit bias, de-escalation, disability awareness, trauma-informed practices, cultural responsiveness, and constitutional and civil rights protections."

Strong recommendation:

Add requirements for:

complaint mechanisms;

data collection;

demographic analysis of citations, trespass orders, and other enforcement;

regular public reporting;

independent review of disparate impacts.

The powers in subsection A-C should also be carefully limited to prevent inconsistent or discretionary enforcement.

Comment 27 of 60 | Source ID 38

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:45 PM UTC Document page: 6

Anchored passage: Moreover, to the extent practicable, the City Council requests that the Administration recruit and organize one or more Public Space Response Teams comprised of City employees and employees of other l

City employees as volunteers in this venture will exacerbate the burnout currently running rampant among the City government staff. I wonder if this is an opportunity to activate our NPAs, especially because we know there are varying levels of engagement depending on the ward—this could be a way to more actively involve residents as solving the issues in the City will take all of us.

Comment 28 of 60 | Source ID 39

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:41 PM UTC Document page: 7

Anchored passage: To the fullest extent permitted by law and consistent with appropriate training and supervision, members of Public Space Response Teams may be authorized to:

Because these teams may intervene, issue citations, and issue trespass notices, require mandatory training in racial equity, implicit bias, de-escalation, trauma-informed practice, disability awareness, cultural responsiveness, and constitutional/legal protections. Also require demographic monitoring of contacts and enforcement actions to identify disparate impacts. The CJC and REIB should be involved in this this training effort.

Comment 29 of 60 | Source ID 40

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:46 PM UTC Document page: 7

Anchored passage: Section 2.06. Public Safety Cameras and Public Notification.

Christian's feedback:

Equity:

Surveillance technologies can have disparate impacts and should be evaluated for racial and civil liberties implications.

Inclusion:

Public notification is good, but community participation in camera expansion should be required.

Belonging:

Over-surveillance can undermine trust.

Social Responsibility:

Strong privacy language, but stronger accountability is needed.

Suggested addition:

"Prior to significant expansion of public safety camera systems, the City shall conduct and publicly report a privacy, civil liberties, and racial equity impact assessment."

Comment 30 of 60 | Source ID 41

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:53 PM UTC Document page: 7

Anchored passage: The City Council finds that visible public safety cameras, when lawfully deployed and appropriately identified, deter unlawful conduct, assist in criminal investigations, and promote public confidence

Strengthen the civil-rights safeguards. In addition to privacy and data-management requirements, consider explicit limits on facial recognition or other biometric uses, retention periods, access controls, periodic equity/bias audits, and public reporting on camera use and outcomes.

Comment 31 of 60 | Source ID 45

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:49 PM UTC Document page: 8

Anchored passage: Section 2.07. Public Space Stewardship and Graffiti Removal.

Christian's feedback:

Equity:

Neutral overall.

Inclusion:

Volunteer opportunities are positive, but participation should be accessible.

Belonging:

Strong civic engagement potential.

Social Responsibility:

Strong.

Suggested addition: Include neighborhood residents in deciding beautification priorities, especially communities historically underinvested in.

Comment 32 of 60 | Source ID 46

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:47 PM UTC Document page: 8

Anchored passage: Recognizing that clean, well-maintained public spaces contribute to public safety, civic pride, and neighborhood vitality, the City Council requests that the Mayor coordinate with the Council's Commu

I know CDNR was working on contracting with an organization that would supply recycled paint to help with the cost of removing graffiti and other similar beautification efforts—is that work that has been completed and if so has the process been shared publicly?

Comment 33 of 60 | Source ID 48

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:50 PM UTC Document page: 8

Anchored passage: Section 2.08. Expanded Partnerships with Nonprofit Organizations and Private Property Owners.

Christian's feedback:

Equity:

The provision directing nonprofit organizations to establish behavioral expectations should be paired with expectations for the City and property owners.

Inclusion:

People receiving services should have a voice in establishing expectations.

Belonging:

Good language about dignity.

Social Responsibility:

Strong shared-responsibility concept.

Suggested addition:

"Such expectations should be developed, where practicable, with input from individuals who use or are directly affected by the services and should be applied consistently, fairly, and without discrimination."

Comment 34 of 60 | Source ID 50

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:53 PM UTC Document page: 9

Anchored passage: Section 2.09. Public Space Performance Standards.

Add equity measures to the performance framework. Current measures focus on incidents, complaints, activation, and use. Add demographic analysis of citations, arrests, police contacts, complaints, and other enforcement activity, where legally permissible, and assess whether improvements in public-space conditions are being achieved equitably across communities.

Comment 35 of 60 | Source ID 51

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:50 PM UTC Document page: 9

Anchored passage: Section 2.09. Public Space Performance Standards.

Christian's feedback:

Equity:

This section is an important opportunity to embed equity.

Inclusion:

Add community perception and participation measures.

Belonging:

Measure whether residents feel welcomed and safe, not only whether incidents decline.

Social Responsibility:

Strong transparency.

Add measures for:

racial disparities in enforcement;

citations and arrests by race and ethnicity;

use of force;

trespass orders;

access to services;

community perceptions of safety;

resident sense of belonging;

accessibility;

complaints regarding discriminatory treatment.

Comment 36 of 60 | Source ID 55

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:51 PM UTC Document page: 10

Anchored passage: Section 3.01. Statement of Intent.

Christian's feedback:

Equity:

Strong commitment to long-term stability, but "independence" should not be treated as the only successful outcome. Some people will need ongoing supportive services.

Suggested change:

Replace "independence" with "long-term stability, health, autonomy, and well-being."

Comment 37 of 60 | Source ID 57

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:52 PM UTC Document page: 10

Anchored passage: Section 3.02. Establishing Service Capacity.

Christian's feedback:

Equity:

The concept of a "maximum number" of people Burlington can serve risks turning people into a capacity calculation.

Inclusion:

Affected individuals and service providers should participate in defining capacity.

Belonging:

The framing should avoid suggesting that some people are "too many" for the community.

Social Responsibility:

The City should recognize a continuing obligation to meet urgent humanitarian needs.

Recommended addition:

"Capacity assessments shall be informed by the lived experiences of people accessing services and shall evaluate not only the number of individuals served but also whether services are accessible, culturally responsive, disability-inclusive, trauma-informed, and effective."

Comment 38 of 60 | Source ID 58

Reviewer: Kelli Perkins Date: August 18, 2026 at 12:58 PM UTC Document page: 11

Anchored passage: Based upon that assessment, the City Council requests that the Mayor recommend the maximum number of individuals that Burlington can sustainably and humanely serve at any given time through the coordi

Establishing a 'maximum number' of people Burlington can serve raises equity and access concerns.

The methodology should not create a ceiling that results in denial of basic services. Require the assessment to identify unmet need, legal obligations, disparate impacts, and a plan for expanding statewide/regional capacity. Include people with lived experience in developing the methodology.

Comment 39 of 60 | Source ID 60

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:52 PM UTC Document page: 11

Anchored passage: Section 3.03. Regional Responsibility.

Christian's feedback:

Equity:

The principle is strong, but "individuals from throughout Vermont" may encourage geographic exclusion.

Inclusion:

Regional responsibility should mean expanding services everywhere, not redirecting people elsewhere.

Belonging:

People should not lose access to services because of where they originated.

Social Responsibility:

Strongest opportunity for regional equity.

Suggested change:

"Regional responsibility shall be pursued through shared investment and expanded service capacity across municipalities, rather than through exclusion or displacement of individuals based on their place of origin or current residence."

Comment 40 of 60 | Source ID 62

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:53 PM UTC Document page: 12

Anchored passage: Section 3.04. Expanded Temporary Emergency Shelter Space and Sanctioned Camping.

Christian's feedback:

Equity:

Locating shelters outside downtown can disproportionately burden people with limited transportation and disabilities.

Inclusion:

Accessibility and transportation need stronger requirements.

Belonging:

The language could unintentionally frame shelter residents as incompatible with public spaces.

Social Responsibility:

Strong operational standards, but equity should be explicit.

Add requirements for:

accessible transportation;

ADA compliance;

language access;

culturally responsive services;

community engagement;

resident participation in site selection;

racial equity impact assessment.

Comment 41 of 60 | Source ID 63

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:01 PM UTC Document page: 12

Anchored passage: Within ninety (90) days following adoption of this Resolution, the City Council requests that the Administration designate one or more locations for expanded temporary emergency shelter space or sanct

Add explicit equity and accessibility criteria for site selection. Consider proximity to transit, healthcare, food, employment, disability access, culturally responsive services, and environmental impacts. Avoid concentrating temporary shelter or sanctioned camping in communities that already experience disproportionate burdens or figure out what mechanisms can be put in place to better support these communities if site selection is limited due to the aforementioned concerns around proximity to transit, health care, food, employment, and other services.

Comment 42 of 60 | Source ID 64

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:02 PM UTC Document page: 12

Anchored passage: The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting perfor

Add equity outcomes to the required monthly reporting. In addition to utilization and transitions, report outcomes by race/ethnicity and other legally appropriate demographic categories, including referrals accepted, successful housing transitions, length of stay, and emergency responses. The goal should be both effectiveness and equitable access/outcomes.

Comment 43 of 60 | Source ID 66

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:03 PM UTC Document page: 13

Anchored passage: Section 3.05. Unauthorized Encampments.

Add trauma-informed and disability-responsive safeguards before removal. Require documented outreach, meaningful notice, efforts to connect people to appropriate alternatives, and procedures protecting medications, identification, assistive devices, and essential personal property. Consider requiring an equity review of encampment enforcement patterns to identify disparate impacts.

Comment 44 of 60 | Source ID 67

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:55 PM UTC Document page: 13

Anchored passage: Section 3.05. Unauthorized Encampments.

Christian's feedback:

Equity:

Encampment enforcement can disproportionately affect people with the fewest housing options and may have disparate racial impacts.

Inclusion:

The proposed 24-hour response should be balanced with meaningful notice and accessible alternatives.

Belonging:

Removal without adequate alternatives may increase exclusion and displacement.

Social Responsibility:

The City has a responsibility to protect public spaces while also protecting people from avoidable displacement and loss of essential property.

Recommended additions:

"Prior to removal, the City shall make reasonable efforts to identify and offer accessible alternatives, provide adequate notice consistent with applicable law, protect and store personal property, and connect individuals with housing and services."

Performance data should include:

race and ethnicity;

disability status where voluntarily provided;

number of people displaced;

number offered shelter;

number accepting shelter;

number for whom no alternative was available.

Comment 45 of 60 | Source ID 68

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:03 PM UTC Document page: 14

Anchored passage: The City Council requests that the Administration establish measurable performance standards governing the City's response to prohibited encampments and shall publish the resulting performance data in

Expand the performance measures beyond speed of removal. Include the percentage of people offered appropriate alternatives, accepted referrals, maintained continuity of care, retained essential belongings, and obtained stable housing after intervention. Report outcomes by race/ethnicity and other appropriate demographic categories to assess disparate impacts.

Comment 46 of 60 | Source ID 70

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:04 PM UTC Document page: 14

Anchored passage: Section 3.06. Accountability and Enforcement.

Balance the strong emphasis on individual enforcement with institutional accountability. Add a requirement that the City evaluate whether enforcement strategies produce disparate racial, disability, or other demographic impacts and modify practices when inequities are identified. Consider explicitly distinguishing drug trafficking and other criminal conduct from substance use disorder or homelessness itself.

Comment 47 of 60 | Source ID 71

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:55 PM UTC Document page: 14

Anchored passage: Section 3.06. Accountability and Enforcement.

Christian's feedback:

This is perhaps the section requiring the most substantial racial equity revision.

Equity:

The language strongly emphasizes arrest, prosecution, and punishment. Without explicit safeguards, enforcement can contribute to racial disparities in policing and criminal justice.

Inclusion:

People should have meaningful access to diversion and treatment before or alongside prosecution.

Belonging:

The language may reinforce an "insiders versus offenders" framework.

Social Responsibility:

Accountability is appropriate, but the City should also be accountable for ensuring equitable enforcement.

Recommended addition:

"Enforcement priorities shall be implemented in a manner consistent with racial equity and civil rights principles. The City shall regularly evaluate enforcement activity for disparate impacts and shall take corrective action where disparities cannot be justified by differences in underlying conduct or other legitimate factors."

Strongly recommend adding:

diversion;

restorative justice;

treatment alternatives;

procedural justice;

data transparency;

racial disparity monitoring.

The phrase "appropriate punishment" should be reconsidered in favor of "proportionate and lawful consequences, including treatment, diversion, restorative justice, or other alternatives where appropriate."

Comment 48 of 60 | Source ID 72

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:56 PM UTC Document page: 16

Anchored passage: Section 3.07. Request for Ongoing Assistance From State Public Safety Personnel

Christian's feedback:

Equity:

Additional law enforcement presence should be accompanied by safeguards against disparate enforcement.

Inclusion:

Community members should be informed about roles and responsibilities of state personnel.

Belonging:

Increased enforcement may affect community trust.

Social Responsibility:

Strong intergovernmental coordination.

Suggested addition:

"State and local law enforcement agencies should coordinate to ensure consistent standards, accountability, community engagement, and compliance with racial equity and civil rights protections."

Comment 49 of 60 | Source ID 76

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:57 PM UTC Document page: 16

Anchored passage: Section 4.01. Statement of Intent.

Christian's feedback:

Equity:

Good emphasis on evidence-based public health.

Inclusion:

Public participation should explicitly include people directly affected by substance use and harm reduction services.

Belonging:

Public health services should be framed as part of community health rather than as incompatible with public spaces.

Social Responsibility:

Strong.

Comment 50 of 60 | Source ID 78

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:57 PM UTC Document page: 16

Anchored passage: Section 4.02. Public Health Policy and Zoning.

Christian's feedback:

Equity:

Neutral on its face, but zoning decisions can produce racial and socioeconomic disparities.

Inclusion:

Public processes should include affected service users.

Belonging:

Potential tension between neighborhood compatibility and inclusion.

Suggested addition:

"Zoning decisions shall consider potential disparate impacts on historically marginalized communities and individuals who rely on public health services."

Comment 51 of 60 | Source ID 80

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:06 PM UTC Document page: 17

Anchored passage: Section 4.03. Overdose Prevention Centers.

If the Council is evaluating the location of overdose prevention centers, the equity analysis should be explicit. Consider requiring evidence regarding overdose prevention, health outcomes, racial/ethnic disparities in overdose mortality, access to treatment, and impacts on people in recovery alongside neighborhood and zoning considerations.

Comment 52 of 60 | Source ID 81

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:58 PM UTC Document page: 17

Anchored passage: Section 4.03. Overdose Prevention Centers.

Christian's feedback:

Equity:

The section should acknowledge that overdose prevention centers may serve populations experiencing significant health disparities.

Inclusion:

A public hearing is important, but meaningful participation should include people with lived experience.

Belonging:

The prohibition in the Downtown Improvement District raises concerns about equitable access.

Social Responsibility:

The City should rely on evidence and health outcomes.

Recommended addition:

"Any consideration of an overdose prevention center shall include an evidence-based assessment of public health outcomes, community impacts, racial equity, accessibility, and the potential benefits and risks to people who use drugs and the broader community."

Comment 53 of 60 | Source ID 83

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:06 PM UTC Document page: 17

Anchored passage: Section 4.04. Syringe Service Programs.

The resolution recognizes syringe service programs as valuable public health interventions but proposes excluding them from the Downtown Improvement District. Add a health-equity analysis to the location decision, including access for people who use drugs, overdose prevention, racial disparities in substance-use harms, transit access, and continuity with other health services. Avoid relocating services solely to areas that make access more difficult for the populations they serve in the interest of spreading out the expected impacts in certain neighborhoods. If the service is not accessible, then it will not work.

Comment 54 of 60 | Source ID 84

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:58 PM UTC Document page: 17

Anchored passage: Section 4.04. Syringe Service Programs.

Christian's feedback:

This section presents substantial racial equity concerns.

Equity:

Restricting harm reduction services from the downtown core may disproportionately affect people who rely on walking, public transit, or proximity to services.

Inclusion:

Relocation may reduce access.

Belonging:

The language risks treating people who use harm reduction services as incompatible with downtown.

Social Responsibility:

The City should balance neighborhood concerns with evidence-based public health obligations.

The reference to the comprehensive plan should also be updated to avoid using a historical statement about people in recovery as a justification for exclusion.

Recommended language:

"Any proposed relocation of syringe service programs shall be evaluated based on evidence, accessibility, transportation, health outcomes, racial equity, community impact, and the needs of people who use the services. The City shall not relocate or restrict services in a manner that creates unreasonable barriers to access."

I would also recommend replacing:

"The City opposes the continued operation or establishment..."

with language that expresses a preference for collaborative site planning rather than categorical opposition.

Comment 55 of 60 | Source ID 85

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:01 PM UTC Document page: 18

Anchored passage: Section 5.01. Statement of Intent.

Christian's feedback:

Equity:

Strong opportunity to make equity an implementation requirement.

Suggested addition:

"Implementation shall include ongoing racial equity, inclusion, belonging, and social impact assessment."

Comment 56 of 60 | Source ID 87

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:01 PM UTC Document page: 18

Anchored passage: Section 5.02. Partnership with the State of Vermont.

Christian's feedback:

Equity:

Strong focus on regional coordination. Add equitable access to treatment and services.

Inclusion:

State partnership should include community voices.

Belonging:

Regional strategies should avoid displacement.

Social Responsibility:

Strong.

Suggested addition:

"State and regional strategies shall prioritize equitable access to services regardless of race, ethnicity, disability, income, housing status, or place of origin."

Comment 57 of 60 | Source ID 89

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:02 PM UTC Document page: 19

Anchored passage: Section 5.03. Legislative Partnership with the Vermont General Assembly.

Christian's feedback:

This section already contains a strong equity provision in subsection C.

Section 5.03(C)

"Promotes equitable regional responsibility..."

This should be expanded to:

"Promotes equitable regional responsibility for addressing homelessness and behavioral health challenges while ensuring that individuals are not denied access to essential services based on race, ethnicity, disability, income, housing status, or place of origin."

Section 5.03(A)

"Strengthens public safety while protecting individual rights" could be strengthened:

"Strengthens public safety while protecting civil rights, advancing racial equity, and ensuring due process and equal protection under the law."

Comment 58 of 60 | Source ID 90

Reviewer: Kelli Perkins Date: August 18, 2026 at 1:07 PM UTC Document page: 20

Anchored passage: Section 5.04. Continuing Commitment.

Add an explicit statement that the success of the resolution will be judged not only by public-space conditions and public confidence, but also by whether implementation reduces disparities and strengthens belonging and trust among communities historically experiencing disparate treatment by public systems.

Comment 59 of 60 | Source ID 91

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:03 PM UTC Document page: 20

Anchored passage: Section 5.04. Continuing Commitment.

Christian's feedback:

Section 5.04 — Continuing Commitment

Equity:

Strong values-based conclusion, but equity is not explicitly named.

Inclusion:

Strong potential.

Belonging:

The phrase "public spaces that belong to everyone" is powerful.

Social Responsibility:

Strong.

Recommended addition:

"Burlington further recognizes that public safety, racial equity, inclusion, belonging, and social responsibility are mutually reinforcing responsibilities. A community is strongest when every person can participate in public life with dignity, safety, and a meaningful sense of belonging."

Comment 60 of 60 | Source ID 92

Reviewer: Kelli Perkins Date: August 18, 2026 at 2:05 PM UTC Document page: 20

Anchored passage: The City Council believes that the strength of a community is measured not only by how it responds to those in crisis, but also by how faithfully it preserves the public spaces that belong to everyone

Christian's feedback:

The resolution has a potentially strong foundation for social responsibility because it recognizes that public safety, public health, housing, behavioral health, and regional cooperation are interconnected. It also contains important commitments to dignity, due process, transparency, measurable outcomes, and public accountability.

However, racial equity, inclusion, and belonging are largely implicit rather than explicit. The greatest concern is that some provisions—particularly those involving increased enforcement, public space response teams, surveillance, encampment removal, relocation of social services, and restrictions on harm reduction services—could produce disparate impacts without explicit safeguards, data monitoring, or community participation.

The strongest revision would therefore shift the resolution from a framework that primarily asks "How do we restore public order?" to one that asks:

"How do we create safe, welcoming, and accessible public spaces while ensuring that the policies we use to achieve that goal do not disproportionately burden the people and communities who have historically experienced exclusion, discrimination, and unequal treatment?"

That framing would allow the City to pursue public safety and public order while simultaneously strengthening racial equity, inclusion, belonging, and social responsibility—rather than treating these as competing objectives.



Executive Summary

The following summary is provided for the convenience of the public and is not part of the proposed Resolution.

Burlington Forward establishes a comprehensive policy framework to restore Burlington's public spaces as safe, welcoming, and accessible for everyone. It reaffirms the City's commitment to compassion, dignity, housing, treatment, recovery, and behavioral health services, while also clearly rejecting the false choice between compassion and public safety, recognizing that lasting progress requires both meaningful support for people in crisis and consistent accountability for unlawful conduct.

Rather than creating a single new program or directive, this resolution calls on the City to pursue a coordinated strategy focused on improving public safety resources, expanding accountability and transparency, strengthening regional partnerships, improving data collection and performance measurement, and ensuring that emergency interventions lead to long-term housing, treatment, and recovery.

Major action items include the following:

- Strengthen Accountability for Unlawful Conduct
- Expand the City's Visible Public Safety Presence
- Restore and Activate Burlington's Public Spaces
- Expand Efforts to Improve Cleanliness, Graffiti Removal, and Public Space Stewardship
- Clarify Zoning Policy for Public Health Initiatives
- Strengthen Partnerships with Non-Profit Service Providers and Private Property Owners
- Establish a Sustainable and Humane Framework for Addressing Homelessness, Behavioral Health, and Substance Use Concerns
- Consider Reasonable Expansion of Temporary Emergency Shelter Capacity and Sanctioned Camping, While Improving the City's Response to Unauthorized

Reviewer comments

Comment 1 | Isabella Fearn | 2026-08-07

harm reduction,

Anchor: "Burlington Forward establishes a comprehensive policy framework to restore Burlington's public spaces as safe, welcoming, and accessible for everyone. It reaffirms the City's commitment to compassion,"

Comment 2 | Isabella Fearn | 2026-08-07

, suffering publicly

Anchor: "Burlington Forward establishes a comprehensive policy framework to restore Burlington's public spaces as safe, welcoming, and accessible for everyone. It reaffirms the City's commitment to compassion,"

Comment 3 | Isabella Fearn | 2026-08-07

low barrier shelter, permeant housing,

Anchor: "● Consider Reasonable Expansion of Temporary Emergency Shelter Capacity and Sanctioned Camping, While Improving the City's Response to Unauthorized Encampments"

Encampments

● Strengthen State and Regional Partnerships

Lasting compassion is measured not by our willingness to tolerate harm and suffering, but by our determination to end it. Burlington Forward recognizes that strengthening our City requires that we continue to help those in crisis find lasting stability, while also ensuring accountability for those who repeatedly harm others. By embracing our shared responsibility to these complementary goals, we can restore our public spaces and build a City where everyone can live and thrive in safety, dignity, and hope.

Resolution Related to

BURLINGTON FORWARD: A COMPREHENSIVE FRAMEWORK FOR SAFE PUBLIC SPACES AND A STRONGER COMMUNITY

WHEREAS, Burlington's downtown, parks, sidewalks, streets, libraries, waterfront, bike paths, and other public spaces are among the City's greatest civic assets. They are the places where neighbors gather, children play, businesses and tourism thrives, visitors form lasting impressions, and community life unfolds every day. Preserving these shared public spaces as safe, welcoming, orderly, accessible, and well-maintained for everyone is among the City's most fundamental responsibilities; and

WHEREAS, over the past several years, the Burlington City Council has adopted multiple resolutions and initiatives intended to strengthen public safety, improve community well-being, expand access to housing and behavioral health services, and respond compassionately to the challenges of homelessness, substance use, and mental illness; and

WHEREAS, the City of Burlington, together with healthcare providers, nonprofit organizations, businesses, faith communities, neighborhood organizations, educational institutions, and countless volunteers, has committed substantial public and private resources toward emergency shelter, affordable housing, outreach, behavioral health services, recovery programs, harm reduction initiatives, and other efforts intended to assist vulnerable members of our community; and

WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, continue to be negatively affected by persistent public disorder, criminal activity,

Reviewer comments

Comment 4 | Isabella Fearn | 2026-08-07

substance use disorder, this is a more accurate and less stigmatizing way to define the disorder.

Anchor: "WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, cont"

Comment 5 | andre clark | 2026-08-07

stigmatizing language that blames symptoms and not root causes. Delete clause or just keep criminal activity, violence, and open drug dealing.

Anchor: "WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, cont"

Comment 6 | andre clark | 2026-08-02

this is too vague

Anchor: "WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, many individuals, including those experiencing homelessness, addiction, and mental illness, cont"

violence, repeated overdoses, open drug dealing and use, prohibited camping, vandalism, aggressive or threatening behavior, and other conduct that unreasonably interferes with the use and enjoyment of Burlington's shared public spaces; and

WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruitment of police and other city staff, and undermined Burlington's reputation while also failing many individuals who continue to experience homelessness, addiction, or untreated mental illness without achieving lasting stability, recovery, or improved health outcomes; and

WHEREAS, Burlington is and will remain a compassionate community where residents consistently demonstrate kindness and generosity toward neighbors experiencing homelessness, addiction, mental illness, and other crises. This resolution builds upon those values; and

WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor humane. Lasting compassion requires connecting people to treatment, recovery, housing, supportive services, and, where appropriate, enforcement and accountability for unlawful conduct that harms others or unreasonably interferes with the public's use and enjoyment of shared public spaces; and

WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public safety, and public order are complementary, interdependent responsibilities that must be pursued together to advance the public interest and the dignity of every person; and

WHEREAS, the City further recognizes that Burlington cannot reasonably or sustainably serve as the exclusive or primary provider of shelter, behavioral health services, and substance use treatment for individuals from throughout Vermont and outside our state, and that these challenges require sustained partnership among municipalities, the State of Vermont, healthcare institutions, nonprofit organizations, and regional service providers to ensure that responsibility is shared equitably throughout the region; and

WHEREAS, restoring and preserving Burlington's public spaces requires clearly articulated values, public policy, measurable implementation, meaningful accountability, prioritized enforcement of our existing laws and ordinances, sustained regional partnership, and a continuing commitment by every level of government and every community partner.

Reviewer comments

Comment 7 | andre clark | 2026-08-07

I would delete this whereas clause. This blames people being homeless for the city's reputational challenges and police recruitment if it is paired with the clause above it.

Anchor: "WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruit"

Comment 8 | Isabella Fearn | 2026-08-07

the side effects of poverty and systemic oppression have....

Anchor: "WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruit"

Comment 9 | Isabella Fearn | 2026-08-07

substance use disorder

Anchor: "WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruit"

Comment 10 | Isabella Fearn | 2026-08-07

I am concerned that this language could lead to forced or coercive interventions that are ineffective and may violate civil rights. My hope is that this can be amended to ask the City Council to seek input and support from public health professionals and local experts in developing effective solutions that address these social determinants of health.

Anchor: "WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor"

Comment 11 | andre clark | 2026-08-07

what is the "meaningful intervention" that this resolution calls for? Forced treatment doesn't work, there is a very high bar to hold someone against their will, violates civil liberties.

Anchor: "WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor"

Comment 12 | Isabella Fearn | 2026-08-07

Harm reduction,

Anchor: "WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor"

Comment 13 | andre clark | 2026-08-02

another vague term with a high likelihood to be used to target unhoused neighbors

Anchor: "WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor"

Reviewer comments (continued)

Comment 14 | Isabella Fearn | 2026-08-07

harm reduction

Anchor: "WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public safety, and public order are complementary"

violence, repeated overdoses, open drug dealing and use, prohibited camping, vandalism, aggressive or threatening behavior, and other conduct that unreasonably interferes with the use and enjoyment of Burlington's shared public spaces; and

WHEREAS, these conditions have diminished public confidence, strained municipal resources, adversely affected neighborhoods and businesses, discouraged investment and tourism, harmed morale and recruitment of police and other city staff, and undermined Burlington's reputation while also failing many individuals who continue to experience homelessness, addiction, or untreated mental illness without achieving lasting stability, recovery, or improved health outcomes; and

WHEREAS, Burlington is and will remain a compassionate community where residents consistently demonstrate kindness and generosity toward neighbors experiencing homelessness, addiction, mental illness, and other crises. This resolution builds upon those values; and

WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor humane. Lasting compassion requires connecting people to treatment, recovery, housing, supportive services, and, where appropriate, enforcement and accountability for unlawful conduct that harms others or unreasonably interferes with the public's use and enjoyment of shared public spaces; and

WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public safety, and public order are complementary, interdependent responsibilities that must be pursued together to advance the public interest and the dignity of every person; and

WHEREAS, the City further recognizes that Burlington cannot reasonably or sustainably serve as the exclusive or primary provider of shelter, behavioral health services, and substance use treatment for individuals from throughout Vermont and outside our state, and that these challenges require sustained partnership among municipalities, the State of Vermont, healthcare institutions, nonprofit organizations, and regional service providers to ensure that responsibility is shared equitably throughout the region; and

WHEREAS, restoring and preserving Burlington's public spaces requires clearly articulated values, public policy, measurable implementation, meaningful accountability, prioritized enforcement of our existing laws and ordinances, sustained regional partnership, and a continuing commitment by every level of government and every community partner.

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, orderly, and accessible public spaces; expand meaningful pathways to housing, treatment, and recovery; strengthen accountability for unlawful conduct and conduct that unreasonably interferes with the use and enjoyment of our shared public spaces; and promote shared regional responsibility for addressing the complex challenges of homelessness, substance use, and behavioral health.

ARTICLE I

General Policy

Section 1.01. Purpose.

The purpose of this Resolution is to establish a comprehensive policy framework for restoring and preserving Burlington's public spaces as safe, welcoming, orderly, accessible, and well-maintained places for all residents and visitors, while continuing Burlington's longstanding commitment to compassion, dignity, and meaningful support for individuals experiencing homelessness, substance use disorder, behavioral health challenges, and other circumstances requiring public assistance. To achieve these objectives, Burlington must realign its values and related efforts. An honest assessment indicates that neither the current nor previous policy frameworks have achieved their intended results, making a revised strategy necessary moving forward.

Section 1.02. General Policy.

It shall be the policy of the City Council that:

- A.** Burlington's public spaces belong to everyone. Every resident and visitor should be able to use and enjoy the City's parks, streets, sidewalks, libraries, waterfront, bike paths, public buildings, downtown, neighborhood business districts, and other public spaces safely and without unreasonable interference or exposure to unlawful activity and disruptive behavior.
- B.** Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in unlawful conduct or conduct that unreasonably interferes with the use and enjoyment of shared public spaces. Effective public policy requires both meaningful opportunities for prevention, outreach, treatment, recovery, housing, and supportive services and consistent enforcement of criminal laws and municipal ordinances that protect the

Reviewer comments

Comment 15 | andre clark | 2026-08-02

remove this word.

Anchor: "NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, orderly, and accessible public spaces; expand mean"

Comment 16 | andre clark | 2026-08-02

remove this language

Anchor: "NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, orderly, and accessible public spaces; expand mean"

Comment 17 | andre clark | 2026-08-02

remove-redundant with the word safe

Anchor: "The purpose of this Resolution is to establish a comprehensive policy framework for restoring and preserving Burlington's public spaces as safe, welcoming, orderly, accessible, and well-maintained pla"

Comment 18 | andre clark | 2026-08-02

the previous line states that Burlington is committed to certain values, and then says it must be realigned.

Anchor: "The purpose of this Resolution is to establish a comprehensive policy framework for restoring and preserving Burlington's public spaces as safe, welcoming, orderly, accessible, and well-maintained pla"

Comment 19 | andre clark | 2026-08-02

this language needs changed.

Anchor: "A. Burlington's public spaces belong to everyone. Every resident and visitor should be able to use and enjoy the City's parks, streets, sidewalks, libraries, waterfront, bike paths, public buildings,"

Comment 20 | andre clark | 2026-08-02

Nobody has argued this point.

Anchor: "B. Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in"

Comment 21 | andre clark | 2026-08-02

remove vague language

Anchor: "B. Compassion without accountability is not compassion. The City Council rejects the notion that tolerance of unlawful conduct is itself an act of compassion. No individual has the right to engage in"

Comment 22 | andre clark | 2026-08-02

add "and equitable"

Anchor: "opportunities for prevention, outreach, treatment, recovery, housing, and supportive services and consistent enforcement of criminal laws and municipal ordinances that protect the public's health, saf"

public's health, safety, and welfare. The City shall pursue both objectives simultaneously to ensure that Burlington's public spaces remain safe, welcoming, and accessible to all.

C. Individuals experiencing homelessness, substance use disorder, or behavioral health challenges deserve meaningful opportunities to obtain shelter, treatment, recovery services, and long-term stability. Burlington shall continue advocating for coordinated regional and statewide responses to homelessness, behavioral health challenges, and substance use disorder, recognizing that these challenges extend beyond Burlington's borders and require sustained partnership among municipalities, the State of Vermont, healthcare providers, nonprofit organizations, and other community partners.

D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and accountability to the public. Public accountability requires admitting when systems and policies have fallen short, and when existing social services lack the capacity to deliver the interventions needed for consistent improved outcomes.

ARTICLE II

Protecting Burlington's Public Spaces

Section 2.01. Statement of Intent.

The purpose of this Article is to restore and preserve Burlington and its public spaces as safe, welcoming, orderly, accessible, and well-maintained places that may be comfortably enjoyed by residents and visitors of all ages while respecting the dignity of every person and ensuring that public spaces remain available for their intended public use.

Section 2.02. Public Space Policy.

The City shall prioritize the restoration and preservation of Burlington's public spaces for the benefit of all residents and visitors. Public spaces shall be managed to encourage lawful activity, positive community use, economic vitality, recreation, civic engagement, and public enjoyment.

Public spaces should not merely be accessible; they should be places where residents and visitors choose to gather and should reasonably expect to feel safe doing so.

The City shall make it a top priority to ensure public spaces remain reasonably free from

Reviewer comments

Comment 23 | andre clark | 2026-08-02

What is this trying to say? Delete this entire section. If this is targeted at SSP's, the health commissioner reaffirmed the state's commitment to them as well as the strong evidence supporting them.

Anchor: "D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and accountability"

Comment 24 | andre clark | 2026-08-02

delete

Anchor: "The purpose of this Article is to restore and preserve Burlington and its public spaces as safe, welcoming, orderly, accessible, and well-maintained places that may be comfortably enjoyed by residents"

Comment 25 | andre clark | 2026-08-02

anti-homeless language leaves it open to target people for walking away from their stuff or minor things as a way to remove them from the park

Anchor: "The City shall make it a top priority to ensure public spaces remain reasonably free from unlawful conduct and conduct that unreasonably interferes with the public's use and enjoyment of those spaces,"

unlawful conduct and conduct that unreasonably interferes with the public's use and enjoyment of those spaces, and that such spaces are well maintained, clean, and reasonably free of graffiti, litter, unattended personal belongings, and other conditions that detract from their safety, accessibility, and public enjoyment.

Section 2.03. Activation of Public Spaces.

The City finds that well-programmed, well-maintained, and actively used public spaces are among the most effective long-term strategies for promoting public safety, strengthening community life, and discouraging unlawful and disruptive activity.

The City shall expand the activation of Burlington's public spaces through community programming, arts and cultural events, recreational opportunities, family-oriented activities, and partnerships that increase positive public use of parks, downtown, neighborhood business districts, and other civic spaces. Consistent with the FY27 budget resolution, the City Council requests that the Administration continue coordinating with the City Council's Parks, Arts & Culture Committee to develop and implement these efforts.

Section 2.04. City Hall Park and Organized Activities.

The City Council reaffirms its prior policies regarding the restoration and stewardship of City Hall Park as outlined in the Council's August 2025 resolution concerning the management, activation, and preservation of the Park. The City Council declares again that City Hall Park shall remain one of Burlington's principal civic gathering spaces—welcoming, accessible, well-maintained, and available for the broad enjoyment of residents and visitors.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the City Attorney's Office prepare and submit to the Council any ordinance amendments necessary to clarify where organized activities may occur within City-owned public spaces, establish when permits are required for such activities, and ensure that such activities do not materially interfere with the intended public use of City Hall Park or other public spaces.

The City Council requests that the Administration renew stalled efforts to assist with navigating how to secure any available and necessary permits for, or if permits are unavailable, offer alternative locations to unpermitted social service activities where participants could be better served while preserving the Park's role as Burlington's principal civic gathering space. If necessary to identify alternative locations, the City Council asks that the Administration evaluate appropriate indoor and outdoor municipal facilities, including Contois Auditorium where practicable and consistent with operational needs.

Reviewer comments

Comment 26 | andre clark | 2026-08-02

remove this. Art is about community and not a mechanism to discourage "unlawful behavior".

Anchor: "The City finds that well-programmed, well-maintained, and actively used public spaces are among the most effective long-term strategies for promoting public safety, strengthening community life, and d"

Comment 27 | andre clark | 2026-08-02

add "all" before residents to imply that this means housed and unhoused residents.

Anchor: "The City Council reaffirms its prior policies regarding the restoration and stewardship of City Hall Park as outlined in the Council's August 2025 resolution concerning the management, activation, and"

Comment 28 | andre clark | 2026-08-02

This whole section is just legislative language intended to remove mutual aid organizations from the park. Volunteer organizations having a meal and sharing resources with each other are great uses of a primary civic gathering space.

Anchor: "The City Council requests that the Administration renew stalled efforts to assist with navigating how to secure any available and necessary permits for, or if permits are unavailable, offer alternativ"

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Department of Parks, Recreation & Waterfront issue a request for proposals seeking one or more vendors, nonprofit organizations, or other qualified operators to activate the patio area located in the northeast corner of City Hall Park through food and beverage concessions, retail kiosks, recreational uses, cultural programming, public amenities, or other uses that increase positive public activity and enhance the visitor experience. Any request for proposals shall encourage creative, seasonal, and year-round activation strategies that promote regular public use of the space and are consistent with City Hall Park's role as Burlington's principal civic gathering space. Alternatively, the Administration may evaluate repurposing the patio area as a centralized operational hub for public safety personnel, in alignment with the intent of the City Council's September 2024 resolution on establishing a downtown public safety hub, to provide a visible, accessible, and continuous public safety presence within City Hall Park.

Section 2.05. Expansion of Public Safety Personnel and Public Space Response Capacity.

The City's sworn police officers, Community Service Officers, Urban Park Rangers, and other civilian public safety personnel continue to perform their duties with exceptional dedication and professionalism in protecting and preserving our public spaces. A number of these roles, particularly sworn police officers, unfortunately continue to face significant challenges to staffing, with available police officers consistently remaining at or below current levels since 2023. As the City continues with long-term efforts to rebuild its public safety infrastructure, there is an immediate need to strengthen the City's visible presence within its public spaces. Accordingly, the City Council requests that the Administration act within sixty (60) days following enactment of the Resolution to present recommendations to the Council on which public safety roles can be most immediately and substantially increased, if even on a temporary basis, to ensure more personnel are assigned to visible public safety and public space response functions. Moreover, the City Council asks that the Chief of Police continue to regularly update the Council's Public Safety Committee on recruitment efforts at the Burlington Police Department.

Immediately following enactment of this Resolution and prior to delivering the above-requested recommendations, the City Council requests that the Mayor take the steps necessary to expand the visible presence of public safety personnel in areas experiencing persistent public safety and public order concerns, which the Mayor's Administration has previously attempted to address through its working group on "hot spots," where ongoing conditions threaten public safety, diminish the public's use and enjoyment of these spaces, and risk undermining the

Reviewer comments

Comment 29 | andre clark | 2026-08-02

This is already happening.

Anchor: "public order concerns, which the Mayor's Administration has previously attempted to address through its working group on "hot spots," where ongoing conditions threaten public safety, diminish the publ"

Comment 30 | andre clark | 2026-08-02

what does this mean? who is considered the public?

Anchor: "public order concerns, which the Mayor's Administration has previously attempted to address through its working group on "hot spots," where ongoing conditions threaten public safety, diminish the publ"

success of generational projects like that at Burlington Square. For this purpose, the Mayor may use, as necessary, the monies allocated by the City Council in the FY27 budget to contract with

third-party public safety personnel, including certified police officers. Additionally, to the extent permitted by existing agreements with contracted public safety personnel, such as those currently assigned to patrol municipal garages, the Mayor is authorized to repurpose these personnel to higher priority areas.

Moreover, to the extent practicable, the City Council requests that the Administration recruit and organize one or more Public Space Response Teams comprised of City employees and employees of other local organizations committed to the vitality of Burlington who voluntarily elect to participate and successfully complete appropriate training. Public Space Response Teams shall supplement, but not replace, traditional public safety resources by increasing the City's visible presence within public spaces, promoting lawful and welcoming public use, and assisting in the preservation of City property. If the City's unionized staff are interested in this volunteer opportunity, the Council acknowledges the potential need to submit proposals to municipal unions as necessary to accommodate this.

To the fullest extent permitted by law and consistent with appropriate training and supervision, members of Public Space Response Teams may be authorized to:

A. Address and intercede conduct that unreasonably interferes with the public's use and enjoyment of Burlington's public spaces, including, but not limited to, the open use of drugs and alcohol, public intoxication, smoking where prohibited, disorderly behavior, and the encumbrance of sidewalks and walking paths;

B. Issue municipal ordinance citations within the scope of their legal authority;

C. Issue notices against trespass and take other lawful actions necessary to protect City property and public spaces;

D. Promote cleanliness and sanitation, identify maintenance concerns, and coordinate the prompt removal of graffiti and other public nuisances; and

E. Connect individuals experiencing crisis, homelessness, substance use disorder, or other behavioral health needs with appropriate treatment, recovery, housing, and supportive services.

The City Attorney and Chief Administrative Officer shall prepare and submit for Council

Reviewer comments

Comment 31 | andre clark | 2026-08-02

This is incredibly concerning. This recruits city employees and people from "other organizations" (which ones?) to police public spaces and enforce laws and ordinances?

Anchor: "Moreover, to the extent practicable, the City Council requests that the Administration recruit and organize one or more Public Space Response Teams comprised of City employees and employees of other l"

Comment 32 | andre clark | 2026-08-02

These are not within the scope of volunteer city or community led volunteers. These require professionals and increased funding and collaboration with programs who do this work. This whole section should be deleted.

Anchor: "A. Address and intercede conduct that unreasonably interferes with the public's use and enjoyment of Burlington's public spaces, including, but not limited to, the open use of drugs and alcohol, publi"

Comment 33 | andre clark | 2026-08-02

The city attorney should look into whether this proposal is legal and the administrator should look into if the city, who is in a budget crisis, can afford to pay overtime hours to city employees and non-employee volunteers. Is this the correct use of city funds?

Anchor: "The City Attorney and Chief Administrative Officer shall prepare and submit for Council consideration any ordinance amendments, budget proposals, administrative policies, or other measures necessary t"

consideration any ordinance amendments, budget proposals, administrative policies, or other measures necessary to implement this Section.

Section 2.06. Public Safety Cameras and Public Notification.

The City Council finds that visible public safety cameras, when lawfully deployed and appropriately identified, deter unlawful conduct, assist in criminal investigations, and promote public confidence in the safety of Burlington's public spaces.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the Chief Information Officer prepare and submit to the Council a report identifying all City-owned or City-operated public safety cameras currently operating within Burlington's downtown and other public spaces. The report shall identify each camera's general location, operational status, and any significant gaps in camera coverage requiring future consideration, provided that nothing in this Section shall require disclosure of information that would compromise public safety or law enforcement operations and the report will be provided confidentially to the extent permitted by Vermont's Open Meeting Law. Moreover, in carrying out this Section and any future expansion of public safety camera systems, the City shall remain mindful of the importance of protecting individual privacy and civil liberties and shall ensure that the deployment, operation, and management of such systems are conducted in accordance with applicable law and appropriate safeguards governing the collection, retention, access to, and use of recorded data, including but not limited to the City's Fair and Impartial Policing Policy.

The City Council requests that the Administration install and maintain clear, visible signage at appropriate locations notifying the public that public safety cameras are in operation. Such signage shall be designed to deter unlawful conduct while promoting public awareness that public spaces are actively monitored for the protection of residents, visitors, businesses, and City property.

Section 2.07. Public Space Stewardship and Graffiti Removal.

Recognizing that clean, well-maintained public spaces contribute to public safety, civic pride, and neighborhood vitality, the City Council requests that the Mayor coordinate with the Council's Community Development & Neighbor Revitalization Committee to establish a public space stewardship program to encourage and support volunteer participation in the prompt removal of graffiti from public spaces and other beautification initiatives consistent with the purposes of this Resolution. In establishing this public space stewardship program, the Administration and CDNR Committee may collaborate with organizations and individuals already volunteering to perform the expanded work called for in this Section.

Reviewer comments

Comment 34 | andre clark | 2026-08-02

can you document what mechanisms will be used to ensure this?

Anchor: "Within thirty (30) days following adoption of this Resolution, the City Council asks that the Chief Information Officer prepare and submit to the Council a report identifying all City-owned or City-op"

Comment 35 | andre clark | 2026-08-02

This language is unnecessary and duplicates the message from the sentence before it.

Anchor: "The City Council requests that the Administration install and maintain clear, visible signage at appropriate locations notifying the public that public safety cameras are in operation. Such signage sh"

Comment 36 | andre clark | 2026-08-02

The city should not rely on volunteers to run and fund graffiti removal programs. Can the city provide grants or community training programs so the burden doesn't fall on volunteer groups?

Anchor: "Recognizing that clean, well-maintained public spaces contribute to public safety, civic pride, and neighborhood vitality, the City Council requests that the Mayor coordinate with the Council's Commun"

Any program shall provide participating residents with appropriate training, safety guidance, equipment, supplies, and other resources necessary to assist the City in removing graffiti from publicly owned property in a safe, lawful, and coordinated manner.

The City Council reaffirms that the prompt removal of graffiti from privately owned property remains the primary responsibility of the property owner. Any public space stewardship program should also provide a mechanism through which private property owners may authorize trained City employees or approved volunteers participating in the program to enter their property for the purpose of removing graffiti, subject to such reasonable conditions and limitations as the property owner may establish.

Section 2.08. Expanded Partnerships with Nonprofit Organizations and Private Property Owners.

The City Council recognizes that restoring Burlington's public spaces requires meaningful collaboration with businesses, nonprofit organizations, faith communities, and other private property owners whose properties directly influence the experience of surrounding neighborhoods.

Accordingly, the City Council asks the Mayor to develop and make publicly available for private property owners educational materials on:

- A.** Procedures for issuing notices against trespass as authorized by law;
- B.** Crime prevention and environmental design strategies;
- C.** Details on the extent to which private property owners can be held criminally or civilly liable for unlawful or other wrongful conduct permitted to continue on their premises;
- D.** Other available tools to assist property owners in responding to unlawful activity while promoting safe, welcoming, and well-maintained properties.

The City Council further asks the Mayor to engage with nonprofit organizations that provide services to individuals experiencing homelessness, substance use disorder, mental health challenges, or other vulnerabilities, and to relay the City's request that such organizations adopt reasonable expectations for respectful and lawful behavior on the organization's property and within adjacent public rights-of-way and public spaces immediately surrounding the organization's facilities, including expectations designed to discourage conduct that creates public safety risks, interferes with the use and enjoyment of neighboring properties and public spaces, or otherwise adversely affects the surrounding community. The City encourages

Reviewer comments

Comment 37 | andre clark | 2026-08-02

The city should assist with this and potentially provide standard practice guidelines on graffiti removal/beautification.

Anchor: "Any program shall provide participating residents with appropriate training, safety guidance, equipment, supplies, and other resources necessary to assist the City in removing graffiti from publicly o"

Comment 38 | andre clark | 2026-08-07

Is this calling for more anti-homeless architecture throughout the city? We do not need this. Please remove.

Anchor: "B. Crime prevention and environmental design strategies;"

Comment 39 | andre clark | 2026-08-02

This section blames non-profits for the behaviors of people who may or may not be receiving services at or near their locations. Organizations already have policies in place that hold people to community and behavioral standards. They are not responsible for the behavior of all people in an area because they operate an agency there (with very limited hours.) This whole section should be deleted. It is adversarial to non-profits and community partners. Talk to them.

Anchor: "The City Council further asks the Mayor to engage with nonprofit organizations that provide services to individuals experiencing homelessness, substance use disorder, mental health challenges, or othe"

nonprofit organizations to communicate these expectations in a manner that preserves the dignity of those receiving services while reinforcing shared responsibility for maintaining safe, welcoming, and accessible neighborhoods.

Section 2.09. Public Space Performance Standards.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor collaborate with the City Council's Public Safety and Parks, Arts & Culture Committees to adopt measurable performance standards for evaluating the condition of Burlington's public spaces, which shall be publicly posted on the City's Data Hub.

The standards shall include objective performance measures relating to, as appropriate:

- A. Public safety conditions, including but not limited to the number of incidents, offenses, and arrests in public spaces;
- B. Quality-of-life complaints, including but not limited to SeeClickFix reports on cleanliness and sanitation, and graffiti response;
- C. Public space activation and programming;
- D. Visitor and resident use of public spaces; and
- E. Such additional performance measures as the Administration determines appropriate to enable the City Council and the public to evaluate progress over time.

ARTICLE III

Sustainable Intervention and Regional Responsibility

Section 3.01. Statement of Intent.

The purpose of this Article is to establish a sustainable framework for responding to homelessness, substance use disorder, and behavioral health challenges. The City Council reaffirms Burlington's longstanding commitment to ensuring that individuals experiencing crisis are afforded meaningful opportunities to obtain shelter, treatment, recovery services, and permanent housing while recognizing that emergency interventions must ultimately lead to greater stability, independence, and improved health outcomes.

The City Council further recognizes that compassion requires meaningful intervention,

Reviewer comments

Comment 40 | andre clark | 2026-08-02

What is the purpose or intent of this? How can some of this data even be collected? Who is collecting it and who is funding this? Why is the focus on complaints or crime reports and not positive attributes? How are we tracking visitor and resident use? Are we hoping this data hub encourages or discourages visitors? It's fine to collect data on crime and make it publicly available, quality of life complaints on SeeClickFix are not always a reliable indicator of actual quality of life and the data will skew negative. Is there a way to collect data on the positives?

Anchor: "Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor collaborate with the City Council's Public Safety and Parks, Arts & Culture Committees to adopt m"

Comment 41 | andre clark | 2026-08-02

Emergency interventions are meant to take someone out of an emergent crisis. The work to greater stability, independence, or improved health outcomes is a much more complicated and long-term process. Remove or edit language.

Anchor: "The purpose of this Article is to establish a sustainable framework for responding to homelessness, substance use disorder, and behavioral health challenges. The City Council reaffirms Burlington's lo"

Comment 42 | andre clark | 2026-08-02

Compassion does not require any of these. Maybe delete or change to compassionate solutions. Delete meaningful intervention

Anchor: "The City Council further recognizes that compassion requires meaningful intervention, measurable results, and shared regional responsibility. Emergency measures are intended to stabilize individuals a"

Comment 43 | andre clark | 2026-08-02

What is the intent of this statement?

Anchor: "The City Council further recognizes that compassion requires meaningful intervention, measurable results, and shared regional responsibility. Emergency measures are intended to stabilize individuals a"

measurable results, and shared regional responsibility. Emergency measures are intended to stabilize individuals and connect them to long-term solutions and should not become permanent substitutes for housing, treatment, recovery, or personal stability.

Section 3.02. Establishing Service Capacity.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor convene representatives of organizations providing emergency shelter, affordable housing, behavioral health services, substance use treatment, healthcare, emergency response, outreach, and other appropriate public and private partners to evaluate Burlington's sustainable capacity to responsibly provide emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. To the extent the City is already convening a group that includes the above-referenced stakeholders, the Administration may expand the scope of that group's work to include developing the assessment called for in this Section.

The assessment shall evaluate available staffing, financial resources, healthcare capacity, emergency response capability, housing availability, case management, sanitation, public safety impacts, fiscal sustainability, and such other operational considerations as may be appropriate.

Based upon that assessment, the City Council requests that the Mayor recommend the maximum number of individuals that Burlington can sustainably and humanely serve at any given time through the coordinated provision of emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. The recommendation shall identify the methodology and assumptions used to establish that number and shall include objective indicators by which the City may determine when Burlington has reached or exceeded its sustainable service capacity.

The Mayor may periodically review the recommended sustainable service capacity and recommend revisions to the City Council as conditions, available resources, or regional participation materially change.

Section 3.03. Regional Responsibility.

The City Council affirms that homelessness, substance use disorder, and behavioral health challenges are regional and statewide challenges requiring regional and statewide solutions.

The City Council further finds that current conditions strongly indicate that Burlington is providing services beyond what can be sustainably supported by its existing housing, shelter,

Reviewer comments

Comment 44 | andre clark | 2026-08-02

This should be the responsibility of the mayor and the city council if we want a truly collaborative process.

Anchor: "Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor convene representatives of organizations providing emergency shelter, affordable housing, behavior"

Comment 45 | andre clark | 2026-08-02

Who will do this assessment and who will fund this work?

Anchor: "The assessment shall evaluate available staffing, financial resources, healthcare capacity, emergency response capability, housing availability, case management, sanitation, public safety impacts, fis"

Comment 46 | andre clark | 2026-08-02

What is the plan when it has been determined that Burlington has met this capacity?

Anchor: "Based upon that assessment, the City Council requests that the Mayor recommend the maximum number of individuals that Burlington can sustainably and humanely serve at any given time through the coordi"

behavioral health, public safety, and municipal resources. While the assessment required by Section 3.02 will establish a recommended sustainable service capacity, the City Council finds that immediate action to promote greater regional responsibility should not await completion of that assessment.

Burlington will continue to lead with compassion. Leadership, however, does not require Burlington to serve as the exclusive or primary provider of services for individuals from throughout Vermont.

The City Council requests that the Administration implement equitable policies and procedures to ensure that, when Burlington has reached or exceeded its sustainable service capacity, individuals seeking services are connected with available housing, shelter, treatment, recovery, behavioral health, and other supportive services in other communities, including through transportation assistance where appropriate. The City shall actively work with the State of Vermont, neighboring municipalities, healthcare providers, housing organizations, and regional service providers to expand service capacity throughout the region so that responsibility for serving vulnerable individuals is shared more equitably.

Section 3.04. Expanded Temporary Emergency Shelter Space and Sanctioned Camping.

Within ninety (90) days following adoption of this Resolution, the City Council requests that the Administration designate one or more locations for expanded temporary emergency shelter space or sanctioned camping to be utilized only when necessary to supplement available capacity at established emergency shelters.

Any expanded temporary emergency shelter space or sanctioned camping location shall be subject to approval by the City Council and generally situated outside Burlington's downtown core, waterfront, shared-use path network, and heavily utilized public parks and shall be selected with due consideration for surrounding neighborhoods, public infrastructure, environmental impacts, and the availability of supportive services. To best serve individuals able to utilize this location or locations, efforts will be made to designate locations with access to drinking water, toilets, shower facilities and handwashing stations, laundry, electricity, and dumpsters. To that end, the City Council acknowledges that while temporary emergency shelter space is preferable to sanctioned camping, neither should be considered a permanent housing solution and should be utilized only for the duration necessary to transition individuals to more appropriate placements.

Prior to approving any designated locations under this Section, the City Council will expect that the location will adopt and enforce operational standards governing admission,

Reviewer comments

Comment 47 | andre clark | 2026-08-02

Other communities are also at capacity. This is a statewide problem, not a Burlington problem. We can't just send people to other communities.

Anchor: "The City Council requests that the Administration implement equitable policies and procedures to ensure that, when Burlington has reached or exceeded its sustainable service capacity, individuals seek"

Comment 48 | andre clark | 2026-08-02

Remove this language. Any services should be located where they will be most effective. The selected with due consideration clause encompasses location as a potential element already.

Anchor: "Any expanded temporary emergency shelter space or sanctioned camping location shall be subject to approval by the City Council and generally situated outside Burlington's downtown core, waterfront, sh"

Comment 49 | andre clark | 2026-08-02

change to "more appropriate housing options"

Anchor: "Any expanded temporary emergency shelter space or sanctioned camping location shall be subject to approval by the City Council and generally situated outside Burlington's downtown core, waterfront, sh"

sanitation, security, storage of belongings, code of conduct, outreach, behavioral health services, treatment referrals, housing navigation, transportation, case management, and ongoing program evaluation.

The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting performance data in a publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:

A. The number of individuals served during the reporting period and cumulatively;
B. The average daily occupancy and utilization rate;

C. The number and percentage of participants successfully transitioned to emergency shelter, treatment, recovery programs, permanent supportive housing, permanent housing, or other stable housing placements;

D. The average length of stay for participants;

E. The number of emergency service responses to a location; and

F. Such additional performance measures as the Administration determines are appropriate to evaluate whether a location is functioning as a temporary intervention that promotes health, safety, and successful transitions to more appropriate placements.

Section 3.05. Unauthorized Encampments.

The City Council finds that unauthorized encampments located in areas where camping is specifically prohibited are inconsistent with the policies established by this Resolution.

Consistent with applicable legal requirements, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, to provide notice of a specified date on which the encampment will face ticketing, no trespass orders, other legal action, and removal of any remaining items. This date should be as soon as reasonably practicable following the provision of notice, allowing sufficient time for affected individuals to make alternative arrangements while protecting public health, public safety, environmental resources, and the public's continued use and enjoyment of Burlington's public spaces.

In accordance with City policy regarding sheltering on public lands, encampments noticed for removal will be provided contact information from local social service organizations serving

Reviewer comments

Comment 50 | andre clark | 2026-08-02

Ensure that any data collection and reporting can maintain the anonymity of program participants. Omit any numbers small enough to identify a participant.

Anchor: "The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting perform"

Comment 51 | andre clark | 2026-08-02

who will be required to collect and report on this data? Will this impact the likelihood of local agencies being partners on projects due to administrative or fiscal burdens?

Anchor: "The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting perform"

Comment 52 | andre clark | 2026-08-02

Who will be taking on this responsibility and part of the enforcement process?

Anchor: "Consistent with applicable legal requirements, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, t"

Comment 53 | andre clark | 2026-08-02

A legal action for someone who is living outside effectively criminalizes homelessness.

Anchor: "Consistent with applicable legal requirements, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, t"

Comment 54 | andre clark | 2026-08-02

What alternative arrangements are available for people who are living outside?

Anchor: "Consistent with applicable legal requirements, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, t"

Comment 55 | andre clark | 2026-08-02

If the city is going to remove an encampment, there needs to be a space for the affected individuals to go. Removing encampments without a solution of where people can sleep or exist is a burden to our limited resources and does not reduce the number of people living unsheltered or the overall rate of homelessness. It moves people to different locations, typically less safe locations that are more difficult for emergency responders to get to.

Anchor: "In accordance with City policy regarding sheltering on public lands, encampments noticed for removal will be provided contact information from local social service organizations serving unsheltered re"

unsheltered residents, the State of Vermont's Coordinated Entry Screening Form with instructions, information on other available community resources, information on the officials responsible for an encampment that is not removed, and details on where any collected personal property will be stored.

For the purposes of this Article, the City Council notes that Section 22-7 of the Burlington Code of Ordinances provides that "[i]t shall be unlawful for any person to camp in any public park in the city." Section 22-1 enumerates the City's parks and Section 22-23 further provides that "the land known as Urban Reserve ... shall be considered a city park subject to this chapter." To the extent the City does not have sufficient staffing capacity to comply with this Section, the City Council asks that the Mayor's Administration act within sixty (60) days following enactment of this Resolution to present recommendations to the Council detailing how it will promptly increase the number of personnel authorized and trained to provide notices of removal and conduct associated outreach. The recommendations shall identify the staffing, organizational changes, funding, and implementation timeline necessary to ensure that notices of removal are issued consistently throughout the City.

The City Council requests that the Administration establish measurable performance standards governing the City's response to prohibited encampments and shall publish the resulting performance data in a publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:

- A. The number of prohibited encampments identified during the reporting period;
- B. The average time between identification of a prohibited encampment and issuance of a notice of removal;
- C. The average time between issuance of notice and removal of the encampment;
- D. The number and percentage of individuals contacted who accepted referrals or were successfully connected to shelter, a sanctioned camping location, coordinated entry, behavioral health services, treatment, recovery services, or other supportive services prior to or following removal of the encampment; and
- E. Such additional performance measures as the Administration determines are appropriate to evaluate the effectiveness of the City's outreach and enforcement efforts.

Section 3.06. Accountability and Enforcement.

The City Council reaffirms that every individual is entitled to dignity, due process, and

Reviewer comments

Comment 56 | andre clark | 2026-08-02

The city is in a budget crisis and our focus should not be on increasing resources to remove people. It should be on figuring out places people can be, including temporary and permanent solutions and funding that. Funding removal does nothing to solve the problem.

Anchor: "For the purposes of this Article, the City Council notes that Section 22-7 of the Burlington Code of Ordinances provides that "[i]t shall be unlawful for any person to camp in any public park in the c"

Comment 57 | andre clark | 2026-08-02

This data has a high likelihood to lead to increased stigma and targeting of people living in camps or their belongings. There are already plenty of examples of vigilante justice or targeted attacks on homeless people.

Anchor: "The City Council requests that the Administration establish measurable performance standards governing the City's response to prohibited encampments and shall publish the resulting performance data in"

Comment 58 | andre clark | 2026-08-02

This level of oversight is concerning both from an administrative burden perspective and from a privacy perspective. Why does the public need this on a public database?

Anchor: "D. The number and percentage of individuals contacted who accepted referrals or were successfully connected to shelter, a sanctioned camping location, coordinated entry, behavioral health services, tr"

meaningful opportunities to obtain treatment, recovery services, shelter, and supportive services. The City further reaffirms its commitment to prevention, treatment, recovery, and other evidence-based public health interventions.

The City Council rejects the notion that enforcing our laws and ordinances in response to unlawful conduct is an uncaring or unempathetic act, or that tolerance of unlawful conduct is itself an act of compassion. Effective public policy requires meaningful opportunities for treatment and recovery together with consistent enforcement of criminal laws that protect the public and preserve Burlington's shared public spaces.

Accordingly, the City Council declares that Burlington will not tolerate drug trafficking, the unlawful open use of controlled substances, retail theft and other property crimes that frequently support substance use disorder, or other criminal conduct that threatens public safety or unreasonably interferes with the public's use and enjoyment of shared public spaces.

The City Council further declares that enforcement of these laws shall remain a priority of the City. The Council supports proactive investigation, lawful detention where appropriate, arrest when supported by the facts and authorized by law, and referral for prosecution of individuals

engaged in such criminal activity. Nothing in this Resolution shall be construed to discourage law enforcement officers from taking appropriate enforcement action authorized by law in response to these offenses.

The City shall continue pursuing treatment and recovery for those willing to accept assistance while supporting the investigation, arrest where authorized by law, prosecution, and appropriate punishment of individuals whose criminal conduct perpetuates addiction, victimizes residents and businesses, or undermines the safety and vitality of Burlington's public spaces.

Furthermore, the City Council notes that both the Situation Table and City Circle initiatives were implemented to improve outcomes for individuals at elevated risk of involvement with the criminal justice system, behavioral health crises, substance use, and homelessness, including by reducing emergency department utilization, overdoses, and other preventable harms, while also providing a more immediate and consistent system of accountability for individuals who repeatedly violate municipal ordinances.

The City Council is particularly concerned that the City Circle initiative, which was previously identified by the Mayor's Administration as a key component of Burlington's strategy to improve public safety and accountability, appears to have been substantially curtailed or

Reviewer comments

Comment 59 | andre clark | 2026-08-02

This is clearly targeting low-level crimes that are associated with poverty and not crimes that threaten public safety. Remove the language of "frequently supports substance use disorder". Change to will not tolerate drug trafficking, violent crime, or illegal activity that impacts public safety or the safe use of shared public spaces."

Anchor: "Accordingly, the City Council declares that Burlington will not tolerate drug trafficking, the unlawful open use of controlled substances, retail theft and other property crimes that frequently support"

Comment 60 | andre clark | 2026-08-02

replace with "local and state laws"

Anchor: "The City Council further declares that enforcement of these laws shall remain a priority of the City. The Council supports proactive investigation, lawful detention where appropriate, arrest when supp"

Comment 61 | andre clark | 2026-08-02

delete "such"

Anchor: "engaged in such criminal activity. Nothing in this Resolution shall be construed to discourage law enforcement officers from taking appropriate enforcement action authorized by law in response to thes"

Comment 62 | andre clark | 2026-08-02

delete "in response to these efforts"

Anchor: "engaged in such criminal activity. Nothing in this Resolution shall be construed to discourage law enforcement officers from taking appropriate enforcement action authorized by law in response to thes"

Comment 63 | andre clark | 2026-08-02

delete this section. reduntant

Anchor: "The City shall continue pursuing treatment and recovery for those willing to accept assistance while supporting the investigation, arrest where authorized by law, prosecution, and appropriate punishme"

Comment 64 | andre clark | 2026-08-02

Delete this section. This is a conversation with the mayor, not a needed section in a collaborative resolution.

Anchor: "The City Council is particularly concerned that the City Circle initiative, which was previously identified by the Mayor's Administration as a key component of Burlington's strategy to improve public"

Reviewer comments

No comments are anchored to this page.

discontinued. The Council further understands that this change may have been attributable, in whole or in part, to reductions in available funding, and seeks clarification regarding the status of the initiative, the reasons for any changes in its implementation, and whether alternative funding sources or program models have been considered. The Council is also concerned that, to its knowledge, the accountability mechanisms contemplated by the City Circle model, including prosecution or other consequences for participants who failed to comply with restorative justice requirements, have not been meaningfully utilized, and requests information sufficient to evaluate whether the program has operated as originally intended.

Within thirty (30) days of the adoption of this Resolution, the City Council's Public Safety Committee shall prepare and deliver a list of questions to the Mayor's Administration, the City Attorney's Office, and the Community Justice Center, the responses to which shall provide the Council with a comprehensive update regarding the Situation Table and City Circle initiatives, including, at a minimum: (i) the current operational status of each initiative; (ii) participation levels and measurable outcomes for individuals served; (iii) data concerning compliance with restorative justice requirements and any enforcement or prosecutorial actions taken in response to noncompliance, to the extent permitted by law; (iv) the funding sources supporting each initiative, including any reductions or anticipated funding gaps; and (v) recommendations for the continuation, modification, expansion, or replacement of these initiatives based on their first year of implementation.

Section 3.07. Request for Ongoing Assistance From State Public Safety Personnel

Recognizing Burlington's ongoing public safety resource challenges, the City Council calls upon the Vermont State Police to continue partnering with the Burlington Police Department by providing supplemental law enforcement resources in and around the City's downtown and other locations where additional law enforcement presence is necessary to protect public safety, address criminal activity, and restore public confidence in Burlington's public spaces.

Separately, the City Council calls upon the Vermont Department of Motor Vehicles Enforcement Division to expand traffic enforcement efforts within the City of Burlington's principal transportation corridors, including the new Champlain Parkway, where speeding, reckless driving, excessive engine noise, and other traffic violations have become persistent public safety and quality-of-life concerns.

The City Council affirms that, to the fullest extent permitted by applicable law, it welcomes and consents to the enforcement of both the laws of the State of Vermont and the ordinances of the City of Burlington by duly authorized State law enforcement officers operating within the

City, consistent with their statutory authority and any applicable intergovernmental agreements governing such enforcement.

ARTICLE IV

Public Health Policy and Permitted Uses

Section 4.01. Statement of Intent.

The purpose of this Article is to establish the City's policy regarding the implementation of significant public health initiatives, to reaffirm the City Council's legislative role in establishing zoning policy, and to strengthen collaboration between the City of Burlington and the State of Vermont in addressing public safety, behavioral health, and substance use challenges.

Section 4.02. Public Health Policy and Zoning.

The City Council continues to support evidence-based public health initiatives that improve individual and community health while recognizing that the location, operation, and long-term impacts of significant public health services should be considered through transparent public processes consistent with the City's Comprehensive Development Ordinance and adopted zoning policy.

The City Council finds that significant public health services with substantial neighborhood impacts should not be established through administrative interpretation where doing so effectively creates a new principal use not expressly identified within the Comprehensive Development Ordinance.

Section 4.03. Overdose Prevention Centers.

The City Council finds that overdose prevention centers are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance.

Accordingly, the City Council declares that any proposal to authorize overdose prevention centers within the City of Burlington should proceed only through amendment of the Comprehensive Development Ordinance following public notice, public hearing, and legislative action by the City Council.

The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the City's Charter.

Reviewer comments

76 total comments in document

Comment 65 | andre clark | 2026-08-02

This is an unnecessary burden placed on public health organizations that is not placed on other businesses or agencies operating in the city. This should be removed.

Anchor: "The City Council continues to support evidence-based public health initiatives that improve individual and community health while recognizing that the location, operation, and long-term impacts of sig"

Comment 66 | andre clark | 2026-08-02

What data supports the assessment that public health services do or don't have substantial neighborhood impacts? How can the city determine that a service has significant impacts before it starts to operate?

Anchor: "The City Council finds that significant public health services with substantial neighborhood impacts should not be established through administrative interpretation where doing so effectively creates"

Comment 67 | andre clark | 2026-08-02

OPC's should be located where they will be used and have the most impact.

Anchor: "The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the C"

Comment 68 | Isabella Fearn | 2026-08-10

Agreed

Anchor: "The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the C"

Comment 69 | Isabella Fearn | 2026-08-10

Additionally, the location is also determinate on site availability.

Anchor: "The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the C"

Section 4.04. Syringe Service Programs.

The City Council finds that syringe service programs are a valuable public health strategy but are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance and should not be deemed to constitute any currently permitted principal use absent express legislative authorization.

Accordingly, the City Council declares that any proposal to authorize syringe service programs as a principal use should proceed only through amendment of the Comprehensive Development Ordinance through the City's legislative zoning amendment process.

The City Council further declares that while syringe service programs should continue to be supported in Burlington, they should not be permitted within Burlington's Downtown Improvement District. The City Council opposes the continued operation or establishment of syringe service programs within Burlington's downtown core and calls upon the Vermont Department of Health to work collaboratively with the City and local operating partners to identify an alternative location that better advances public health objectives while supporting the restoration and preservation of Burlington's public spaces.

The City Council further calls upon the Vermont Department of Health to consult and collaborate with the City before establishing, relocating, or materially expanding significant public health services within Burlington so that public health objectives, zoning policy, neighborhood compatibility, and impacts upon public spaces may all be appropriately considered. The Mayor's Administration shall promptly notify the City Council upon learning of State-sanctioned efforts to expand public health services within Burlington.

Additionally, within sixty (60) days following enactment of this Resolution, the City Council's Community Development & Neighbor Revitalization Committee shall begin meeting to develop a resolution that reaffirms, revises, or develops new recommendations from its previously developed report on syringe litter that will further the goals of this Section.

The City Council affirms that the positions taken in this Article regarding an Overdose Prevention Center or Syringe Service Programs are in alignment with Burlington's current comprehensive municipal plan, which acknowledges the difficulties associated with the proximity of drug trafficking and use to those in recovery, and provides in pertinent part that:

[H]igh concentration of social service providers can become easily

Reviewer comments**Comment 70 | andre clark | 2026-08-02**

Remove this entire section.

Anchor: "Section 4.04. Syringe Service Programs."

Comment 71 | andre clark | 2026-08-02

this seems to imply that harm reduction and public health organizations are responsible for drug trafficking and that they are allowing it to happen at their locations. This is not true

Anchor: "The City Council affirms that the positions taken in this Article regarding an Overdose Prevention Center or Syringe Service Programs are in alignment with Burlington's current comprehensive municipal"

Comment 72 | andre clark | 2026-08-02

What is the relevance of this? Why is this language included in the resolution? Is this to discourage recovery centers or services from operating in the downtown? Isn't part of this resolution's intent to encourage recovery?

Anchor: "[H]igh concentration of social service providers can become easily"

Reviewer comments

No comments are anchored to this page.

unmanageable if all stakeholders are not working together, keeping an eye on some of the larger interactions and their implications. For example, the downtown is arguably not the best environment for people recovering from alcohol and drug addiction. The presence of active drug dealing and the highest concentration of drinking establishments in the state create serious challenges for those in recovery.

ARTICLE V**Implementation, Accountability, State Partnership, and Continuing****Oversight Section 5.01. Statement of Intent.**

The purpose of this Article is to ensure that the policies established by this Resolution are translated into coordinated action through measurable implementation, public accountability, regular reporting, and continuing oversight by the City Council.

Section 5.02. Partnership with the State of Vermont.

The City Council appreciates the Governor's most recent efforts to support Burlington with additional public safety resources and calls upon the Governor to establish a sustained partnership with the City of Burlington to continue addressing the unique public safety, behavioral health, homelessness, and substance use challenges confronting Vermont's largest municipality.

The City Council requests that the Mayor invite representatives of the Governor's Office and appropriate State agencies to meet annually with the Administration, City Council, State legislators, and other regional leaders to evaluate regional progress, identify barriers to collaboration, and recommend additional actions to strengthen the partnership between the City of Burlington, surrounding communities, and the State of Vermont.

The City Council specifically refers back to the requests included in its August 2025 resolution on City Hall Park and its asks for the following specific actions by the State of Vermont and Governor to support Burlington in addressing chronic safety and health challenges: (1) Convene a county-wide committee of local, county and state law enforcement agencies to develop a coordinated response to drug trafficking and related crimes; (2) Convene youth service providers, schools, and staff from the Agency of Human Services to specifically examine trends among juveniles engaged in violence, drugs, and gun possession to identify strategies to interrupt these trends for at-risk juveniles; and (3) Convene a public health strategy discussion

between members of the Department of Health and Department of Mental Health to examine how to remove barriers to treatment and address limited capacity to existing drug treatment centers to support people living with substance use disorder finding easier pathways to treatment and recovery.

The City Council further recognizes the substantial progress achieved through the Chittenden County Accountability Docket, which demonstrated that dedicated judicial resources could promote more timely case resolution, meaningful accountability, improved access to treatment and services, and greater confidence in the administration of justice for harm done to our communities. Accordingly, the City Council requests that the Governor, in coordination with the Chief Justice of the Vermont Supreme Court and other appropriate State officials, continue and, as appropriate, institutionalize this model in Chittenden County by supporting the continued assignment of a dedicated judge, prosecutor, public defender, and necessary court personnel and resources to ensure the prompt adjudication of cases involving repeat offenders and individuals with multiple pending criminal matters.

Section 5.03. Legislative Partnership with the Vermont General Assembly.

The City Council calls upon the members of the Chittenden County Senate and House delegations, together with members of the Vermont General Assembly representing communities throughout the State, to support the enactment and strengthening of laws that advance the purposes of this Resolution.

The City Council further calls upon the General Assembly to work collaboratively with municipalities, public safety agencies, healthcare providers, service organizations, and other stakeholders to enact legislation that:

- A. Strengthens public safety while protecting individual rights;
- B. Expands access to and investment in behavioral health, substance use treatment, recovery services, and permanent supportive housing throughout Vermont;
- C. Promotes equitable regional responsibility for addressing homelessness and behavioral health challenges;
- D. Provides municipalities with appropriate legal authority and resources to restore and preserve public spaces;
- E. Supports timely intervention for individuals experiencing behavioral health crises or substance use disorder;

Reviewer comments

Comment 73 | andre clark | 2026-08-02

Remove this or clarify what it means. What authority is currently lacking that the city is hoping to gain access to?

Anchor: "D. Provides municipalities with appropriate legal authority and resources to restore and preserve public spaces;"

Comment 74 | andre clark | 2026-08-02

Change to "Encourages timely access to appropriate support for individuals experiencing....."

Anchor: "E. Supports timely intervention for individuals experiencing behavioral health crises or substance use disorder;"

F. Improves coordination among State agencies and municipalities; and

G. Otherwise advances the purposes of this Resolution.

The City Council further directs the Mayor and the City's legislative representatives to advocate for legislation consistent with these principles and to report to the City Council regarding significant legislative developments affecting implementation of this Resolution.

Section 5.04. Continuing Commitment.

The City Council adopts this Resolution not merely as a response to current conditions, but as a continuing statement of municipal policy intended to guide future legislative decisions, strengthen public confidence in local government, and restore and preserve Burlington's public spaces for future generations.

The City Council believes that the strength of a community is measured not only by how it responds to those in crisis, but also by how faithfully it preserves the public spaces that belong to everyone. Through this Resolution, Burlington recommits itself to both responsibilities and affirms that they are inseparable from one another.

Reviewer comments

Comment 75 | andre clark | 2026-08-02

remove the word restore

Anchor: "The City Council adopts this Resolution not merely as a response to current conditions, but as a continuing statement of municipal policy intended to guide future legislative decisions, strengthen pub"

Comment 76 | andre clark | 2026-08-02

This statement implies that "those in crisis" are the reason public spaces can't be preserved. It puts people in crisis in opposition with the general community and makes them "the other" that we can blame for our problems. I would change to something similar to "the city council believes that the strength of a community is measured not only by how it responds to the needs of the most affluent members of society, but also how it responds to the needs of our most vulnerable neighbors. This resolution affirms our commitment that public spaces remain safe and accessible for residents and visitors alike."

Anchor: "The City Council believes that the strength of a community is measured not only by how it responds to those in crisis, but also by how faithfully it preserves the public spaces that belong to everyone"



REVIEW, ANALYSIS AND DEMANDS

Burlington Forward and the Unfinished Business of Racial Justice

Prepared for the Burlington City Council
Racial Equity, Inclusion and Belonging Committee

FOUNDATIONAL PREMISE

Racism causes severe, measurable damage to community wealth, economic growth, health, democratic participation, and public safety. A public-safety strategy that does not confront those harms is incomplete by design.

Updated September 13, 2026

Executive Overview

Burlington Forward must be reviewed against what the City Council already approved and what remains unfinished. On August 3, 2026, the Council voted 7-5 to approve and advance the original resolution and referred it to four committees before it returned to the full Council. A later sponsor-posted redline contains proposed adjustments circulating during that review; this report does not treat those edits as committee-adopted amendments. VRJA addresses both the August 3 text and the sponsors' pending revisions. [13][22][27]

Burlington's racial-justice and public-safety work did not begin with Burlington Forward. From 2015 through 2019, high-profile use-of-force incidents and racial disparities drove demands for a Citywide equity function whose transformational work would involve policy, data, training, hiring, public safety, health, and economic opportunity. The goal was a whole-of-government response to a systemic problem. George Floyd's murder and COVID-19 then exposed the urgency of that work. [1][3][5][21]

In June 2020, VRJA introduced Operation Phoenix R.I.S.E. (**Restructuring** Public Safety, **Implementing** Cultural Empowerment, **Securing** Equal Opportunity, and **Expanding** Racial Equity Inclusion and Belonging). This work informed the historic Racial Justice Through Economic and Criminal Justice Resolution. The resolution offered extensive findings including that "diverse approaches to public safety through the use of social workers, addiction and recovery specialists...rather than solely policing, have been shown to decrease crime, increase public safety, and de-escalate potentially dangerous situations for community members." It declared racism a citywide health crisis, reduced the authorized police cap through attrition from 105 to 74, and directed "freed General Fund dollars toward social services and racial and justice". It also called for cultural empowerment, minority-owned procurement, capital access, REIB capacity, a BPD assessment, systemic-oppression training, reparations, race data, and stronger oversight. [1][2]

The City implemented parts of that framework, but it did not fully institutionalize the system it adopted. Major pieces were narrowed, paused, changed, or never completed, including the divest-reinvest accounting, procurement and capital-access work, recurring systemic-oppression training, racial-health structure, and an independent civil-rights function. VRJA's assessment is that **Burlington is now seeing consequences of that non-implementation**. No single unfinished component of the operating system explains every safety problem, but leaving root conditions unresolved has increased crisis exposure, distrust, instability, and pressure on downstream enforcement; **if those conditions remain unaddressed, that cycle will intensify**. [5][7][8][21]

The 2020 Battery Park occupation is part of that cause-and-effect story. Protesters occupied the park for about 35 days to demand police accountability, release of video, and reinvestment in housing and health care. The occupation was a democratic response to injustice, but sustained protest and conflict also created added public-space and safety pressures. The lesson is that unresolved injustice can produce community response and further instability when the underlying harm is left unaddressed. [9][10][11][12]

The national and local racial climate makes unfinished local work more consequential. Federal civil-rights enforcement has been upended and weaponized across all federal departments. Locally, 2025 BPD data showed 99 use-of-force incidents involving Black people, 28% of all subjects while Black people were about 4.7% of Burlington's population in the analysis; relative to police interactions, the Black rate was nearly three times the White rate. **These numbers are at unprecedented levels.** The Mayor called the disparity a serious equity concern requiring meaningful response. [14][23][24][25]

Against that record, three parts of Burlington Forward are among VRJA's most serious concerns. First, the approved text and pending sponsor revisions authorize added visible public-safety personnel, including third-party certified police. Second, they would allow Public Space Response Teams made up of City and partner employees to issue citations and trespass notices where legally authorized — a form of quasi-deputizing civilians into discretionary enforcement. Third, the sponsor revision assigns the REIB Office, and therefore its leadership, responsibility for identifying disparate impacts and protecting civil rights during implementation. REIB should lead internal racial-equity transformation, but it cannot substitute for an independent civil-rights oversight and enforcement function. [13]

Burlington Forward responds to real concerns about violence, drug activity, theft, disorder, homelessness, behavioral health, and public spaces. The sponsors' pending revisions add equity, civil-rights, disability, due-process, demographic-data, and REIB language. Those additions matter, but **they do not change the core imbalance: downstream enforcement has clear deadlines and powers while unfinished upstream racial-justice work has no comparable implementation article, budget requirement, timetable, or independent enforcement structure.** [13]

VRJA does not ask Burlington to choose between safety and racial justice. The City should protect people from violence and unlawful conduct and also from discriminatory enforcement, displacement, untreated illness, racial economic exclusion, and weak civil-rights accountability. Burlington should reduce dependence on systems that respond after harm and increase investment in housing, health, treatment, youth, culture, economic security, civil rights, and Black-led community infrastructure. [1][5]

VRJA demands that the Council ground Burlington Forward in the systemic-racism mitigation framework it adopted in 2020. The present conditions are not evidence that the earlier framework failed; **they show why leaving it unfinished is dangerous to economic security, health, public safety, equal protection, public trust, and democratic participation.**

CENTRAL DEMAND

Amend Burlington Forward so that upstream social and racial justice investments carry the same force, deadlines, funding, measurement, and public accountability as enforcement provisions. The City should finish the racial-justice transformation it already began before it expands new enforcement authority.

I. The Evidence Behind the Foundational Premise

1. The City already adopted the structural finding. The 2020 resolution states that systemic racism is at the heart of the economy and affects employment, housing, education, health services, justice, economic development, and government. [1]
2. The City already linked public safety to economic justice. The same resolution directed General Fund dollars freed by police attrition toward social services, racial justice, economic justice, cultural empowerment, minority-owned procurement, capital access, and REIB capacity. [1][2]
3. National labor data show a persistent Black-White unemployment gap. BLS reported 2025 annual unemployment of 6.9% for Black workers and 3.8% for White workers. In August 2026, the seasonally adjusted rates were 6.0% and 3.7%. The ratio changes by year, but the long-run gap remains large. [16]
4. Federal Reserve data show a large racial wealth gap. In 2022, median family wealth was about \$285,000 for White families and \$44,900 for Black families. The current ratio is about 6.3 to 1. The 13-to-1 figure used in Burlington's 2020 record reflects an earlier period and should be treated as historical context, not the current ratio. [15]
5. Racial exclusion damages economic growth. Citi estimated that closing major Black-White gaps in wages, education, housing, and investment twenty years earlier could have added \$16 trillion to the U.S. economy. Citi's 2024 update estimated that gaps in income, business ownership, and homeownership represented up to \$3.9 trillion in unrealized economic activity from 2020 through 2024. These are scenario estimates, not direct accounting totals. [17]
6. Segregation and disinvestment affect safety. Urban Institute research links racial exclusion in housing and lending to concentrated poverty, weaker access to jobs and services, lower wealth growth, and higher exposure to crime and violence. The research also warns that intensive enforcement often falls most heavily on communities of color. [18]
7. Burlington's current police data show that the racial disparity remains urgent. In 2025, Black people were involved in 99 BPD use-of-force incidents, the highest count on record. Black people were 28% of use-of-force subjects while representing about 4.7% of the population in the analysis. Relative to police interactions, Black people appeared in use-of-force incidents at nearly three times the White rate. [14]
8. Federal civil-rights enforcement has been sharply reoriented. The U.S. Department of Justice removed disparate-impact liability from its Title VI regulations in December 2025. In June 2026, DOJ's Office of Legal Counsel concluded that EEOC disparate-impact guidelines under Title VII were unconstitutional. Federal legal theory and enforcement priorities have shifted away from some tools used to identify systemic discrimination, making strong local and state protections more important. [23][24][25]

9. Non-implementation has public-safety consequences. Burlington's 2020 framework was designed to reduce demand for police by investing upstream in health, housing, culture, opportunity, civil rights, and community capacity. When those systems remain incomplete, crisis exposure and reliance on enforcement persist. VRJA's assessment is that leaving the work unfinished has and continues to deepen that cycle, especially while racial disparities in police contact and force remain unresolved. [1][5][14]

These facts do not prove that every incident of disorder has one cause. They establish a more limited and important point: racial economic exclusion, weak access to housing and health care, and unequal contact with the justice system are part of the conditions that shape community stability. A public-safety policy should respond to both immediate harm and the systems that contribute to producing risk.

II. What Burlington Knew and What It Started

Burlington's racial-equity work predates 2020. The City created a Diversity and Equity Committee in 2012. The Vermont Partnership for Fairness & Diversity later helped develop the City's Diversity and Equity Strategic Plan. In 2019, the Vermont Racial Justice Alliance pushed the City toward a standing equity committee, a senior racial-equity function (which would become the Racial Equity Inclusion and Belonging Office), and stronger civil-rights accountability. [4][21]

Operation Phoenix R.I.S.E. and the June 29, 2020 resolution moved the City from general equity work toward systemic transformation. The resolution declared racism a citywide health crisis, ordered the City to prioritize eradication of systemic racism in the budget, reduced the authorized police cap through attrition from 105 to 74, tied freed funds to upstream social, racial, and economic justice, and called for a BPD assessment, community participation, recurring systemic-oppression training, reparations, data, and stronger police oversight. [1][2]

The July public-health declaration expanded that approach across the social conditions that shape health. The City created new racial-equity and public-health capacity and a \$1 million racial-justice fund. The Racial Equity Strategic Roadmap later called for data, community power, BIPOC leadership, budget line items, public reporting, and recurring review. [3][5]

The CNA assessment and later review continued the public-safety transformation work. The record also shows conflict over how later CNA recommendations were interpreted and implemented. VRJA supported the independent assessment but later withdrew from the implementation process out of protest over the process and rejected being described as endorsing the working-group report. That distinction matters when Burlington Forward cites past public-safety work as background. [6]

VRJA established the Richard Kemp Center in November 2021 in response to the commitment for a community cultural empowerment center. Grants and private donations sustained the Center without City financial support until a \$25,000 City investment in August 2026. The Center is therefore evidence that the community carried part of the promised upstream work even when City investment did not match the original vision. [8]

What unfinished implementation means

The City initiated some of the work after 2020, but the framework was never implemented as one sustained operating system. That matters because the original strategy was explicitly preventive: reduce the demand for police by changing the conditions that generate crises and unequal outcomes. Present-day disorder cannot fairly be assigned to one cause, but the absence of a complete upstream system removes part of the counterweight the City itself said was necessary. The longer that gap remains, the more Burlington is likely to rely on the same downstream systems it set out to transform. [1][5][7][21]

Battery Park: injustice, democratic response, and public-safety consequences

Battery Park has repeatedly been a place where public order and public rights collide. In 1979, police moved to clear youth gatherings amid complaints involving drinking, drugs, and late-night disorder; repeated clashes helped lead to the park's permanent closure to car traffic. In 2020, the conflict was different in purpose. Racial-justice protesters occupied Battery Park for about 35 days and demanded action on three officers tied to high-profile use-of-force cases, release of police video, and reinvestment in housing and health care. The City reached a separation agreement with Sergeant Jason Bellavance during the occupation while other reform work continued. [9][10][11][12][26]

Battery Park matters to Burlington Forward for two reasons. First, public space is also democratic space: protest, assembly, petition, mutual aid, outreach, and dissent require legal protection. Second, the occupation demonstrates how unresolved injustice can generate collective response, distrust, disruption, and added public-safety demands. That does not equate protest with crime. It means the government should address both the underlying injustice and any secondary safety concerns without using public-space rules to erase protected civic action.

III. Business Influence, Public Safety, and the Question of Government Urgency

There is significant business advocacy around downtown safety and economic conditions. In May 2025, more than 170 businesses signed an open letter asking the City for immediate action on public safety, construction, and downtown conditions. The Council then adopted measures aimed at business support, visible police presence, parking-garage safety, and other downtown concerns. [19][20]

The Burlington Forward resolution also gives substantial attention to businesses, tourism, economic vitality, private property, visitor experience, and public confidence. Business concerns are a major part of the policy setting in which Burlington Forward developed. [13][19][20]

VRJA does not argue that business concerns are illegitimate. Jobs, stores, restaurants, workers, and a functioning downtown matter to the whole City. The racial-justice question is whether the City applies the same speed, staffing, budget attention, deadlines, and public measurement to racial harm. The 2020 work identified Black wealth, homeownership, procurement, capital, health, culture, civil rights, and policing as public-safety issues. Those commitments should not receive less institutional force than commercial and public-order concerns.

IV. The Work That Remains Unfinished

The current crisis should not be reduced to a single cause. At the same time, Burlington cannot evaluate Burlington Forward as if the 2020 framework had been fully implemented and failed. The table below identifies some of the major commitments that remain incomplete and the upstream capacity that is still missing.

Commitment / issue	Current position	Required next step
Divest and reinvest	The officer cap reduction occurred, but the City did not publish a full public ledger showing how police savings moved into the promised upstream systems.	Publish a complete divest-reinvest accounting and set recurring upstream investment targets.
Racism as a Public Health Emergency	The City created racial-health capacity, but the original structure changed over time.	Restore a permanent racial-health function, annual plan, budget, and public outcomes.
REIB whole-of-government system	REIB exists and has been strengthened, but parts of the original policy, training, data, HR, and economic-justice structure changed or paused.	Fund permanent Policy, Training, Data, HR, Economic Justice, and Health functions with Citywide authority.
Civil-rights enforcement	REIB is an internal City equity office. The sponsor revision would ask REIB to identify disparate impacts and protect civil rights during implementation, but REIB is not independent of the City agencies and policies it would be reviewing.	Keep REIB focused on whole-of-government racial-equity transformation. Create a separate City Office of Civil Rights or equivalent independent function for complaint intake, compliance, investigation, pattern review, referral, and public reporting.

Commitment / issue	Current position	Required next step
Economic justice	The City has grants, loans, and business programs, but procurement, capital, home and land ownership, and racial wealth goals remain incomplete.	Adopt measurable procurement, capital, Black homeownership, land access, and anti-displacement plans.
Community cultural empowerment	VRJA created the Richard Kemp Center and sustained it largely outside City funding until 2025.	Create a recurring City investment partnership that supports Black-led community infrastructure while preserving community control.
Reparations	The Task Force was created, but the work was never completed and no next step defined.	Recommission the study with an enhanced definition and mandate. Charge the Task Force with producing actionable recommendations.
Police disparity and oversight	BPD has changed policy and training, but 2025 use-of-force data show a serious racial disparity. The approved resolution and sponsor revision still contemplate added sworn or contracted police and new civilian enforcement roles.	Require independent review, corrective action, public reporting, and stronger oversight before expanding sworn, contracted, or civilian discretionary enforcement.

V. Section-by-Section Review and Amendment Demands

On August 3, 2026, the City Council voted 7-5 to approve and advance the original Burlington Forward resolution and referred it to four committees for further review. That Council-approved text is the baseline for this analysis. A later redline posted by the sponsors contains proposed adjustments circulating during committee review. The REIB Committee separately issued a racial-equity impact assessment calling for systems-level reframing. Each entry below therefore identifies: (1) the issue in the approved text, (2) the sponsor-proposed adjustment, if any, and (3) VRJA's amendment demand addressing both. [13][22][27]

Preamble / Findings

1. Topic / issue	What problem does the Council-approved Burlington Forward text define, and how do the sponsors' pending revisions change that frame? [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor-posted revision adds findings on equitable access, systemic inequities, vulnerable groups, civil rights, and REIB involvement. It also assigns the REIB Office a role in identifying disparate impacts and protecting dignity and civil rights. The main frame still centers public disorder, crime, drug activity, public-space use, and regional service pressure. [13]
3. VRJA proposed amendment	Add findings that Burlington already declared racism a public-health crisis and adopted a systemic public-safety and economic-justice response in 2020. State that unfinished racial-justice commitments and current racial disparities are part of the factual basis for this resolution. Add: "The City recognizes that racism causes measurable harm to community wealth, economic growth, health, democratic participation, and public safety, and that public-safety policy must address both immediate harm and the systems that produce unequal risk." Keep REIB responsible for internal equity analysis and implementation support, but do not assign REIB or its Director as the City's independent civil-rights oversight body. Create a separate City Office of Civil Rights or equivalent independent function. [1][13]

Section 1.01

1. Topic / issue	Purpose and treatment of previous policy frameworks in the Council-approved text. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision says neither current nor previous policy frameworks achieved intended results and calls for revised strategies based on evidence, community input, and measurable outcomes. [13]
3. VRJA proposed amendment	Do not treat the 2020 racial-justice framework as a failed framework when it was never fully implemented. Require a public review of what the City completed, changed, paused, funded, or never implemented. State that Burlington Forward supplements and must complete the unfinished racial-justice, public-health, civil-rights, and upstream investment work; it does not supersede it. [1][5][7]

Section 1.02(D)

1. Topic / issue	Evidence, transparency, outcomes, and accountability in the approved text. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision retains the requirement for objective evidence, public transparency, measurable outcomes, and accountability, and adds that the government should admit when systems and services fall short. [13]

3. VRJA proposed amendment

Apply the same rule to racial justice. Require race-disaggregated data, public targets, and corrective action when a policy produces a serious disparity. Add a 60-day public accounting of the 2020 commitments, the \$1 million racial-justice fund, and the divest-reinvest plan. [1][3][5]

Sections 2.01-2.03

1. Topic / issue

How the approved resolution defines safety and public-space use. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision removes some “orderly” language, adds civic engagement, and strengthens equitable-access language. It still does not define safety through equal protection, racial justice, and freedom from discriminatory enforcement. [13]

3. VRJA proposed amendment

Define “equitable public safety” to include freedom from violence and disorder, freedom from discriminatory policing, access to health and treatment, housing security, economic opportunity, civil rights, cultural belonging, and accountable government. Require public-space activation grants to include Black-led, youth, cultural, and neighborhood groups. [1][5]

Section 2.04

1. Topic / issue

Organized activities in City Hall Park and other public spaces under the approved resolution. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds constitutional protections, consultation with affected service users, and comparable access when activities move. It still asks the City Attorney to clarify permits and where organized activities may occur. [13]

3. VRJA proposed amendment

Add explicit protection for protest, assembly, petition, mutual aid, and civic dissent. State that protected political activity cannot be treated as unlawful camping or public disorder solely because it is sustained, visible, or critical of the government. Require written First Amendment and civil-rights review before new permit, trespass, or relocation rules take effect. Battery Park shows why this distinction is necessary. [9][10][13]

Section 2.05

1. Topic / issue

Expansion of sworn and contracted police and creation of Public Space Response Teams with potential citation and trespass powers. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds training in racial equity, de-escalation, disability, trauma, cultural responsiveness, and constitutional rights. It still authorizes immediate expansion of visible public-safety personnel; permits FY27 funds to be used for third-party certified police; recruits City and partner-organization employees to Public Space Response Teams on paid time; and allows those civilians, where legally authorized, to issue municipal citations and trespass notices. [13]

3. VRJA proposed amendment

Delete the blanket authorization for immediate sworn or contracted police expansion until the City completes an independent review of the 2025 Black use-of-force disparity and a written racial-impact, alternatives, cost, scope, and accountability analysis. Do not quasi-deputize civilian employees. Remove citation, trespass, detention-like, and other coercive authority from Public Space Response Teams. Limit those teams to outreach, stewardship, navigation, de-escalation, sanitation, and service connection. Any later contracted-police proposal must return separately to the Council with common Burlington reporting, complaint, training, use-of-force, and civil-rights rules. [13][14]

Section 2.06

1. Topic / issue

Public-safety cameras and surveillance in the approved resolution. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds privacy and civil-liberties language and references safeguards for collection, retention, access, and use of recorded data. [13]

3. VRJA proposed amendment

Require a public surveillance policy before expansion. The policy must define purpose, location standards, retention limits, access logs, facial-recognition restrictions, audit rules, public reporting, complaint rights, and racial-impact review. No new analytics or camera expansion should occur before Council approval of these safeguards. [13]

Sections 2.07-2.08

1. Topic / issue	Public-space stewardship, nonprofit partners, businesses, private property, and trespass tools. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision adds attention to historically underinvested neighborhoods and asks property owners and nonprofits to use lawful tools, including trespass notices, while preserving dignity. [13]
3. VRJA proposed amendment	Add anti-discrimination safeguards for trespass referrals and private-property partnerships. Track race, housing status, disability, location, referring property, and outcome where lawful. Fund neighborhood stewardship in underinvested communities, not only downtown commercial areas. Require service providers and affected residents to help design standards affecting access to food, shelter, outreach, or public space. [13]

Section 2.09

1. Topic / issue	Performance standards and racial-disparity data in the approved resolution. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision adds demographic breakdowns, where lawful, to identify and address unequal impacts. [13]

3. VRJA proposed amendment

Data must trigger action. Set baseline racial-disparity measures, public targets, quarterly review, and a mandatory corrective plan when disparities rise. Measure more than incidents and arrests. Include successful service connections, housing stability, complaints, use of force, displacement, civil-rights complaints, and community trust. [13][14]

Sections 3.01-3.04

1. Topic / issue

Homelessness, behavioral health, service capacity, shelter, and sanctioned camping. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds accessible, culturally responsive, disability-inclusive, trauma-informed services and removes some geographic exclusions for temporary shelter or sanctioned camping. [13]

3. VRJA proposed amendment

Do not define service capacity as a ceiling on human need. Use the assessment to identify the gap between need and available housing, treatment, crisis response, and outreach, then set an investment plan to close that gap with regional and State partners. Include racial-justice advocates, people with lived experience, disability advocates, service users, and Black-led community organizations in the assessment. [13]

Section 3.05

1. Topic / issue

Unauthorized encampments and removal under the approved resolution. [13][22]

**2. Sponsor-proposed adjustment
(pending)**

The sponsor revision adds notice, protection and storage of property, accessible alternatives, service connection, and compliance with the Sheltering on Public Lands Policy. It still calls for rapid notice and removal where camping is prohibited. [13]

3. VRJA proposed amendment

Make housing and health outcomes the main measures, not speed of removal. Do not remove an encampment without lawful notice, property protection, outreach, and a documented offer of an accessible alternative when such an alternative exists. Track displacement and repeat removals. Add an explicit clause protecting political protest and assembly from being treated as ordinary unauthorized camping. [9][13]

Section 3.06

1. Topic / issue

Accountability, enforcement, treatment, diversion, and restorative justice. [13][22]

**2. Sponsor-proposed adjustment
(pending)**

The sponsor revision narrows some language to unlawful conduct and actual harm and adds proportionate consequences, treatment, diversion, and restorative justice where appropriate. [13]

3. VRJA proposed amendment

Insert “equal protection of the law to ensure justice and” before the goal of preserving public spaces. Require enforcement priorities to undergo racial-impact review. Require annual reporting on arrest, citation, diversion, prosecution, use of force, and case outcomes by race and other relevant factors. Expand investment in treatment, restorative justice, mental health, youth support, and community-based alternatives at the same time as any enforcement expansion. [13][14]

Section 3.07

1. Topic / issue

Ongoing Vermont State Police and DMV enforcement assistance. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds language calling for common standards, accountability, community engagement, and compliance with racial-equity and civil-rights protections, while retaining the standing invitation for outside enforcement. [13]

3. VRJA proposed amendment

Remove the standing open-ended invitation. If outside law enforcement is used, require a written, time-limited agreement approved by the Council. The agreement must state mission, location, authority, duration, cost, training, use-of-force rules, data collection, complaint process, records duties, immigration limits, and civil-rights review. Publish deployment and outcome data. [13]

Article IV, Sections 4.01-4.04

1. Topic / issue

Public-health services, zoning, overdose prevention, and syringe services. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision adds evidence, equity, accessibility, and disparate-impact considerations. It still excludes overdose prevention centers and syringe service programs from the Downtown Improvement District. [13]

3. VRJA proposed amendment

Remove categorical geographic exclusions unless the City can support them with public-health evidence and an access analysis. Require review of health outcomes, transportation, disability access, racial impact, service-user safety, neighborhood impact, and drug-market conditions. Public health should be governed by evidence, not visibility alone. [13]

Section 5.02

1. Topic / issue

Partnership with the State of Vermont in the approved resolution. [13][22]

2. Sponsor-proposed adjustment (pending)

The sponsor revision retains a State partnership that includes public safety, behavioral health, homelessness, treatment, youth, and court resources. [13]

3. VRJA proposed amendment

Make the State partnership a public-health and racial-justice partnership as well as a law-enforcement partnership. Require participation by the Agency of Human Services, Health, Mental Health, housing agencies, designated agencies, economic-development partners, civil-rights agencies, and affected-community organizations. Set shared targets for housing, treatment, racial disparity, economic stability, and safety. [13]

Section 5.03

1. Topic / issue	Legislative partnership with the Vermont General Assembly. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision expressly includes civil rights, equity, due process, and equal protection under the law. [13]
3. VRJA proposed amendment	Keep that language and add a separate legislative goal to strengthen State civil-rights enforcement, independent police oversight, racial-disparity data, housing and land access, and upstream prevention funding. Use the term “equitable public safety” throughout. [13]

Section 5.04

1. Topic / issue	Continuing municipal commitment in the approved resolution. [13][22]
2. Sponsor-proposed adjustment (pending)	The sponsor revision states that the resolution will guide future policy and that dignity, safety, belonging, crisis response, and public spaces are linked. [13]
3. VRJA proposed amendment	Add a continuing commitment to racial justice, civil rights, equal protection, Racism as a Public Health Emergency, reparations, economic justice, and completion of the 2020 commitments. State that Burlington Forward does not supersede those commitments. [1][3][13]

New Article VI

1. Topic / issue	Missing implementation structure for racial justice and civil rights. [13][22]
------------------	--

2. Sponsor-proposed adjustment (pending)

The sponsor revision does not add a separate article giving the unfinished racial-justice work the same structure, deadlines, and accountability as the enforcement and public-space articles. [13]

3. VRJA proposed amendment

Add a Racial Justice and Civil Rights Implementation Article. It must require: a 2020 commitment reconciliation; a divest-reinvest ledger; a fully funded REIB whole-of-government system focused on policy, training, data, HR, economic justice, and racial health; a separate City Office of Civil Rights or equivalent independent enforcement function; a race-data dashboard with corrective triggers; economic-justice, procurement, capital, home and land ownership plans; reparations implementation; recurring investment in Black-led community infrastructure, including the Richard Kemp Center; and quarterly public reporting. [1][5][7][8][13]

VI. Conditional Demands Before Enforcement Expansion

If the Council retains the enforcement provisions above, VRJA asks the City Council to make the following conditions part of the resolution or companion action:

- Do not expand sworn or contracted police capacity, or grant civilian Public Space Response Teams citation or trespass authority, until the City completes an independent review of the 2025 Black use-of-force disparity and publishes a corrective-action plan, racial-impact analysis, alternatives analysis, and implementation safeguards.
- Create common civil-rights, use-of-force, complaint, data, records, and training standards for City, contracted, and outside public-safety personnel.
- Do not assign REIB or its Director as the City's independent civil-rights oversight body. Keep REIB focused on whole-of-government racial-equity transformation and **create a separate City Office of Civil Rights** or equivalent independent municipal function with public complaint intake, compliance review, pattern analysis, investigation/referral, and public reporting authority.
- Restore recurring REIB policy, training, data, HR, economic-justice, and racial-health functions across City government.

- Publish a 60-day accounting of the 2020 commitments, the \$1 million racial-justice fund, and the divest-reinvest promise.
- Adopt a recurring upstream investment plan for housing, treatment, mental health, youth, cultural empowerment, Black home and land ownership, minority-owned procurement, capital access, and Black-led community infrastructure.
- Require written First Amendment and civil-rights safeguards for public-space rules, organized activities, encampment enforcement, trespass, and surveillance.
- Require quarterly public review by the REIB Committee of racial impacts, civil-rights complaints, service outcomes, and enforcement outcomes.

VII. Conclusion: Burlington Forward Must Finish the Work

Burlington Forward should not erase the City's earlier diagnosis or treat this abandoned framework as a failed one. In 2020, Burlington said systemic racism affected the economy, health, justice, housing, education, and government. The City linked that diagnosis to public safety and committed to a partial divestment from uniformed policing and a reinvestment in human services and social and racial justice approaches. **The present pressures on Burlington are occurring after work were left unfinished.** [1][2][5][7]

Battery Park reinforces the cause-and-effect point. In 2020, people occupied a public park to demand police accountability and reinvestment in housing and health care. The occupation was a response to injustice, and the sustained protest itself created additional public-space and safety pressures. That is precisely why public safety cannot be separated from justice: when underlying harms go unanswered, community response, distrust, instability, and enforcement pressure can compound one another. [9][10][11][12]

It was backlash and a coordinated dis-information campaign that contributed to the work receding and left much of it unfinished. We continue to urge the city to hold true to its commitments that were made to the VRJA and the people of Burlington at the intersection of public safety and racial justice. This is a time where much of the federal civil rights enforcement infrastructure has been dismantled and/or weaponized. Violence and policy violence is targeting Black people and many are remaining silent as this plays out. **Meanwhile in Burlington there is unprecedented contact, arrests and use of force against Black people with no apparent intervention or mitigation strategy.** To pass the Burlington Forward resolution in this climate suggests that the city council is either ignorant, indifferent or malicious. Business owners, workers, families, unhoused people, people with substance use disorder, disabled people, Black and Brown residents, and visitors all have legitimate safety interests. City policy must protect them fairly. [13][14][23][24]

Burlington Forward responds to real concerns about violence, public drug activity, theft, disorder, homelessness, behavioral health, and the condition of public spaces. The circulating proposed updates to the Burlington Forward resolution addresses equity, civil rights, disability, due process, demographic data, and REIB involvement. Those changes matter. However, even with these additions what results is that the clearest deadlines, staffing authority, and enforcement tools are targeted to downstream systems. [13]

Adding sworn or contracted police, quasi-deputizing civilians with citation and trespass authority, and assigning REIB a civil-rights oversight role without creating an independent civil-rights function moves Burlington further downstream while the upstream work remains unfinished

VRJA's position is that Burlington should not have to choose between safety and racial justice. The City should protect people from violence and serious unlawful conduct. It should also protect people from discriminatory enforcement, forced displacement, untreated illness, racial economic exclusion, and weak civil-rights accountability. The City should reduce dependence on systems that respond after harm occurs and increase investment in housing, health, treatment, youth, culture, economic security, civil rights, and Black-led community infrastructure.

The Vermont Racial Justice Alliance (VRJA) demands that the City Council ground Burlington Forward in the extensive systemic racism mitigation framework adopted in in good faith partnership with the VRJA in 2020. We urge the city to return to the work as a good faith partner with us to the full implementation of Operation Phoenix R.I.S.E, the Racial Justice Through Economic and Criminal Justice Resolution, the Declaration that Racism is a Public Health Emergency, the City of Burlington Racial Equity Strategic Roadmap and the CNA Assessment. Racial injustice (overt or systemic) adversely impacts public health, economic advancement, public safety, societal stability, the rule of law and our democracy. We are excited to work with you as you return to the commitment that we together made to “the sustained and deep work of eradicating systemic racism as organizations, actively fighting racist practices and participating in the creation of more just and equitable systems” in our Declaration that Racism is a Public Health Emergency!

VRJA FINAL DEMAND

Do not replace unfinished racial-justice transformation with a narrower public-order strategy. Amend Burlington Forward so it protects vulnerable people, enforces civil rights and equal protection, reduces reliance on failing downstream systems, and reinvests in upstream social and racial justice approaches that improve health, economic security, community stability, and safety for all.

Sources and Verification Notes

- [1] City of Burlington, Resolution 5.12, Racial Justice Through Economic and Criminal Justice, adopted June 29, 2020. User-supplied primary document; City record also summarized in the BPD assessment RFP.
- [2] Burlington City Council minutes, June 29, 2020.
<https://www2.burlingtonvt.gov/Archives/Minutes/?id=BQWHC547CB94>
- [3] City of Burlington 2020 Annual Report and racism-as-public-health-emergency records.
<https://www.burlingtonvt.gov/DocumentCenter/View/3203/Annual-Report-2020>
- [4] City Diversity and Equity Strategic Plan and 2012-2014 committee history; Vermont Partnership for Fairness & Diversity role. <https://www.burlingtonvt.gov/DocumentCenter/View/1650/Diversity-and-Equity-Strategic-Plan>
- [5] City of Burlington, Racial Equity Strategic Roadmap, July 2021. User-supplied primary document.
- [6] CNA assessment/recommendations records and 2022 VRJA-Council correspondence. User-supplied primary records.
- [7] VRJA open letter and City response concerning REIB, 2024. User-supplied primary email record.
- [8] Richard Kemp Center feasibility study and strategic plan; VRJA funding history. User-supplied organizational records.

- [9] Seven Days, “After 30-Plus Days, Protesters Pack Up Battery Park Encampment,” Oct. 1, 2020. <https://www.sevendaysvt.com/news/after-30-plus-days-protesters-pack-up-battery-park-encampment-31332647/>
- [10] VTDigger, “Battery Park protesters continue to camp outside BPD, call for firing of 3 officers,” Aug. 27, 2020. <https://vtdigger.org/2020/08/27/battery-park-protesters-continue-to-camp-outside-bpd-call-for-firing-of-3-officers/>
- [11] WCAX, “City officials say Battery Park encampment led to key reforms,” Oct. 1, 2020. <https://www.wcax.com/2020/10/01/city-officials-say-battery-park-encampment-led-to-key-reforms/>
- [12] City of Burlington, statement on separation agreement with Sergeant Jason Bellavance, Sept. 21, 2020. <https://www.burlingtonvt.gov/CivicAlerts.aspx?AID=3394>
- [13] **Burlington Forward sponsor website, original resolution and sponsor-posted proposed redline / “What’s Changed,” reviewed Sept. 13, 2026. The site describes the revised draft as under committee review; this report does not treat the posted redline as a formally adopted REIB Committee amendment.** <https://burlingtonforward.info/changes>
- [14] VTDigger, “Payouts soar as use of force by Burlington police on Black residents hits record high,” Aug. 17, 2026. <https://vtdigger.org/2026/08/17/payouts-soar-as-use-of-force-by-burlington-police-on-black-residents-hits-record-high/>
- [15] Board of Governors of the Federal Reserve System, 2022 Survey of Consumer Finances racial wealth analysis. <https://www.federalreserve.gov/econres/notes/feds-notes/greater-wealth-greater-uncertainty-changes-in-racial-inequality-in-the-survey-of-consumer-finances-20231018.html>
- [16] U.S. Bureau of Labor Statistics, 2025 annual race unemployment data and August 2026 Employment Situation tables. <https://www.bls.gov/cps/cpsaat05.htm> ; <https://www.bls.gov/news.release/empsit.t02.htm>
- [17] Citi GPS, Closing the Racial Inequality Gaps (2020) and Closing the Racial Wealth Gap (2024). <https://www.citigroup.com/global/insights/closing-the-racial-inequality-gaps-20200922> ; <https://www.citigroup.com/global/insights/closing-the-racial-wealth-gap>
- [18] Urban Institute, Causes and Consequences of Separate and Unequal Neighborhoods. <https://www.urban.org/racial-equity-analytics-lab/structural-racism-explainer-collection/causes-and-consequences-separate-and-unequal-neighborhoods>
- [19] WCAX, “Burlington businesses appeal to city leaders for help,” May 15, 2025. <https://www.wcax.com/2025/05/15/burlington-businesses-appeal-city-leaders-help/>
- [20] WCAX and VTDigger reporting on May/August 2025 Burlington Council business/public-safety actions. <https://www.wcax.com/2025/05/20/city-council-passes-resolution-supporting-downtown-business/> ; <https://vtdigger.org/2025/08/26/burlington-city-council-passes-resolution-to-make-city-hall-park-safer/>
- [21] City of Burlington, History and Status of REIB Department and 2020 racial-justice resolutions, updated Dec. 10, 2024. https://www.burlingtonvt.gov/DocumentCenter/View/7322/Update_REIB_121624
- [22] Seven Days, “Burlington Dems Push Through Public Safety Resolution Despite Criticism,” Aug. 4, 2026. Reports the 7-5 Council vote advancing Burlington Forward and referral to four committees. <https://www.sevendaysvt.com/news/burlington-dems-push-through-public-safety-resolution-despite-criticism/>
- [23] U.S. Department of Justice, final Title VI rule eliminating disparate-impact liability from DOJ Title VI regulations, Dec. 9, 2025. <https://www.justice.gov/opa/pr/departments-justice-rule-restores-equal-protection-all-civil-rights-enforcement>
- [24] U.S. Department of Justice, Office of Legal Counsel opinion concerning EEOC disparate-impact guidelines under Title VII, June 9, 2026. <https://www.justice.gov/opa/pr/justice-department-concludes-eeoc-disparate-impact-guidelines-violate-constitution>
- [25] U.S. Department of Justice, Civil Rights Division press room and current enforcement activity, reviewed Sept. 13, 2026. <https://www.justice.gov/crt/press-room>
- [26] WCAX, “This Day in History: A tense confrontation in Burlington’s Battery Park,” June 3, 2026, recounting the 1979 clashes and later closure of the park to car traffic. <https://www.wcax.com/2026/06/03/this-day-history-tense-confrontation-burlingtons-battery-park/>
- [27] Burlington Daily News, “Racial equity committee urges overhaul of Burlington Forward resolution in new memo, amendments remain uncertain,” Sept. 9, 2026. Reports the REIB Committee’s separate impact assessment and that amendments remained pending. <https://burlingtondailynews.net/2026/09/09/racial-equity-committee-urges-overhaul-of-burlington-forward-resolution-in-new-memo-amendments-remain-uncertain/>

To: Burlington City Council

From: Councilor Evan Litwin, Chair of the Community Development and Neighborhood Revitalization Committee – September 14, 2026

The Community Development and Neighborhood Revitalization Committee (CDNR) met on [August 19th](#) and [September 3rd](#) and will meet again this week during our regularly scheduled time on September 16th at 6:00pm. One of our primary goals was to revisit conversations we had begun a few months prior related to graffiti, public defacement, and the authorization from council to explore the formation of a graffiti abatement committee and suggest a scope and structure back to the Council.

We heard from Directors Bill Ward and Chapin Spencer to learn more about the complexities the city faces when undertaking abatement response, including that this is generally handled on a department by department basis as each department is responsible for their own asset maintenance. For example, graffiti on an electrical box may be the responsibility of Burlington Electric Department, whereas on a stop sign would be the Department of Public Works'. In addition, we heard about concerns the directors had with members of the public addressing public graffiti in certain circumstances, such as high places where injury could occur, historic brickwork where cleaning must be handled in a certain way, or on private property (which CDNR has no intent to pursue).

We also heard from community members who have been doing their own cleanup of defaced public assets like light poles, the backs of signs, etc. We tend to hear a desire to make this more simple for people to do and not to overcomplicate it, such as providing paint and simple instructions to avoid certain materials or situations, including private property. We also heard an idea that there may be space for the NPAs to have a role, as well as neighbors or small businesses adopting a street, block, or neighborhood to steward. In addition, another idea that came up was the need for a community closet of graffiti cleanup supplies, particularly for downtown businesses and residents. We received an offer from the outgoing Executive Director of the Burlington Business Association to donate their remaining supplies for such a purpose. This could potentially model a similar program that Fletcher Free Library offers where one can sign out a variety of equipment for home, garden, and creative projects. A location accessible to businesses and residents would need to be established.

The problem, as seen by the Chair, is that when engaging volunteers and the public, there needs to be a centralized hub to coordinate people as they drop in and out of community service. This needs to include coordinators that can serve as liaisons with Department Directors to ensure we are never making more work for the city, and are ideally lessening the burden on city staff.

While CDNR did not arrive at a formal decision, there was generally strong support from the committee to support community needs while balancing city staff's needs. Councillors on CDNR will need to continue to engage with directors and attendees to find a structure and a scope of work that feels positive for everyone, and I feel confident we are close to that. In my capacity as

Chair I would like to reiterate that I believe there is room and need for a small committee of dedicated people, including those with experience and expertise cleaning graffiti and using such chemicals appropriately, to serve as a service and communications hub to break down any possibilities of silos or misunderstandings before people go out. We know that there are members of the community who are actively doing this on their own around the city and so this is an effort to provide a bit of structure and resources to such efforts.

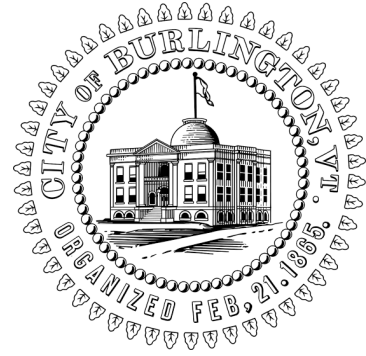
CDNR and the attendees all agreed that Burlington benefits from a strong culture of community engagement and service and so we want to celebrate and leverage that by creating opportunities for those who seek to beautify our community with intentionality and care.

Our second undertaking was to revisit recommendations from the Syringe Litter Report and the subsequent recommendations on both reducing syringe litter and improving Syringe Service Provider (SSP) operations that occur within the City. As Chair, I believe many of these are still relevant and applicable to ongoing questions in the community around syringe distribution and the services now being offered by Vermonters for Criminal Justice Reform (VCJR) and Vermont Cares, both on Bank Street. Our prior report focused on the Howard Center Safe Recovery site on Clarke Street, primarily because the Vermont Department of Health claimed that they were the only ones receiving state funding for those services at the time. Now that grant has moved to Vermont Cares.

We heard from Melissa Farr, the executive director of Vermont Cares and Josh Florucci, their new SSP Manager for Burlington, community stakeholders, and residents, rental property owners, and business community members. It is clear that there is still a strong divide in how SSPs are operating in Burlington, the effect they are having, and what role they play in addressing those effects. For example, the Executive Director of Vermont Cares held a firm opinion that they can't be responsible for their clients once they step outside, but we also heard from the owners of the AC Marriott building about the effects those clients, and the dealers now targeting the area, are having on the hotel and coffee shop staff and customers. Both positions, while divergent, are important and reasonable.

Ultimately, our Committee has more work to do and progress to make. Over the course of two hours, we only made it through two recommendations that we had previously made. It should also be noted that Councilor Sanchez-Parkinson is new to CDNR and so she had no role in forming or familiarity with the prior year's report. As Chair, my intent was to provide space for CDNR and the community to engage with the prior-voted-on recommendations and offer any suggestions to either bring them up to the current conditions we face or make some meaningful adjustments that we could agree on. Most of the time was spent debating the merits or systemic connections. My instructions to my fellow Councillors on September 3rd was to review the recommendations and send any suggested edits, updates, or removals by the next meeting on September 16th. After that, I intend to forward what I can back to the Council.

Thank you for the opportunity to provide this Committee update.



MEMORANDUM

To: Burlington City Council

From: Councilor Allie Schachter, Chair, Parks, Arts & Culture Committee

Date: September 14, 2026

Re: Parks, Arts & Culture Committee Review of Burlington Forward

Over the past six weeks, the Parks, Arts & Culture Committee (PACC) has reviewed Sections 2.03 and 3.04-3.05 of *Burlington Forward*, with a particular focus on the activation of public spaces and the City's existing Sheltering on Public Lands Policy. PACC also received a presentation from Mary Danko and Jeff Nicholson regarding the Fletcher Free Library's Hot Spot Strategy.

The Committee discussed these topics at the following meetings:

- August 11, 2026 – [Meeting materials](#)
- September 1, 2026 – [Meeting materials](#)

Our recent meetings and conversations have surfaced several key findings:

Fletcher Free's Hot Spots Strategy. Fletcher Free's Hot Spot Strategy provides a meaningful model for addressing illicit substance use and other unlawful activity in our shared public spaces. Fletcher Free Library now has an embedded security guard and Howard Center Street Outreach Worker on-site and has seen a significant reduction in the serious safety concerns it was experiencing several years ago. The Committee discussed the potential to replicate elements of this model – which pairs a consistent public safety presence with de-escalation, trauma-informed care, trusting relationships, and immediate connections to community resources – in other hot spots like City Hall Park. While Howard Center Street Outreach staff regularly work in and around City Hall Park, there is currently no dedicated outreach worker or dedicated public safety presence assigned to the park or other City hot spots.

Activating our Public Spaces. There is significant interest from community organizations and other outside groups in bringing events, activities, and programming into our parks and public spaces. Historically, however, there has been no centralized City resource to help outside organizations understand requirements, navigate permitting, coordinate across departments, and easily move an idea from concept to implementation. The City's recent launch of OpenGov represents an important step toward creating a clearer, more centralized, and more accessible process for outside groups to activate our City spaces. PACC sees an opportunity to build on this work, ensure adequate staffing resources are in place to operationalize the intent of OpenGov, and make Burlington an easier and more welcoming place for community partners to activate our shared spaces. PACC is continuing discussions with City departments and expects to bring additional findings and recommendations to the Council this fall.

Sheltering on Public Lands. PACC spent significant time understanding how Burlington's existing Sheltering on Public Lands Policy works in practice, including the implications of the City's 2019 settlement with the ACLU. The Committee heard that responding to encampments requires significant coordination among City departments and community partners. Outreach, notice, cleanup, property storage, and connections to services all require staff time and resources. Expectations for a more timely and consistent response therefore need to be paired with clear responsibility and adequate operational capacity. A serious additional challenge is the limited availability of alternative shelter or housing options for individuals camping on public lands.

Sanctioned camping. Our discussions reinforced that any sanctioned camping location would require considerably more than identifying a piece of public land. Questions of sanitation, security, waste removal, outreach, services, liability, maintenance, cost, and neighborhood impacts would all need to be addressed. Any such site should be understood as a temporary emergency intervention rather than a long-term solution. PACC's work has helped inform revisions to *Burlington Forward*, including language explicitly tying encampment response to the City's existing Sheltering on Public Lands Policy and recognizing the potential need for additional staffing and resources.

Our goal throughout this process has been to better understand how these policies work in practice so that the final resolution is both ambitious about creating safe, vibrant and welcoming public spaces for everyone and realistic about what is needed to achieve those goals.

As Chair, I am grateful to City staff, my fellow Committee members, and the public who lent their time, expertise, and experiences to this review process.

MEMORANDUM

TO: City Council
FROM: City Councilor Ranjit Buddy Singh, Public Safety Committee Chair
DATE: September 14, 2026
RE: Summary of *Burlington Forward* Public Safety Committee Meetings

The Public Safety Committee had its regular meeting on 8/27/2026. The agenda included a discussion on Fletcher Free Library's public safety response and City Circle updates from the Community Justice Center. The end of this meeting included a session dedicated to how the Committee would approach its discussions of *Burlington Forward*. At that meeting, the Committee agreed to hold work sessions going through the Resolution as set forth by the referral to the Committee from the full Council. These work sessions took place on 8/31/2026 and 9/9/2026. Minutes, media, agendas, and attachments from all three meetings are here:

- 8/27/2026: <https://burlingtonvt.portal.civicclerk.com/event/10145/files/agenda/20886>
- 8/31/2026: <https://burlingtonvt.portal.civicclerk.com/event/10168/files/agenda/20919>
- 9/9/2026: <https://burlingtonvt.portal.civicclerk.com/event/10188/files/agenda/20993>

At the Chair's request, the August 31, 2026 special meeting of the Public Safety Committee focused its review of the *Burlington Forward* resolution on Sections 2 and 3. This memo summarizes the Committee's discussion though as committee chair I have chosen to highlight drug enforcement, public safety cameras, and the proposed embedded social services model. Please note the Committee had significant disagreement over the language and therefore intent of certain resolution provisions, and in some instances the Committee could not find resolution.

The public is encouraged to reference the links to the meeting materials for more in-depth coverage of these discussions. This memo is not meant as an endorsement of potential directions on *Burlington Forward*, but as a recap of the meetings.

The Committee thus far has been able to discuss Sections 2.00-3.02.

1. Drug Trafficking / Drug Enforcement (Section 2.05)

Discussion of drug enforcement arose in the context of expanding public safety personnel and public-space response capacity. The Committee's discussion reflected general, though preliminary, support for the following:

- Leaning on existing federal and state drug enforcement resources rather than building new capacity from scratch.
- Any expansion of enforcement or public safety capacity should be developed in direct consultation with the Police and Fire Chiefs.

Members noted that the current fiscal year budget reflects funding increases in public safety personnel (BPD remains extremely under resourced with regards to personnel, despite what was budgeted), and that a separate "public space response team" concept raised in this section

drew skepticism — members were not clear on its intended scope or structure, with one comparison raised to whether such a function would be contracted out in the way sanitation services are.

2. Public Safety Cameras and Public Notification (Section 2.06)

There was general agreement among Committee members to move forward with, at minimum, a full inventory assessment of the City's existing public safety cameras. This was viewed as a legitimate area for future investment, using tools the City already has in place and leveraging this system. General areas of discussion included:

- Support for an inventory assessment as a starting point.
- Caution raised regarding security protocols for camera locations and associated data.
- Consensus that further, more detailed Committee-level oversight/discussion is needed given the privacy implications and the number of City departments that would need to be involved.

3. Embedded Social Services / Fletcher Free Library Model (Section 2.04)

The Committee reached some consensus that Section 2.04, as currently drafted, should be separated into two distinct concepts:

- Organized events and activities in City Hall Park; and
- Embedded social services and street outreach in a downtown hub, modeled on the approach used at the Fletcher Free Library.

Discussion of the embedded services / mutual aid concept was extensive but remains unresolved.

No consensus was reached on how to structure this section. The Chair tabled the mutual aid portion of the discussion, with agreement that members would bring the issue back to their respective caucuses for further discussion before the Committee takes it up again.

4. Disagreement Over Language and Intent

Beyond the substantive policy questions above, the Committee spent significant time on the language of the resolution itself, and on differing views of what that language is intended to convey:

- Statement of Intent (2.01): Members flagged that the word “restore” carries a potentially negative connotation, implying public spaces are currently in a degraded state, and should be reconsidered. Members also flagged use of the word “orderly.”
- Public Space Policy (2.02): Debate centered on proposed language directing the City to keep public spaces “reasonably free from unlawful conduct” and conduct that “unreasonably interferes with the public's use” of those spaces. Some members favored

reframing this as a WHEREAS clause recognizing existing City efforts, rather than as a new operative directive, with softer alternative language such as “continue to be a top priority.”

- Some committee members expressed concern that terms such as “positive community use” and “unattended personal belongings” could stigmatize, or effectively target, people experiencing homelessness, and that the section conflates homelessness with other public-space issues without explicitly naming or protecting that population’s interests.
- Other committee members pushed back, arguing the resolution does not seek to criminalize homelessness and that it is possible both to acknowledge existing City efforts and to retain language keeping spaces free of unlawful conduct; both characterized the “criminalization” reading as a misreading of the text.
- The Committee reached consensus on striking “orderly,” while committee members requested a full pass by the resolution’s authors for consistent terminology throughout the document.

This disagreement over language and intent was not confined to Sections 2.01–2.02 — similar concerns about clarity, redundancy, and framing recurred in the discussion of Sections 2.03 (Activation of Public Spaces, flagged as redundant with FY27 budget resolution items) and 2.04 (mutual aid framing, discussed above).

Section 3-3.02 proved difficult to find consensus and created significant disagreement and back-forth amongst the committee members, not limited to language but overall intent. Timelines for staff engagement were also highlighted.

5. Recommended Next Steps

Given the range and depth of the concerns raised, particularly around language and intent, it is recommended that:

- The resolution’s authors incorporate the edits and terminology concerns identified above, including the request for a consistent-terminology pass across the document.
- The Committee and each caucus be given a further opportunity to review the revised language before the next Committee session, routed through caucus chairs and appropriate City staff (including but not limited to Chiefs of the Burlington Police and Fire Departments, Department Heads, the Mayor’s office, and the City Attorney’s office).
- Members bring the tabled mutual aid question back to their respective caucuses, as agreed, so caucus-level input can inform the next draft.

Resolution Related to

BURLINGTON FORWARD: A COMPREHENSIVE FRAMEWORK FOR SAFE PUBLIC SPACES AND A STRONGER COMMUNITY

WHEREAS, Burlington's downtown, parks, sidewalks, streets, libraries, waterfront, bike paths, and other public spaces are among the City's greatest civic assets. They are the places where neighbors gather, children play, businesses and tourism thrives, visitors form lasting impressions, and community life unfolds every day. Preserving these shared public spaces as safe, welcoming, orderly, accessible, and well-maintained for everyone is among the City's most fundamental responsibilities; and

WHEREAS, the City recognizes that equitable access to public spaces requires attention to the differing experiences, needs, and barriers faced by community members and visitors, including people with disabilities, people experiencing homelessness, children and youth, older adults, New Americans, and historically marginalized racial and ethnic communities; and

WHEREAS, over the past several years, the Burlington City Council has adopted multiple resolutions and initiatives intended to strengthen public safety, improve community well-being, expand access to housing and behavioral health services, and respond compassionately to the challenges of homelessness, substance use, and mental illness; and

WHEREAS, the City of Burlington, together with healthcare providers, nonprofit organizations, businesses, faith communities, neighborhood organizations, educational institutions, and countless volunteers, has committed substantial public and private resources toward emergency shelter, affordable housing, outreach, behavioral health services, recovery programs, harm reduction initiatives, and other efforts intended to assist vulnerable members of our community; and

WHEREAS, notwithstanding these efforts and the extraordinary commitment of those serving our community, persistent public safety concerns, including violence, drug and sex trafficking, property crime, retail theft, and other unlawful conduct, continue to affect many individuals, including those experiencing homelessness, addiction~~substance use disorder~~, and mental illness, ~~continue to be negatively affected by persistent public disorder, criminal activity, violence, repeated overdoses, open drug dealing and use, prohibited camping, vandalism, aggressive or threatening behavior, and other conduct that~~ and unreasonably interfere ~~unreasonably interferes~~ with the use and enjoyment of Burlington's shared public spaces; and

WHEREAS, Burlington is and will remain a compassionate community where residents consistently demonstrate kindness and generosity toward neighbors experiencing homelessness, addiction, mental illness, and other crises. This Resolution builds upon those values; and

WHEREAS, the City Council also finds that allowing individuals to remain in circumstances that jeopardize their health, safety, or dignity without meaningful intervention is neither compassionate nor humane. Lasting compassion requires connecting people to treatment, recovery, housing, supportive services, and, where appropriate, enforcement and accountability for unlawful conduct that harms others or unreasonably interferes with the public's use and enjoyment of shared public spaces; and

WHEREAS, the City Council rejects the false choice between compassion and public safety and affirms that accountability, treatment, housing, recovery, public health, public safety, and public order are complementary, interdependent responsibilities that must be pursued together to advance the public interest and the dignity of every person; and

WHEREAS, the City further recognizes that Burlington cannot reasonably or sustainably serve as the exclusive or primary provider of shelter, behavioral health services, and substance use treatment for individuals from throughout Vermont and outside our state, and that these challenges require sustained partnership among municipalities, the State of Vermont, healthcare institutions, nonprofit organizations, and regional service providers to ensure that responsibility is shared equitably throughout the region; and

WHEREAS, the City recognizes that systemic inequities—including racism, poverty, ableism, discrimination, and unequal access to housing, healthcare, behavioral health services, and economic opportunity—have contributed to the conditions addressed in this Resolution, and that effective public policy should include a focus on reducing disparities while improving safety and well-being for all residents; and

WHEREAS, the City recognizes that children and vulnerable adults who regularly witness open-air drug use, drug transactions, and unmanaged mental health crises in public spaces may experience significant psychological, developmental, and safety harms, including normalization of substance use, exposure to trauma, disruption of a sense of safety and stability, and increased risk of accidental contact with drug paraphernalia or hazardous materials; and

WHEREAS, sustained exposure to visible drug dealing and open-air drug markets in areas frequented by families, including parks, schools, playgrounds, and public transit corridors, can contribute to children's fear, anxiety, and diminished use of public spaces intended for their recreation and education; and

WHEREAS, the presence of individuals experiencing unsheltered homelessness or acute mental health crisis in public spaces reflects broader gaps in the City's housing, behavioral health, and crisis response systems, and the City recognizes that effective, compassionate, and adequately resourced responses to these conditions are essential both to protecting the dignity and safety of the individuals experiencing them and to reducing the secondary impacts on public spaces used by children and families; and

WHEREAS, in implementing this Resolution, the City shall ensure its Office of Racial Equity, Inclusion, and Belonging is involved in identifying and addressing disparate impacts on historically marginalized and underserved communities; protecting the dignity and civil rights of all people; and ensuring reasonable opportunities for affected communities to participate in decisions that impact them. The City shall seek to ensure that public safety, public health, housing, behavioral health, enforcement, and policies governing our public spaces are implemented consistently and in ways that do not disproportionately burden any racial, ethnic, socioeconomic, disability, or other historically marginalized community; and

WHEREAS, restoring and preserving Burlington's public spaces requires clearly articulated values, public policy, measurable implementation, meaningful accountability, prioritized enforcement of our existing laws and ordinances, sustained regional partnership, and a continuing commitment by every level of government and every community partner.

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby adopts the following policy framework to restore and preserve safe, welcoming, ~~orderly,~~ and accessible public spaces; expand meaningful pathways to housing, treatment, and recovery; strengthen accountability for unlawful conduct ~~and conduct that unreasonably interferes with the use and enjoyment of our shared public spaces;~~ and promote shared regional responsibility for and investment in addressing the complex challenges of homelessness, substance use disorder, and behavioral health challenges.

ARTICLE I

General Policy

Section 1.01. Purpose.

The purpose of this Resolution is to establish a comprehensive policy framework for restoring and preserving Burlington's public spaces as safe, welcoming, ~~orderly,~~ accessible, and well-maintained places for all residents and visitors, while continuing Burlington's longstanding commitment to compassion, dignity, and meaningful support for individuals experiencing

homelessness, substance use disorder, behavioral health challenges, and other circumstances requiring public assistance. To achieve these objectives, Burlington must realign its ~~values and related efforts~~ using evidence, community input, and measurable outcomes to assess existing approaches and develop revised strategies that advance safety, dignity, inclusion, belonging, and equitable access to services. An honest assessment indicates that neither the current nor previous policy frameworks have achieved their intended results, making ~~a revised strategy~~ iesy necessary moving forward.

Section 1.02. General Policy.

It shall be the policy of the City Council that:

A. Burlington's public spaces belong to everyone. Every resident and visitor should be able to use and enjoy the City's parks, streets, sidewalks, libraries, waterfront, bike paths, public buildings, downtown, neighborhood business districts, and other public spaces safely ~~and without unreasonable interference or exposure to unlawful activity and disruptive behavior.~~

B. ~~Compassion without accountability is not compassion.~~ The City Council rejects the notion that public safety requires choosing between compassion and accountability ~~tolerance of unlawful conduct is itself an act of compassion.~~ No individual has the right to engage in unlawful conduct or conduct that unreasonably interferes with the use and enjoyment of shared public spaces. Effective public policy requires both meaningful opportunities for prevention, outreach, treatment, recovery, housing, and supportive services ~~and while~~ consistent ~~enforcement of criminal laws and municipal ordinances~~ consistently, fairly, and in accordance with due process. Enforcement shall focus on unlawful conduct and actual harm, not on a person's housing status, disability, health condition, or other protected characteristic. that protect the public's health, safety, and welfare. The City shall pursue both ~~objectives~~ compassion and accountability simultaneously to ensure that Burlington's public spaces remain safe, welcoming, and accessible to all.

C. Individuals experiencing homelessness, substance use disorder, or behavioral health challenges deserve meaningful opportunities to obtain shelter, treatment, recovery services, and long-term stability. Burlington shall continue advocating for coordinated regional and statewide responses to homelessness, behavioral health challenges, and substance use disorder, recognizing that these challenges extend beyond Burlington's borders and require sustained partnership among municipalities, the State of Vermont, healthcare providers, nonprofit organizations, and other community partners.

D. Decisions affecting public spaces, public health services, municipal resources, and zoning policy shall be guided by objective evidence, public transparency, measurable outcomes, and

accountability to the public. Public accountability requires admitting when systems and policies have fallen short, and when existing ~~social~~ services lack the capacity to deliver the interventions needed for consistent improved outcomes.

ARTICLE II

Protecting Burlington's Public Spaces

Section 2.01. Statement of Intent.

The purpose of this Article is to restore and preserve Burlington and its public spaces as safe, welcoming, orderly, accessible, and well-maintained places that may be comfortably enjoyed by residents and visitors of all ages while respecting the dignity of every person and ensuring that public spaces remain available for their intended public use.

Section 2.02. Public Space Policy.

The City shall prioritize the restoration and preservation of Burlington's public spaces for the benefit of all residents and visitors. Public spaces shall be managed to encourage lawful activity, positive community use, economic vitality, recreation, civic engagement, and public enjoyment.

Public spaces should not merely be accessible; they should be places where residents and visitors choose to gather and should reasonably expect to feel safe doing so.

The City shall make it a top priority to ensure public spaces remain reasonably free from unlawful conduct and conduct that unreasonably interferes with the public's use and enjoyment of those spaces, and that such spaces are well maintained, clean, and reasonably free of graffiti, litter, unattended personal belongings, and other conditions that detract from their safety, accessibility, and public enjoyment. Implementation shall include reasonable procedures to protect and store unattended personal belongings.

Section 2.03. Activation of Public Spaces.

The City finds that well-programmed, well-maintained, and actively used public spaces are among the most effective long-term strategies for promoting public safety, strengthening community life, and discouraging unlawful and disruptive activity.

The City shall expand the activation of Burlington's public spaces through community programming, arts and cultural events, recreational opportunities, family-oriented activities, and partnerships that increase positive public use of parks, downtown, neighborhood business

districts, and other civic spaces. Consistent with the FY27 budget resolution, the City Council requests that the Administration continue coordinating with the City Council's Parks, Arts & Culture Committee to develop and implement these efforts.

Section 2.04. City Hall Park and Organized Activities.

The City Council reaffirms its prior policies regarding the restoration and stewardship of City Hall Park as outlined in the Council's August 2025 resolution concerning the management, activation, and preservation of the Park. The City Council declares again that City Hall Park shall remain one of Burlington's principal civic gathering spaces—welcoming, accessible, well-maintained, and available for the broad enjoyment of residents and visitors.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the City Attorney's Office prepare and submit to the Council any ordinance amendments necessary to clarify where organized activities may occur within City-owned public spaces, establish when permits are required for such activities, and ensure that such activities do not materially interfere with the intended public use of City Hall Park or other public spaces.

The City Council requests that the Administration renew stalled efforts, in accordance with applicable law and constitutional protections, to assist with navigating how to better coordinate social service activities in City Hall Park with other events, programming, and public uses of the Park. ~~secure any available and necessary permits for, or if permits are unavailable, offer alternative locations to unpermitted social service activities where participants could be better served while preserving the Park's role as Burlington's principal civic gathering space.~~ If necessary to identify alternative locations, the City Council asks that the Administration evaluate appropriate indoor and outdoor municipal facilities, including Contois Auditorium where practicable and consistent with operational needs. Any relocation or alternative site for social service activities shall be developed in consultation with affected service users and providers, and reasonable efforts should be made to offer comparable or improved access, accessibility, safety, and continuity of services.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Department of Parks, Recreation & Waterfront issue a request for proposals seeking one or more vendors, nonprofit organizations, or other qualified operators to activate the patio area located in the northeast corner of City Hall Park through food and beverage concessions, retail kiosks, recreational uses, cultural programming, public amenities, or other uses that increase positive public activity and enhance the visitor experience. Any request for proposals shall encourage creative, seasonal, and year-round activation strategies that promote regular public use of the space and are consistent with City Hall Park's role as Burlington's principal civic

gathering space. Alternatively, the Administration may evaluate repurposing the patio area as a centralized operational hub for public safety personnel, in alignment with similar proven strategies like those implemented at the Fletcher Free Library and the intent of the City Council's September 2024 resolution on establishing a downtown public safety hub, to provide a visible, accessible, and continuous public safety presence within City Hall Park alongside connections to community resources and services.

Section 2.05. Expansion of Public Safety Personnel and Public Space Response Capacity.

The City's sworn police officers, Community Service Officers, Urban Park Rangers, and other civilian public safety personnel continue to perform their duties with exceptional dedication and professionalism in protecting and preserving our public spaces. A number of these roles, particularly sworn police officers, unfortunately continue to face significant challenges to staffing, with available police officers consistently remaining at or below current levels since 2023. As the City continues with long-term efforts to rebuild its public safety infrastructure, there is an immediate need to strengthen the City's visible presence within its public spaces. Accordingly, the City Council requests that the Administration act within sixty (60) days following enactment of the Resolution to present recommendations to the Council on which public safety roles can be most immediately and substantially increased, if even on a temporary basis, to ensure more personnel are assigned to visible public safety and public space response functions. Moreover, the City Council asks that the Chief of Police continue to regularly update the Council's Public Safety Committee on recruitment efforts at the Burlington Police Department.

Immediately following enactment of this Resolution and prior to delivering the above-requested recommendations, the City Council requests that the Mayor take the steps necessary to expand the visible presence of public safety personnel in areas experiencing persistent public safety and public order concerns, which the Mayor's Administration has previously attempted to address through its working group on "hot spots," where ongoing conditions threaten public safety, diminish the public's use and enjoyment of these spaces, and risk undermining the success of generational projects like that at Burlington Square. For this purpose, the Mayor may use, as necessary, the monies allocated by the City Council in the FY27 budget to contract with third-party public safety personnel, including certified police officers. Additionally, to the extent permitted by existing agreements with contracted public safety personnel, such as those currently assigned to patrol municipal garages, the Mayor is authorized to repurpose these personnel to higher priority areas.

Moreover, to the extent practicable and permitted by applicable collective bargaining agreements, the City Council requests that the Administration recruit and organize one or more Public Space Response Teams comprised of City employees and employees of other local organizations committed to the vitality of Burlington who voluntarily elect to participate and successfully complete appropriate training. Public Space Response Teams shall supplement, but not replace, traditional public safety resources by increasing the City's visible presence within public spaces, promoting lawful and welcoming public use, and assisting in the preservation of City property. If the City's unionized staff are interested in this volunteer opportunity, the Council acknowledges the potential need to submit proposals to municipal unions as necessary to accommodate this. While participation would be voluntary rather than mandated, it is the intent of this Resolution that City employees participate on paid time. All public safety personnel and Public Space Response Teams shall receive training in racial equity, implicit bias, de-escalation, disability awareness, trauma-informed practices, cultural responsiveness, and constitutional and civil rights protections.

To the fullest extent permitted by law and consistent with appropriate training and supervision, members of Public Space Response Teams may be authorized to:

- A. Address and intercede conduct that unreasonably interferes with the public's use and enjoyment of Burlington's public spaces, including, but not limited to, the open use of drugs and alcohol, public intoxication, smoking where prohibited, disorderly behavior, and the encumbrance of sidewalks and walking paths;
- B. Issue municipal ordinance citations within the scope of their legal authority;
- C. Issue notices against trespass and take other lawful actions necessary to protect City property and public spaces;
- D. Promote cleanliness and sanitation, identify maintenance concerns, and coordinate the prompt removal of graffiti and other public nuisances; and
- E. Connect individuals experiencing crisis, homelessness, substance use disorder, or other behavioral health needs with appropriate treatment, recovery, housing, and supportive services.

The City Attorney and Chief Administrative Officer shall prepare and submit for Council consideration any ordinance amendments, budget proposals, administrative policies, or other measures necessary to implement this Section.

Section 2.06. Public Safety Cameras and Public Notification.

The City Council finds that visible public safety cameras, when lawfully deployed and appropriately identified, deter unlawful conduct, assist in criminal investigations, and promote public confidence in the safety of Burlington's public spaces.

Within thirty (30) days following adoption of this Resolution, the City Council asks that the Chief Information Officer prepare and submit to the Council a report identifying all City-owned or City-operated public safety cameras currently operating within Burlington's downtown and other public spaces. The report shall identify each camera's general location, operational status, and any significant gaps in camera coverage requiring future consideration, provided that nothing in this Section shall require disclosure of information that would compromise public safety or law enforcement operations and the report will be provided confidentially to the extent permitted by Vermont's Open Meeting Law. Moreover, in carrying out this Section and any future expansion of public safety camera systems, the City shall remain mindful of the importance of protecting individual privacy and civil liberties and shall ensure that the deployment, operation, and management of such systems are conducted in accordance with applicable law and appropriate safeguards governing the collection, retention, access to, and use of recorded data, including but not limited to the City's Fair and Impartial Policing Policy.

The City Council requests that the Administration install and maintain clear, visible signage at appropriate locations notifying the public that public safety cameras are in operation. ~~Such signage shall be designed to deter unlawful conduct while promoting public awareness that public spaces are actively monitored for the protection of residents, visitors, businesses, and City property.~~

Section 2.07. Public Space Stewardship and Graffiti Removal.

Recognizing that clean, well-maintained public spaces contribute to public safety, civic pride, and neighborhood vitality, the City Council requests that the Mayor coordinate with the Council's Community Development & Neighbor Revitalization Committee to establish a public space stewardship program to encourage and support volunteer participation in the prompt removal of graffiti from public spaces and other beautification initiatives consistent with the purposes of this Resolution. In establishing this public space stewardship program, the Administration and CDNR Committee may collaborate with organizations and individuals already volunteering to perform the expanded work called for in this Section. The Council also encourages the Administration and CDNR Committee to work in partnership with Neighborhood Planning Assemblies (NPAs) and neighborhood residents in deciding beautification priorities, especially communities that have historically been underinvested in.

Any program shall provide participating residents with appropriate training, safety guidance, equipment, supplies, and other resources necessary to assist the City in removing graffiti from publicly owned property in a safe, lawful, and coordinated manner.

The City Council reaffirms that the prompt removal of graffiti from privately owned property remains the primary responsibility of the property owner. Any public space stewardship program should also provide a mechanism through which private property owners may authorize trained City employees or approved volunteers participating in the program to enter their property for the purpose of removing graffiti, subject to such reasonable conditions and limitations as the property owner may establish.

Section 2.08. Expanded Partnerships with Nonprofit Organizations and Private Property Owners.

The City Council recognizes that restoring Burlington's public spaces requires meaningful collaboration with businesses, nonprofit organizations, faith communities, and other private property owners whose properties directly influence the experience of surrounding neighborhoods.

Accordingly, the City Council asks the Mayor to develop and make publicly available for private property owners educational materials on:

- A.** Procedures for issuing notices against trespass as authorized by law;
- B.** Crime prevention and environmental design strategies;
- C.** Details on the extent to which private property owners can be held criminally or civilly liable for unlawful or other wrongful conduct permitted to continue on their premises;
- D.** Other available tools to assist property owners in responding to unlawful activity while promoting safe, welcoming, and well-maintained properties.

The City Council further asks the Mayor to engage with nonprofit organizations that provide services to individuals experiencing homelessness, substance use disorder, mental health challenges, or other vulnerabilities, and to relay the City's request that such organizations adopt reasonable expectations for respectful and lawful behavior on the organization's property and within adjacent public rights-of-way and public spaces immediately surrounding the organization's facilities, including expectations designed to discourage conduct that creates public safety risks, interferes with the use and enjoyment of neighboring properties and public spaces, or otherwise adversely affects the surrounding community. The City encourages nonprofit organizations to communicate these expectations in a manner that preserves the

dignity of those receiving services while reinforcing shared responsibility for maintaining safe, welcoming, and accessible neighborhoods.

Section 2.09. Public Space Performance Standards.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor collaborate with the City Council's Public Safety and Parks, Arts & Culture Committees to adopt measurable performance standards for evaluating the condition of Burlington's public spaces, which shall be publicly posted on the City's Data Hub.

The standards shall include objective performance measures relating to, as appropriate:

- A.** Public safety conditions, including but not limited to the number of incidents, offenses, and arrests in public spaces. Where possible and legally permissible, performance data should be disaggregated by race, ethnicity, age, disability, gender, housing status, and other relevant demographic factors to identify and address disparate impacts;
- B.** Quality-of-life complaints, including but not limited to SeeClickFix reports on cleanliness and sanitation, and graffiti response;
- C.** Public space activation and programming;
- D.** Visitor and resident use of public spaces; and
- E.** Such additional performance measures as the Administration determines appropriate to enable the City Council and the public to evaluate progress over time.

ARTICLE III

Sustainable Intervention and Regional Responsibility

Section 3.01. Statement of Intent.

The purpose of this Article is to establish a sustainable framework for responding to homelessness, substance use disorder, and behavioral health challenges. The City Council reaffirms Burlington's longstanding commitment to ensuring that individuals experiencing crisis are afforded meaningful opportunities to obtain shelter, treatment, recovery services, and permanent housing while recognizing that emergency interventions must ultimately lead to greater long-term stability, independence autonomy, and well-being, and improved health outcomes.

The City Council further recognizes that compassion requires meaningful intervention, measurable results, and shared regional responsibility. Emergency measures are intended to stabilize individuals and connect them to long-term solutions and should not become permanent substitutes for housing, treatment, recovery, or personal stability. The Council acknowledges that meaningful long-term strategies require time and resources to be implemented, and that they should be trauma-informed, culturally responsive, accessible to people with disabilities, and implemented consistently and fairly.

Section 3.02. Establishing Service Capacity.

Within sixty (60) days following adoption of this Resolution, the City Council requests that the Mayor convene representatives of organizations providing emergency shelter, affordable housing, behavioral health services, substance use treatment, healthcare, emergency response, outreach, and other appropriate public and private partners to evaluate Burlington's sustainable capacity to responsibly provide emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. To the extent the City is already convening a group that includes the above-referenced stakeholders, the Administration may expand the scope of that group's work to include developing the assessment called for in this Section.

The assessment shall evaluate available staffing, financial resources, healthcare capacity, emergency response capability, housing availability, case management, sanitation, public safety impacts, fiscal sustainability, and such other operational considerations as may be appropriate.

Based upon that assessment, the City Council requests that the Mayor recommend the maximum number of individuals that Burlington can sustainably and humanely serve at any given time through the coordinated provision of emergency shelter, sanctioned camping, outreach, treatment, recovery services, and related supports. The term "humanely," for the purposes of this Section, shall include but not be limited to consideration of the lived experiences of people accessing services and whether services are accessible, culturally responsive, disability-inclusive, trauma-informed, and effective. The recommendation shall identify the methodology and assumptions used to establish that number and shall include objective indicators by which the City may determine when Burlington has reached or exceeded its sustainable service capacity.

The Mayor may periodically review the recommended sustainable service capacity and recommend revisions to the City Council as conditions, available resources, or regional participation materially change.

Section 3.03. Regional Responsibility.

The City Council affirms that homelessness, substance use disorder, and behavioral health challenges are regional and statewide challenges requiring regional and statewide solutions.

The City Council further finds that current conditions strongly indicate that Burlington is providing services beyond what can be sustainably supported by its existing housing, shelter, behavioral health, public safety, and municipal resources. While the assessment required by Section 3.02 will establish a recommended sustainable service capacity, the City Council finds that immediate action to promote greater regional responsibility should not await completion of that assessment.

Burlington will continue to lead with compassion. Leadership, however, does not require Burlington to serve as the exclusive or primary provider of services for individuals from throughout Vermont.

The City Council requests that the Administration implement equitable policies and procedures to ensure that, when Burlington has reached or exceeded its sustainable service capacity, individuals seeking services are connected with available housing, shelter, treatment, recovery, behavioral health, and other supportive services in other communities, including through transportation assistance where appropriate. The City shall actively work with the State of Vermont, neighboring municipalities, healthcare providers, housing organizations, and regional service providers to expand service capacity throughout the region so that responsibility for serving vulnerable individuals is shared more equitably. Regional responsibility shall be pursued through shared investment and expanded service capacity across municipalities, rather than through exclusion or displacement of individuals based on their place of origin or current residence.

Section 3.04. Expanded Temporary Emergency Shelter Space and Sanctioned Camping.

Within ninety (90) days following adoption of this Resolution, the City Council requests that the Administration designate one or more locations for expanded temporary emergency shelter space or sanctioned camping to be utilized only when necessary to supplement available capacity at established emergency shelters.

Any expanded temporary emergency shelter space or sanctioned camping location shall be subject to approval by the City Council ~~and generally situated outside Burlington's downtown core, waterfront, shared use path network, and heavily utilized public parks~~ and shall be selected with due consideration for surrounding neighborhoods, public infrastructure, environmental impacts, and the availability of supportive services. To best serve individuals able to utilize this location or locations, efforts will be made to designate locations with access to drinking water, toilets, shower facilities and handwashing stations, laundry, electricity, and

dumpsters. To that end, the City Council acknowledges that while temporary emergency shelter space is preferable to sanctioned camping, neither should be considered a permanent housing solution and should be utilized only for the duration necessary to transition individuals to more appropriate ~~placements~~housing options.

Prior to approving any designated locations under this Section, the City Council will expect that the location will adopt and enforce operational standards governing admission, sanitation, security, storage of belongings, code of conduct, outreach, behavioral health services, treatment referrals, housing navigation, transportation, case management, and ongoing program evaluation.

The City Council asks that the Administration establish measurable performance standards for any expanded temporary emergency shelter space or sanctioned camping and shall publish the resulting performance data in an anonymized, publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:

- A. The number of individuals served during the reporting period and cumulatively;
- B. The average daily occupancy and utilization rate;
- C. The number and percentage of participants successfully transitioned to emergency shelter, treatment, recovery programs, permanent supportive housing, permanent housing, or other stable housing placements;
- D. The average length of stay for participants;
- E. The number of emergency service responses to a location; and
- F. Such additional performance measures as the Administration determines are appropriate to evaluate whether a location is functioning as a temporary intervention that promotes health, safety, and successful transitions to more appropriate placements.

Section 3.05. Unauthorized Encampments.

The City Council finds that unauthorized encampments located in areas where camping is specifically prohibited are inconsistent with the policies established by this Resolution.

Consistent with applicable legal requirements and in accordance with the City's Sheltering on Public Lands Policy, the City Council requests that the Administration act more promptly upon discovery of a prohibited encampment, generally within twenty-four (24) hours, to provide notice of a specified date on which the encampment will face ticketing, no trespass orders,

~~other legal action,~~ and removal of any remaining items. This date should be as soon as reasonably practicable following the provision of notice, allowing sufficient time for affected individuals to make alternative arrangements while protecting public health, public safety, environmental resources, and the public's continued use and enjoyment of Burlington's public spaces.

Prior to removal, the City shall make reasonable efforts to identify and offer accessible alternatives, provide adequate notice consistent with applicable law, protect and store personal property, and connect individuals with housing and services. In accordance with the City's policy regarding Ssheltering on Ppublic Llands Policy, encampments noticed for removal will be provided contact information from local social service organizations serving unsheltered residents, the State of Vermont's Coordinated Entry Screening Form with instructions, information on other available community resources, information on the officials responsible for an encampment that is not removed, and details on where any collected personal property will be stored.

For the purposes of this Article, the City Council notes that Section 22-7 of the Burlington Code of Ordinances provides that "[i]t shall be unlawful for any person to camp in any public park in the city." Section 22-1 enumerates the City's parks and Section 22-23 further provides that "the land known as Urban Reserve ... shall be considered a city park subject to this chapter."

To the extent the City does not have sufficient staffing capacity to comply with this Section, the City Council asks that the Mayor's Administration act within sixty (60) days following enactment of this Resolution to present recommendations to the Council detailing how it will promptly increase the number of personnel authorized and trained to provide notices of removal and conduct associated outreach. The recommendations shall identify the staffing, organizational changes, funding, and implementation timeline necessary to ensure that notices of removal are issued consistently throughout the City.

~~The City Council requests that the Administration establish measurable performance standards governing the City's response to prohibited encampments and shall publish the resulting performance data in a publicly accessible format on the City's website no less frequently than monthly. At a minimum, the publicly reported data shall include:~~

~~A. The number of prohibited encampments identified during the reporting period;~~

~~B. The average time between identification of a prohibited encampment and issuance of a notice of removal;~~

~~C. The average time between issuance of notice and removal of the encampment;~~

~~D. The number and percentage of individuals contacted who accepted referrals or were successfully connected to shelter, a sanctioned camping location, coordinated entry, behavioral health services, treatment, recovery services, or other supportive services prior to or following removal of the encampment; and~~

~~E. Such additional performance measures as the Administration determines are appropriate to evaluate the effectiveness of the City's outreach and enforcement efforts.~~

Section 3.06. Accountability and Enforcement.

The City Council reaffirms that every individual is entitled to dignity, due process, and meaningful opportunities to obtain treatment, recovery services, shelter, and supportive services. The City further reaffirms its commitment to prevention, treatment, recovery, and other evidence-based public health interventions.

The City Council rejects the notion that enforcing our laws and ordinances in response to unlawful conduct is an uncaring or unempathetic act, or that tolerance of unlawful conduct is itself an act of compassion. Effective public policy requires meaningful opportunities for treatment and recovery together with consistent enforcement of criminal laws that protect the public and preserve Burlington's shared public spaces.

Accordingly, the City Council declares that Burlington will not tolerate drug trafficking, violent crime, or illegal activity that impacts ~~the unlawful open use of controlled substances, retail theft and other property crimes that frequently support substance use disorder, or other criminal conduct that threatens~~ public safety or ~~unreasonably interferes with~~ the public's use and enjoyment of shared public spaces.

The City Council further declares that enforcement of local and state~~these~~ laws shall remain a priority of the City. The Council supports proactive investigation, lawful detention where appropriate, arrest when supported by the facts and authorized by law, and referral for prosecution of individuals engaged in such criminal activity. Nothing in this Resolution shall be construed to discourage law enforcement officers from taking appropriate enforcement action authorized by law in response to these offenses.

The City shall continue pursuing treatment and recovery for those willing to accept assistance while supporting the investigation, arrest where authorized by law, prosecution, and appropriate proportionate and lawful consequences~~punishment for~~ individuals whose criminal conduct perpetuates addiction, victimizes residents and businesses, or undermines the safety and vitality of Burlington's public spaces, including treatment, diversion, restorative

justice, or other alternatives where appropriate. Refusal or failure to participate in options offered shall not result in the City ceasing efforts to address criminal conduct.

Furthermore, the City Council notes that both the Situation Table and City Circle initiatives were implemented to improve outcomes for individuals at elevated risk of involvement with the criminal justice system, behavioral health crises, substance use, and homelessness, including by reducing emergency department utilization, overdoses, and other preventable harms, while also providing a more immediate and consistent system of accountability for individuals who repeatedly violate municipal ordinances.

The City Council is particularly concerned that the City Circle initiative, which was previously identified by the Mayor's Administration as a key component of Burlington's strategy to improve public safety and accountability, appears to have been substantially curtailed or discontinued. The Council further understands that this change may have been attributable, in whole or in part, to reductions in available funding, and seeks clarification regarding the status of the initiative, the reasons for any changes in its implementation, and whether alternative funding sources or program models have been considered. The Council is also concerned that, to its knowledge, the accountability mechanisms contemplated by the City Circle model, including prosecution or other consequences for participants who failed to comply with restorative justice requirements, have not been meaningfully utilized, and requests information sufficient to evaluate whether the program has operated as originally intended.

Within thirty (30) days of the adoption of this Resolution, the City Council's Public Safety Committee shall prepare and deliver a list of questions to the Mayor's Administration, the City Attorney's Office, and the Community Justice Center, the responses to which shall provide the Council with a comprehensive update regarding the Situation Table and City Circle initiatives, including, at a minimum: (i) the current operational status of each initiative; (ii) participation levels and measurable outcomes for individuals served; (iii) data concerning compliance with restorative justice requirements and any enforcement or prosecutorial actions taken in response to noncompliance, to the extent permitted by law; (iv) the funding sources supporting each initiative, including any reductions or anticipated funding gaps; and (v) recommendations for the continuation, modification, expansion, or replacement of these initiatives based on their first year of implementation.

Section 3.07. Request for Ongoing Assistance From State Public Safety Personnel

Recognizing Burlington's ongoing public safety resource challenges, the City Council calls upon the Vermont State Police to continue partnering with the Burlington Police Department by providing supplemental law enforcement resources in and around the City's downtown and

other locations where additional law enforcement presence is necessary to protect public safety, address criminal activity, and restore public confidence in Burlington's public spaces.

Separately, the City Council calls upon the Vermont Department of Motor Vehicles Enforcement Division to expand traffic enforcement efforts within the City of Burlington's principal transportation corridors, including the new Champlain Parkway, where speeding, reckless driving, excessive engine noise, and other traffic violations have become persistent public safety and quality-of-life concerns.

The City Council affirms that, to the fullest extent permitted by applicable law, it welcomes and consents to the enforcement of both the laws of the State of Vermont and the ordinances of the City of Burlington by duly authorized State law enforcement officers operating within the City, consistent with their statutory authority and any applicable intergovernmental agreements governing such enforcement. In addition, state and local law enforcement agencies should coordinate to ensure consistent standards, accountability, community engagement, and compliance with racial equity and civil rights protections.

ARTICLE IV

Public Health Policy and Permitted Uses

Section 4.01. Statement of Intent.

The purpose of this Article is to establish the City's policy regarding the implementation of significant public health initiatives, to reaffirm the City Council's legislative role in establishing zoning policy, and to strengthen collaboration between the City of Burlington and the State of Vermont in addressing public safety, behavioral health, and substance use challenges.

Section 4.02. Public Health Policy and Zoning.

The City Council continues to support accessible, evidence-based public health initiatives that improve individual and community health while recognizing that the location, operation, and long-term impacts of significant public health services should be considered through transparent public processes consistent with the City's Comprehensive Development Ordinance and adopted zoning policy. Zoning decisions shall also consider potential disparate impacts on historically marginalized communities.

The City Council finds that significant public health services ~~with that may have~~ substantial neighborhood impacts should not be established through administrative interpretation where

doing so effectively creates a new principal use not expressly identified within the Comprehensive Development Ordinance.

Section 4.03. Overdose Prevention Centers.

The City Council finds that overdose prevention centers are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance.

Accordingly, the City Council declares that any proposal to authorize overdose prevention centers within the City of Burlington should proceed only through amendment of the Comprehensive Development Ordinance following public notice, public hearing, and legislative action by the City Council.

The City Council further declares that, should such an amendment be proposed, overdose prevention centers should not be permitted within Burlington's Downtown Improvement District, as defined by the City's Charter.

The Council stands by its previous acknowledgments that overdose prevention centers may serve populations experiencing significant health disparities. They may also help reduce the amount of public drug use occurring in our shared public spaces. Any consideration of a potential overdose prevention center location shall include an evidence-based assessment of public health outcomes, anticipated community impacts, equity, accessibility, and the potential benefits and risks to people who use drugs and the broader community.

Section 4.04. Syringe Service Programs.

The City Council finds that syringe service programs are a valuable public health strategy but are not presently identified as expressly permitted principal uses within the Comprehensive Development Ordinance and should not be deemed to constitute any currently permitted principal use absent express legislative authorization.

Accordingly, the City Council declares that any proposal to authorize syringe service programs as a principal use should proceed only through amendment of the Comprehensive Development Ordinance through the City's legislative zoning amendment process.

The City Council further declares that while syringe service programs should continue to be supported in Burlington, they should not be permitted within Burlington's Downtown Improvement District. The City Council ~~opposes the continued operation or establishment of syringe service programs within Burlington's downtown core and~~ calls upon the Vermont Department of Health to work collaboratively with the City and local operating partners to

identify an accessible alternative location that better advances public health objectives while supporting the restoration and preservation of Burlington's public spaces.

The City Council further calls upon the Vermont Department of Health to consult and collaborate with the City before establishing, relocating, or materially expanding significant public health services within Burlington so that public health objectives, zoning policy, neighborhood compatibility, and impacts upon public spaces may all be appropriately considered. The Mayor's Administration shall promptly notify the City Council upon learning of State-sanctioned efforts to expand public health services within Burlington.

Additionally, within sixty (60) days following enactment of this Resolution, the City Council's Community Development & Neighbor Revitalization Committee shall begin meeting to develop a resolution that reaffirms, revises, or develops new recommendations from its previously developed report on syringe litter that will further the goals of this Section.

The City Council affirms that the positions taken in this Article regarding an Overdose Prevention Center or Syringe Service Programs are in alignment with Burlington's current comprehensive municipal plan, which acknowledges the difficulties associated with the proximity of drug trafficking and use to those in recovery, and provides in pertinent part that:

[H]igh concentration of social service providers can become easily unmanageable if all stakeholders are not working together, keeping an eye on some of the larger interactions and their implications. For example, the downtown is arguably not the best environment for people recovering from alcohol and drug addiction. The presence of active drug dealing and the highest concentration of drinking establishments in the state create serious challenges for those in recovery.

ARTICLE V

Implementation, Accountability, State Partnership, and Continuing Oversight

Section 5.01. Statement of Intent.

The purpose of this Article is to ensure that the policies established by this Resolution are translated into coordinated action through measurable implementation, public accountability, regular reporting, and continuing oversight by the City Council.

Section 5.02. Partnership with the State of Vermont.

The City Council appreciates the Governor's most recent efforts to support Burlington with additional public safety resources and calls upon the Governor to establish a sustained partnership with the City of Burlington to continue addressing the unique public safety, behavioral health, homelessness, and substance use challenges confronting Vermont's largest municipality.

The City Council requests that the Mayor invite representatives of the Governor's Office and appropriate State agencies to meet annually with the Administration, City Council, State legislators, and other regional leaders to evaluate regional progress, identify barriers to collaboration, and recommend additional actions to strengthen the partnership between the City of Burlington, surrounding communities, and the State of Vermont.

The City Council specifically refers back to the requests included in its August 2025 resolution on City Hall Park and its asks for the following specific actions by the State of Vermont and Governor to support Burlington in addressing chronic safety and health challenges: (1) Convene a county-wide committee of local, county and state law enforcement agencies to develop a coordinated response to drug trafficking and related crimes; (2) Convene youth service providers, schools, and staff from the Agency of Human Services to specifically examine trends among juveniles engaged in violence, drugs, and gun possession to identify strategies to interrupt these trends for at-risk juveniles; and (3) Convene a public health strategy discussion between members of the Department of Health and Department of Mental Health to examine how to remove barriers to treatment and address limited capacity to existing drug treatment centers to support people living with substance use disorder finding easier pathways to treatment and recovery.

The City Council further recognizes the substantial progress achieved through the Chittenden County Accountability Docket, which demonstrated that dedicated judicial resources could promote more timely case resolution, meaningful accountability, improved access to treatment and services, and greater confidence in the administration of justice for harm done to our communities. Accordingly, the City Council requests that the Governor, in coordination with the Chief Justice of the Vermont Supreme Court and other appropriate State officials, continue and, as appropriate, institutionalize this model in Chittenden County by supporting the continued assignment of a dedicated judge, prosecutor, public defender, and necessary court personnel and resources to ensure the prompt adjudication of cases involving repeat offenders and individuals with multiple pending criminal matters.

Section 5.03. Legislative Partnership with the Vermont General Assembly.

The City Council calls upon the members of the Chittenden County Senate and House delegations, together with members of the Vermont General Assembly representing communities throughout the State, to support the enactment and strengthening of laws that advance the purposes of this Resolution.

The City Council further calls upon the General Assembly to work collaboratively with municipalities, public safety agencies, healthcare providers, service organizations, and other stakeholders to enact legislation that:

- A. Strengthens public safety while protecting ~~individual civil~~ rights, advancing equity, and ensuring due process and equal protection under the law;
- B. Expands access to and investment in behavioral health, substance use treatment, recovery services, and permanent supportive housing throughout Vermont;
- C. Promotes equitable regional responsibility for addressing homelessness and behavioral health challenges while ensuring that individuals are not denied access to essential services based on race, ethnicity, disability, income, housing status, or place of origin;
- D. Provides municipalities with appropriate ~~legal authority and~~ resources to restore and preserve public spaces;
- E. ~~Encourages~~Supports timely access to appropriate support intervention for individuals experiencing behavioral health crises or substance use disorder;
- F. Improves coordination among State agencies and municipalities; and
- G. Otherwise advances the purposes of this Resolution.

The City Council further directs the Mayor and the City's legislative representatives to advocate for legislation consistent with these principles and to report to the City Council regarding significant legislative developments affecting implementation of this Resolution.

Section 5.04. Continuing Commitment.

The City Council adopts this Resolution not merely as a response to current conditions, but as a continuing statement of municipal policy intended to guide future legislative decisions, strengthen public confidence in local government, and ~~restore and~~ preserve Burlington's public spaces for future generations.

The City Council believes that the strength of a community is measured not only by how it responds to those in crisis, but also by how faithfully it preserves the public spaces that belong

to everyone. Through this Resolution, Burlington recommits itself to both responsibilities and affirms that they are inseparable from one another. A community is strongest when every person can participate in public life with dignity, safety, and a meaningful sense of belonging.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Six

An Ordinance in Relation to

BCO CHAPTER 21, OFFENSES AND MISCELLANEOUS
PROVISIONS, SEC. 21-45A(F)(3) TRESPASS ON CITY
PROPERTY – APPEAL HEARING SCHEDULING TIMELINE

ORDINANCE _____

Sponsor: Councilor Singh
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Chapter 21, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 21-45A(f)(3), Trespass on City Property, thereof to read as follows:

21-45A. Notice of Trespass on City Property

* * *

(f) Appeal.

(1) - (3) — As written.

(4) Procedure. When an appeal is filed, the designated hearing panel shall meet ~~within ten (10) business days~~ to consider the appeal within a reasonable period of time given the complexity of the matter at hand, provided that the hearing shall be scheduled no more than thirty (30) days after the appeal is filed, which time period may be extended upon a reasonable request by either party, to be granted by the Committee, or on the Committee's own determination. If no hearing is requested, the designated hearing panel may consider any written submissions as part of its decision. If a hearing is requested, the appellant must be provided at least three (3) business days written notice of the date, time, and location of the hearing. The designated hearing panel shall allow oral and/or written testimony and evidence from the appellant and the issuing city official or officer. In reviewing the notice of trespass, the panel will utilize the preponderance of the evidence standard with the burden of proof on the charging official or their representative. The designated hearing panel shall issue a written decision within 10 business days of the hearing. ~~The designated hearing panel may extend the time period for hearing if the operation of the notice of trespass is stayed or if the appellant consents.~~

(5) — As written.

* * *

24

25

26 * Material stricken out deleted.

27 ** Material underlined added.

28

29

30

31

32 PSC/HM/Ordinances 2026/*BCO Chapter 21, Sec. 21-45A(f)(3) – Appeal Hearing Scheduling Timeline*

33 9/9/26

MEMORANDUM

TO: Gene Bergman Chair, Ordinance Committee, Burlington City Council
FROM: Ranjit Singh, Chair, Public Safety Committee
DATE: August 25, 2026
RE: Proposed Amendment to B.C.O. Sec. 21-45A(f)(3) — Appeal Hearing Scheduling Timeline

Purpose

I am writing to request on behalf of the Public Safety Committee that the Ordinance Committee take up a proposed amendment to Sec. 21-45A(f)(3) of the Burlington Code of Ordinances (Trespass on City Property), which governs the timeline for scheduling a hearing on an appeal of a notice of trespass.

Background

Sec. 21-45A(f)(3) currently requires that, once an appeal is filed, the designated hearing panel “shall meet within ten (10) business days to consider the appeal.” This fixed ten-business-day deadline applies uniformly regardless of the factual or legal complexity of the underlying appeal. In practice, some appeals raise straightforward factual disputes that can be resolved quickly, while others involve more complex questions and requests for video evidence to be compiled and reviewed.

A rigid ten-business-day deadline does not allow the designated hearing panel, the appellant, the issuing city official or designee the flexibility to accommodate more complex matters, and risks either rushed proceedings or technical non-compliance with the ordinance.

Proposed Change

I am requesting that the Committee consider amending Sec. 21-45A(f)(3) to replace the fixed ten-business-day scheduling requirement with a standard that ties the scheduling timeline to the complexity of the matter, subject to an outer limit and a mechanism for extension. Specifically:

The designated hearing panel shall schedule a hearing within a reasonable period of time given the complexity of the matter at hand, provided that in no event shall the hearing be scheduled more than thirty (30) days after the appeal is filed, which time period may be extended upon a reasonable request by either party, to be granted by the Committee.

This language would replace the current “shall meet within ten (10) business days to consider the appeal” clause in subsection (f)(3).

Rationale

This change would preserve a firm outer deadline while giving the hearing panel discretion to schedule more complex matters appropriately rather than defaulting to a uniform ten-business-day turnaround that may not fit every case. The extension mechanism ensures that any delay beyond the standard timeline remains subject to Committee approval and requires a reasonable request from a party, rather than being open to indefinite postponement.

Requested Action

I respectfully request that the Committee place this proposed amendment on an upcoming agenda for discussion and consideration.