
Dog Task Force Progress Update

March 27, 2023

Why does the Dog Task Force exist?

Increasing number of incidents involving dogs or dog owners on social media.

03/30/21 Community Meeting
06/28/21 City Council Resolution
11/17/21 Members Appointed
01/27/22 Dog Task Force began

Complaints:

- Off-leash dogs in city parks, natural areas & beaches
 - Dogs attacking people or other dogs
 - Dog feces not being picked up
 - Policies not being enforced
 - Unlicensed dogs
 - Dog barking contributing to noise pollution
-

Scope of Work

- 1) Review current city programs and policies including other dog task force work.
- 2) Conduct an Education Campaign:
 - a) Off leash dogs in city parks, natural areas or beaches
 - b) Dogs attacking people or other dogs
 - c) Dog feces not being picked up
 - d) Dog barking contributing to noise pollution
- 3) Review licensing rules and make recommendations
 - a) Review licensing fees and make recommendations
 - b) Explore modernizing license fee applications
 - c) Consider the question of licensing of outdoor cats
- 4) Review compliance and policy enforcement and make recommendations
- 5) Plan Pet/Dog Events, Activities and Celebrations, i.e., National Pet Day or National Dog Day Celebration
- 6) Review current funding allocated to our municipal dog/pet resources and make recommendations
- 7) Provide quarterly updates to the Parks, Arts, and Culture Committee
- 8) Generate a final report to be presented to the City Council by April 29, 2022

2021 Resolution Relating to the Dog Task Force

Type and Areas of Work

- Full Task Force meets monthly
 - Subcommittees meet outside of these meetings:
 - Data subcommittee
 - Off-leash subcommittee
 - Education subcommittee
 - Ordinances subcommittee
 - Other areas (such as licensing) addressed by full task force
 - Members provide monthly updates & feedback
-

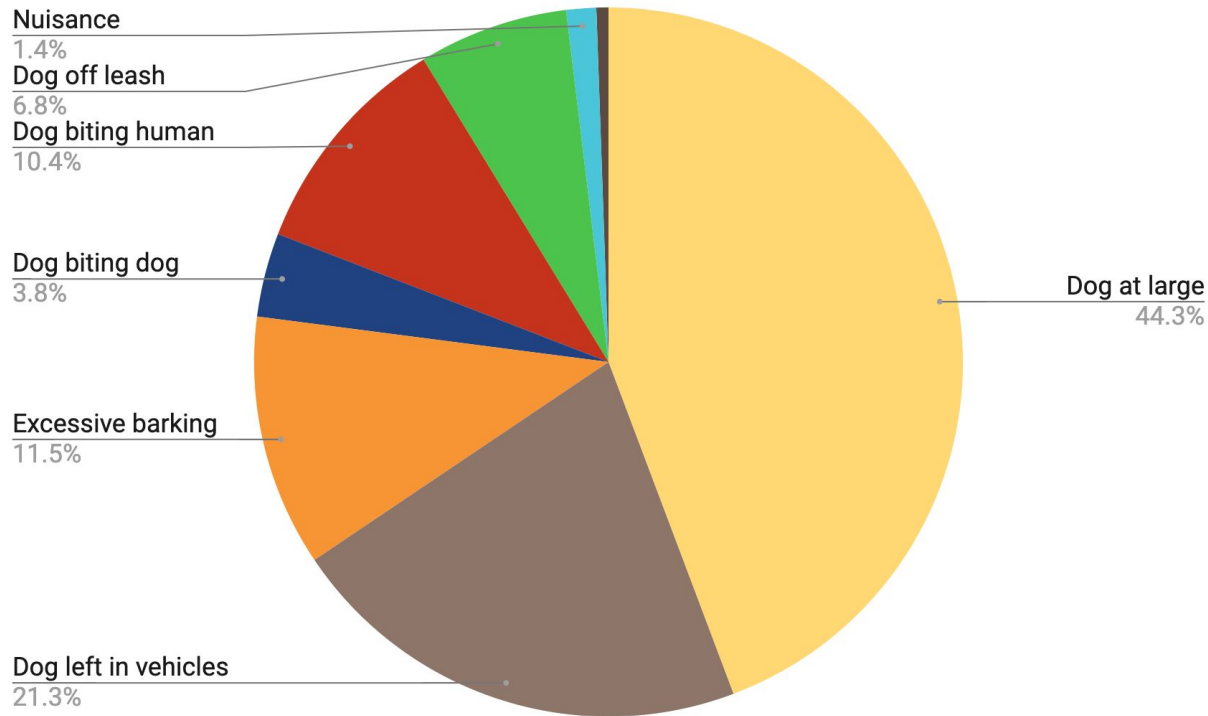
Data Collected

- To understand incidents and possible reporting issues, the following police data has been collected:
 - High-Level Data from Police provided on dogs 1/1/21-1/28/22
 - Detailed Data just received this month from police on dogs, cats & rabbit complaints for the following time periods:
1/1/2019-1/31/2020 & 7/1/2021-7/22/2022 (*analysis forthcoming*)
 - To estimate licensed vs unlicensed dogs, the following data has been collected:
 - Chittenden County Humane Society dog adoptions/intake
 - Dog ownership trends (from the AVMA)
 - Comparative licensing data from City of South Burlington
 - Review of data collected by 2011-13 City Council appointed off-leash work group
-

2021 Dog Complaints

366 dog complaints filed with police
from 1/1/2021-1/28/2022

The Dog Task Force just received more
detailed data on more animal types
covering additional periods of time
(analysis forthcoming)



Off-Leash Subcommittee



- Review of prior dog task force work (1998 & 2013)
 - Previously proposed designation of off-leash spaces in Burlington were never completed
 - Updates made to previously proposed spaces based on current program usage
 - A survey is now out collecting feedback
 - New areas to be piloted/tested based on survey results
-

Why Off-Leash Areas?

Currently less than 1% of Burlington City Parks are available for off-leash use.

Availability of more off-leash spaces should:

- reduce impact on currently limited areas
 - make it easier to maintain a leash requirement
 - provide greater access for residents without cars or private yards
 - help foster well-behaved dogs in the community
-

Education Subcommittee



Public Service Announcements created & shared:

- Poop Clean Up (spring)
- Leash Your Dog (impact to wildlife/plants)
- Barking
- Licensing

Draft Annual Dog Education Calendar

Wag the Waterfront Event 9/9/2023

Proposed Annual Education Calendar

An annual calendar with educational campaigns and events has been drafted.



Appendix A - Proposed Annual Education Calendar

- January
 - Barking PSA
- February
 - Dog License Due (campaign/drive)
- March
 - Dog License Due (campaign/drive)
- April
 - Off-Leash PSA (Impact to wildlife/wildflowers that develop in spring)
 - Picking up poop PSA)

- July
 - Dog Days (event)
 - Church Street tie-in for pet friendly shopping areas (other shopping areas? SEABA, Farmer's Market, North Street?)
- August
- September
 - Wag the Waterfront 9/9/2023 - Switchback/Texaco Dog Beach
 - Demonstration booth, ask the trainer
 - Community health (humane society)
- October
 - Halloween parade?

Wag the Waterfront

Waterfront Dog Park & Moran Plant Frame 9/9/2023

- Celebration of dogs & their owners at the Waterfront Dog Park and Moran Plant Frame
- “Yappy Hour” with Switchback Brewing
- Potential Other Vendors:
 - “Ask the Trainer” booth
 - Low Cost Health options with the Humane Society of Chittenden County
 - Information on off-leash dog areas, as a result of the Dog Task Force
 - Other dog-related vendors, like stores and services





Ordinances Subcommittee

- Reviewed current city ordinances, drafted changes
 - Draft changes to be discussed by full Dog Task Force in March-April, after reviewing data recently collected
 - Updates to old language (e.g., referencing horse hitches)
 - Updates to fees
 - The Dog Task Force is considering the following questions related to proposed ordinance changes:
 - Regulation of outdoor cats (prohibiting, or mandating spay/neuter)
 - Licensing of cats in addition to dogs
 - Recommendation of dedicated ACO with investigative resources
 - Recommendation of restorative justice enforcement option
-



Reporting / Enforcement Issues

- Animal-related incidents can be reported to the police as follows:
 - by phone
 - via BPRD Website but lacks clarity (although animals are not offered as an option on the Incident Report Form; and “other” is unavailable)
 - via See Click Fix app but lacks clarity (same issue, animals are not offered as an option for reporting)
 - When following up on incidents, dog license information is not requested; and CSOs do not have access to City Clerk’s dog license data
-

Reporting / Enforcement Issues

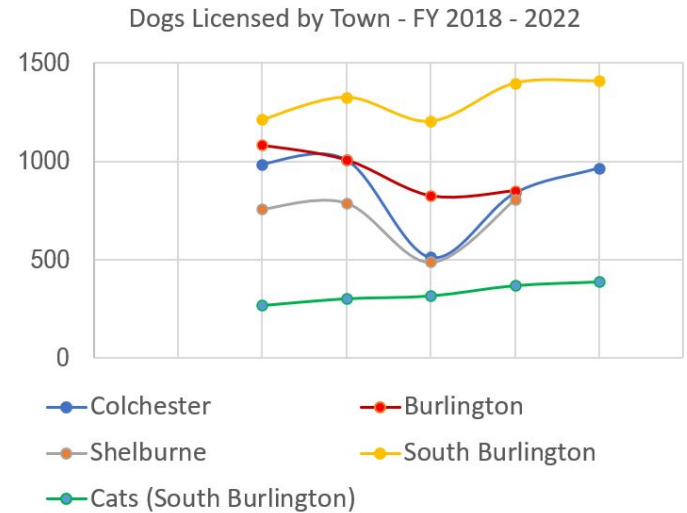


- Currently there is no allocation for investigating reported incidents if the dog's owner is unknown
 - Burden is on the victim to know the name of attacking dog's owner for the PD to be able to act.
 - Stray Dog Policy
 - Stray dogs who are microchipped or wearing a name tag w/ owner identified: the owner is called (dog license tags are not involved)
 - If no name tag or microchip, the dog is held at Lucky Puppy for 5 days. If not claimed, then the the Humane Society of Chittenden County takes the dog.
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Licensing Issues



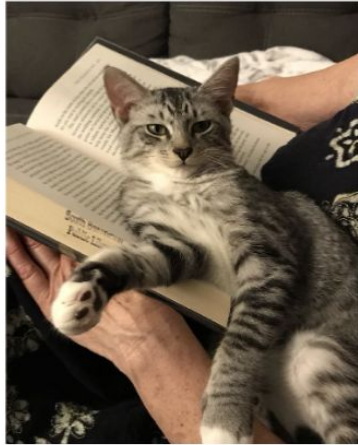
- Burlington dogs are likely severely under-licensed:
 - The AVMA suggests 45% of households have at least 1 dog.
 - Burlington may have at least 7700 dogs.
 - In 2022 only 826 dogs were licensed. (1255 in 2012)
- Licensing is now available online.
- Licensing fees could be used to support dog-related programs in Burlington.
- Perceived lack of consequence for not licensing a dog



South Burlington's #'s; how they get there:



2020 Top Dog Rowan



2020 First Feline Mr. Finnigan

- Top Dog and First Feline contest every year for tags #1 and 2; Winners photos displayed in clerk's office & used in next year's advertising for licensing
- Advertise in the local paper 3x + full page insert for the registration
- Ease of licensing: Online registration & clerk calls vets for rabies cert
- Reminders: Email to all dogs and cats that haven't renewed a few times from January through end of March
- Compliance: Anonymous form where people can report unlicensed dogs and cats - send out a friendly letter to the person reported.

In 2022, South Burlington registered 1777 pets: 383 cats and 1,394 dogs.



Next Steps

- Analyze survey results & recently received data from police
 - Complete report
 - Present Report Recommendations
 - Key Potential Recommendations for Council:
 - Ordinance Update
 - Off-Leash Areas
 - Funding Source
 - Key Potential Recommendations for the City
 - PSA calendar
 - Event Calendar
 - Coordination/Enforcement/Licensing
-

City of Burlington Job Description

Position Title: Adult Restorative Services and Volunteer Manager

Department: CEDO – Community Justice Center (CJC)

Reports to: CEDO Assistant Director, CJC

Pay Grade: 18

Job Code: 1116

Exempt/Non-Exempt: Exempt

Union: No

General Purpose:

This position is responsible for the management of the CJC's adult Restorative Justice services, including intakes, coordination and scheduling of the adult DOC and AGO-funded RJ processes and the recruitment, training, coaching, coordination and retention of RJ process volunteers. The position is responsible for integrating our work with responsible and affected parties and working closely with the Diversion and Pretrial Services team to keep our programming consistent and high-quality. This position serves as the primary contact with our Burlington Police Department (BPD), UVM Police, Winooski Police, and the VT Dept. of Corrections (DOC) partners.

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

Program Development and Management:

- Oversee and coordinate all aspects of the delivery of adult restorative processes, including pre-charge, reparative and the court diversion program.
- Monitor the overall effectiveness and impact of services in the context of participant (to include affected and responsible party) outcomes
- Work to develop a participant-centered (both responsible and impacted parties) approach in the delivery of services, with a strong focus on equity, access and inclusion.
- Collect and analyze participant information to identify areas for improvement within all supervised programs
- Ensure that programs are regularly reviewed and evaluated to meet prescribed goals and objectives
- Manage a caseload of Responsible and Affected Parties participants as needed

Community Partnerships/Relations:

- Develop and maintain collaborative partnerships with key stakeholders to include, but not limited to, BPD and UVM Police, State's Attorney's Office, and the VT DOC's Community and Restorative Justice Unit and Probation and Parole
- Develop written agreements with MOUs with key partners as needed.
- Serve as a community spokesperson for adult restorative processes, working to sustain a positive attitude and image in the local community and state-wide.

- Assure accuracy and up-to-date information in all program-specific public relations materials in print and via Burlington Community Justice Center (BCJC) website and social media channels.
- Manage and sustain the BCJC's relationships with current program-specific grant sources

RJ Process Scheduling and Coordination

- Work with adult team to ensure successful RJ processes for all incoming referrals and help to produce coordinated response to referring agents, volunteers and relevant staff
- When necessary, provide staff support to the restorative justice processes including but not limited to: scheduling, organizing and attending meetings, supporting the participation of volunteers and following through on data and policy needs presented by the cases.
- Screen, train and support volunteers/interns working in RJ processes.
- Work with staff to maintain updated data on all responsible and affected parties and volunteers participating in the RJ program.
- Ensure team sends relevant paperwork to appropriate parties (including referral agent, impacted party(ies), etc.) at closure of cases
- Compile and maintain data and report out all necessary State grant reporting requirements.

Volunteer Coordination/Management

- Recruit, screen, train and support volunteers and paid Cultural Advocates from diverse backgrounds to represent the communities we serve.
- Collect volunteer information, availability, and skills, and maintain an up-to-date database.
- Keep new and existing volunteers informed about the organization and volunteer opportunities.
- Match volunteers to opportunities that suit their skill sets, and ensure they understand their responsibilities and receive the proper training.
- Coordinate with program coordinators to develop and offer professional development opportunities related to trauma, equity, inclusion, racism and other topics that intersect with the populations we serve.
- Partner among statewide CJs to offer periodic volunteer RJ training
- Organize training and lead on-the-job training.
- Keep schedules and records of volunteers' work.
- Prepare codes of conduct and operating procedures to uphold the organization's values.
- Ensure the organization's purpose is conveyed to the public.
- Solicit feedback from and deliver feedback to volunteers on a regular basis
- Release volunteers from service as is necessary

Miscellaneous/Other

- Educate area service providers on the restorative justice program principals and build a network of community support
- Act as "Ambassador" for the City, carry out work and interacting with co-workers and the public in respectful profession manner.

- Contribute toward making the BCJC an anti-racist organization through active self-reflection/awareness regarding one's own identities and toward promoting equity, sensitivity and inclusion in our work with staff, volunteers and participants

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree and four years of experience, or six years of program coordination or management experience with focus on restorative justice, victim advocacy, community development or related field required.
Experience with civic affairs, community groups, local government, and community agencies.
- Experience recruiting, screening, training and managing volunteers.
- Demonstrated commitment to and interest in advancing social and/or racial justice initiatives
- Demonstrated knowledge and familiarity of restorative practices.
- Ability to understand the criminal justice system and demonstrate knowledge and familiarity with crime/victim issues.
- Demonstrated strong organizational, coordination, and group leadership skills.
- Ability to deal effectively with a wide range of individuals and groups, including strong formal and informal negotiation skills.
- Demonstrated ability in public speaking, interviewing, meeting facilitation, and training skills.
- Computer literacy necessary. Knowledge of Access program recommended.
- Ability to develop strong relationships with diverse groups of citizens, who may have conflicting interests and opinions.
- Some evening availability required.
- Ability to work in a team environment, while also working independently necessary.
- Ability to create and maintain an environment that embraces the operating principles of Restorative Justice.
- Demonstrated ability to inspire community participation and build coalitions required.

Physical & Mental/Reasoning Requirements; Work Environment:

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

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

Adult Restorative Services and Volunteer Manager
February 2023

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

Supervision:

Directly Supervises: 3 plus paid Cultural Advocate contractors

Indirectly Supervises: 35+ volunteers

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

City of Burlington Job Description

Position Title: Adult Restorative Services Coordinator

Department: CEDO – Community Justice Center (CJC)

Reports to: Adult Restorative and Volunteer Manager

Pay Grade: 16

Job Code: 1116

Exempt/Non-Exempt: Non-Exempt

Union: Yes

General Purpose:

This position serves on a team of those responsible for the coordination and delivery of the CJC's adult Restorative Justice services, from pre-charge through reparative processes, and with responsible and impacted parties. The work is closely integrated with our Diversion and Pretrial Service programs. A key focus of the position is to be outcomes-driven with respect to equity, inclusion and belonging. Other measures of success include successful completions, affected and responsible party satisfaction, and restitution paid to affected parties.

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

Restorative Process Scheduling and Coordination

- Work with the Adult Restorative team to conduct intakes, assess needs, schedule and implement restorative processes with responsible and affected parties (only representing one party in any given case unless good cause is shown to do otherwise), in partnership with contracted Cultural Advocates and volunteers, when appropriate.
- Provide staff support to the restorative justice processes including but not limited to: scheduling, organizing and attending meetings, supporting the participation of volunteers and following through on data and policy needs presented by the cases.
- Develop and maintain working relationships with relevant stakeholders including those in criminal-legal system (Burlington Police Dept., UVM Police Services, Winooski Police Dept., State's Attorney, VT Dept. of Corrections, VT Center for Crime Victim Services) and community-based providers (Steps to End Domestic Violence, HOPE Works, Pride Center, USCRI VT, AALV, etc.).
- Support affected and responsible parties of crime by helping them navigate the criminal-legal system, advocating for services when they experience barriers, and connecting them to processes, goods and services that will enhance their safety and lessen the impacts of their crime. Provide support and validation to affected parties whether or not they choose to participate in a restorative process.

- Work to create conditions of accountability-taking for responsible parties at all stages of the restorative processes
- Provide trauma-informed, culturally literate responses to the range of experiences participants impacted by and responsible for harm have lived
- Work in coordination with CJC and BPD-based Victim Services Specialists to integrate restorative processes, when needed or appropriate.
- Stay current in practical knowledge of the theories, practices and methodologies in the fields of restorative and transformative justice, trauma-informed care, leveling power dynamics and other issues related to equity, justice and inclusion.
- Schedule and facilitate twice/month RTAP classes with adults and youth charged with retail theft.

Administrative and Data Related

- Collect, track and evaluate feedback using Results-Based Accountability metrics, aiming for a minimum of 30% response rate
- Document and track all required participant data in combination of Sharepoint and Law Manager software platforms

Miscellaneous/Other

- Educate area service providers on the restorative justice program principals and build a network of community support
- Act as “Ambassador” for the City, carry out work and interacting with co-workers and the public in respectful profession manner.
- Contribute toward making the BCJC an anti-racist organization through serving on at least one internal committee, and through active self-reflection/awareness regarding one’s own identities and toward promoting equity, sensitivity and inclusion in our work with staff, volunteers and participants

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor’s degree and two years of experience, or six years of program coordination experience with focus on restorative justice, victim advocacy, community development or related field required.
- Demonstrated commitment to and interest in advancing social and/or racial justice initiatives
- Demonstrated knowledge and familiarity of restorative practices.
- Ability to understand the criminal legal system and demonstrated knowledge and familiarity with crime/victim issues.
- Demonstrated strong organizational, coordination, and group leadership skills.
- Ability to work effectively with a wide range of individuals and groups, including strong formal and informal negotiation skills.
- Demonstrated ability in public speaking, interviewing, meeting facilitation, and training skills.

- Computer literacy necessary. Knowledge of Microsoft Office Suite preferred.
- Ability to develop strong relationships with diverse groups of people, who may have conflicting interests and opinions.
- Some evening availability required.
- Ability to work in a team environment, while also working independently necessary.
- Ability to create and maintain an environment that embraces the operating principles of Restorative Justice.
- Communicates skillfully on the phone, in person, and in writing, and varies language and communication style to meet the needs of the recipient.
- Remains calm in the presence of strong emotions from others while creating an atmosphere for problem solving
- Is discreet and maintains confidentiality regarding people and situations

Directly Supervises: 0

Indirectly Supervises: 3-4 volunteers at any given time

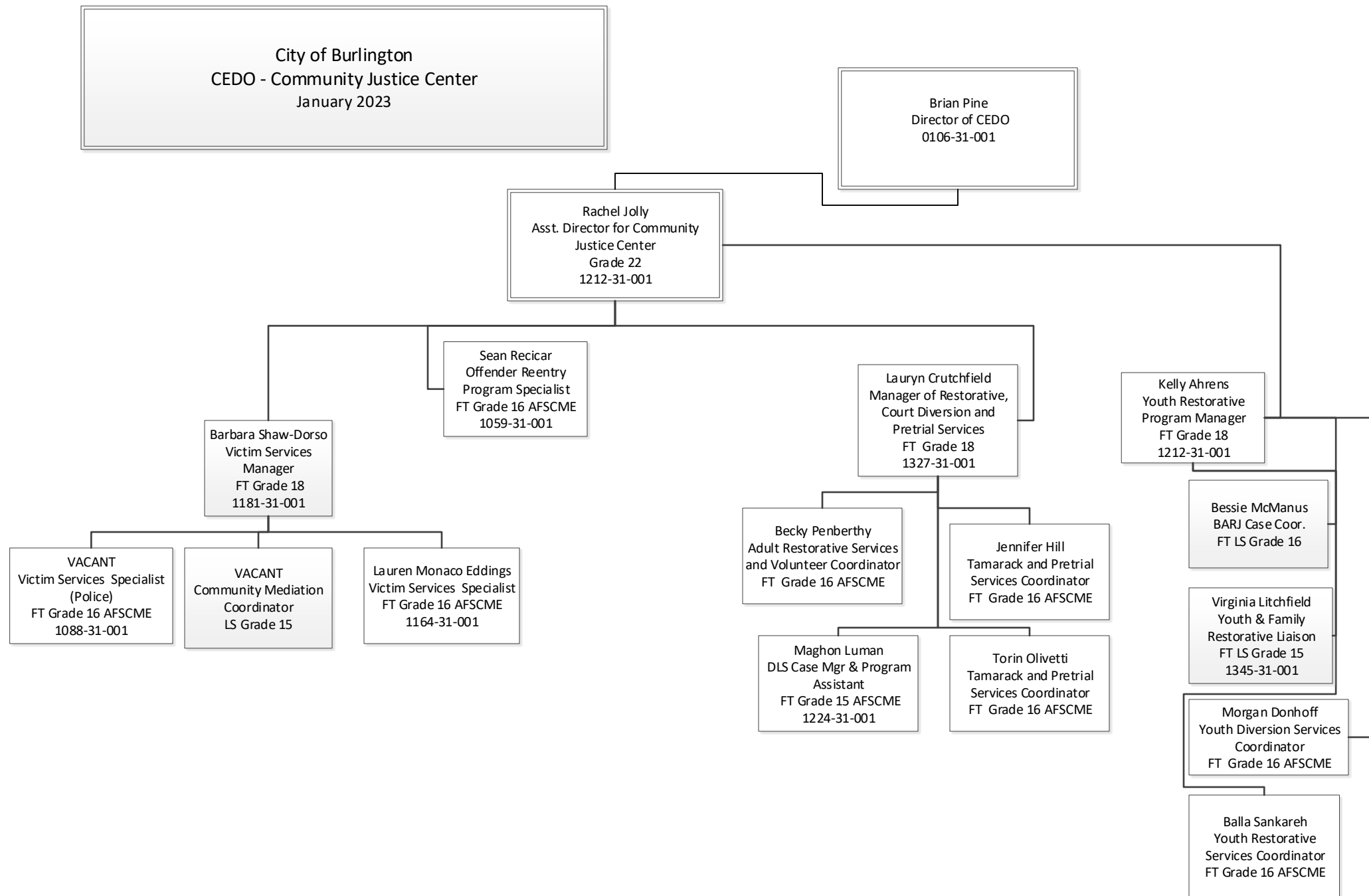
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Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____



City of Burlington
CEDO - Community Justice Center
March 2023 Proposed

Brian Pine
Director of CEDO
0106-31-001

Rachel Jolly
Asst. Director for Community
Justice Center
Grade 22
1212-31-001

Barbara Shaw-Dorso
Community
Mediation
Coordinator
PT Grade 16 AFSCME

Sean Recicar
Offender Reentry
Program Specialist
FT Grade 16 AFSCME
1059-31-001

Becky Penberthy
Adult Restorative Services
and Volunteer Manager
FT Grade 18 NU

Laurn Crutchfield
Manager of Restorative,
Court Diversion and
Pretrial Services
FT Grade 18
1327-31-001

Kelly Ahrens
Youth Restorative
Program Manager
FT Grade 18
1212-31-001

VACANT
Adult Restorative Services
Coordinator
FT Grade 16 AFSCME

Lauren Monaco Eddings
Victim Services Specialist
FT Grade 16 AFSCME
1164-31-001

Hannah Brislin
Victim Services Specialist
(Police)
FT Grade 16 AFSCME
1088-31-001

Jennifer Hill
Tamarack and Pretrial
Services Coordinator
FT Grade 16 AFSCME

Bessie McManus
BARJ Case Coord.
FT Grade 16 AFSCME

Virginia Litchfield
Youth & Family
Restorative Liaison
FT LS Grade 15
1345-31-001

Morgan Donhoff
Youth Diversion Services
Coordinator
FT Grade 16 AFSCME

Balla Sankareh
Youth Restorative
Services Coordinator
FT Grade 16 AFSCME

Maghon Luman
DLS Case Mgr & Program
Assistant
FT Grade 15 AFSCME
1224-31-001

Torin Olivetti
Tamarack and Pretrial
Services Coordinator
FT Grade 16 AFSCME

Board of Finance and City Council Submission ChecklistDepartment: CEDO/CJC Submitter: Rachel JollyTitle/Subject: Reclassification of three CJC positions and creation of new position

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/10/2023	Approved
Mayor's Office informed and approved memo	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	3/10/2023	Approved
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMO

Date: March 20, 2023

To: Board of Finance and City Council

From: Max Madalinski, Associate Parks Project Manager, Department of Parks, Recreation & Waterfront

Cc: Cindi Wight, Director; Sophie Sauvé, Parks Comprehensive Planner

Re: Leddy Park Pause Place Construction, Contractor Contract

I. Purpose

The Department of Parks, Recreation and Waterfront (BPRW) seeks approval and authorization to enter into an agreement with Don Weston Excavating for a maximum limiting amount of \$472,428.00 for the Leddy Park Pause Place and Bioretention Basin Construction, plus additional funds and contingency to cover the cost of Resident Engineering, Soil Testing, and a 10% contingency for a total cost of \$569,424.00. BPRW also seeks approval for two budget amendments: one in the amount of \$167,000 from the unassigned fund balance of Penny for Parks and the second for \$180,000 from the Bike Path – Phase 3 Construction project.

II. Background

Following the recommendations of the 2011 City of Burlington Bike Path Task Force, BPRW hired VHB to design a conceptual alignment for the entirety of the 8+ miles of Waterfront Bike Path (now Greenway) within the City Limits. The alignment called for several pause places – mini-parks or rest stops – including at the Urban Reserve, Leddy Park, Starr Farm Park, Oakledge Park, and Northshore Natural Area.

The Greenway is an important linear park, recreation path, major economic generator, and an important connector to our greater park system, residential neighborhoods, and business districts. The Pause Places enhance the beauty, functionality and placemaking attributes of the Greenway by highlighting vistas and connections to Lake Champlain.

BPRW has built three very successful pause places in the Urban Reserve, complete with exercise equipment, bike racks, and lakeside seating. The pause place at Northshore natural area provides a quiet seating area to take in the scenic view with a renovated staircase to access the lakeshore. At Starr Farm Park, a small fitness station near the playground extends the Fitness Trail to the New North End.

With the recent Greenway rehabilitation at Oakledge Park, a renovated beach access opens up the view and creates extra space for circulation at the busy intersection with the park entrance at Flynn Avenue and will soon be finished off with another exercise station this coming Spring. A small seating area at Austin Drive creates a quiet and relaxed gateway into Oakledge Park for all visitors.

The final pause place to be constructed at Leddy Park will complete the vision for the Greenway. It will include renovated pathways to and from the Gordon H. Paquette Ice Arena and the parking area, with a large concrete oval at the intersection with the Greenway to open up and provide more



space for people to navigate this busy intersection. A final fitness station will be added as well as additional bike racks, a bike tuning station, and new walkway lighting.

To complete our State Stormwater permit requirements for Phase 3 of the Greenway, a bioswale will be constructed between the Greenway and the parking lot to offset new impervious added from the widening of the Greenway. Construction of the bioswale is being paired with the Pause Place for efficiency, to minimize interruptions to both Greenway and park users, and to reduce overall mobilization costs for both projects. The new bioswale, planted with native trees, shrubs, and perennials, will mirror the existing bioswale constructed on the north side of the connecting path between the parking lot and the arena, beautifying this stretch of the Greenway while infiltrating, filtering, and reducing runoff to Lake Champlain.

III. PROCESS

On February 8, 2023, BPRW issued a Request for Proposals (RFP) to construct the Pause Place and Bioswale, publicly advertising in the Vermont Business Registry, Construction Journals, and the City webpage, as well as other electronic outlets. Five companies attended the optional onsite pre-bid meeting.

BPRW received two complete proposals on or before the closing date of February 28, 2023. BPRW reviewed the proposals for value, experience and qualifications, and completeness. Don Weston Excavating was selected by BPRW staff as they provided a significantly lower cost bid and have performed other successful construction projects for the City.

	Max. Pts	Contractor 1 Waterman Siteworks	Contractor 2 Don Weston Excavating
Total Bid Price		\$604,000.00	\$472,428.00
Total Score	100	81	89

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project is coming from Donations, Penny for Parks, and Bond Funds as shown in Parks' FY '23 budget.

Leddy Pause Place Project Budget	
Budget Sources	
Donations	\$150,000
FY19 Bond	\$111,300
GO Bond - Bike Path - Leddy Culvert	\$15,000
GO Bond - Bike Path Phase 3 Construction Projects (BA request)	\$180,000
Penny for Parks (BA request)	\$167,000
Total Project Revenues	\$623,300



Estimated Expenditures	
Leddy Pause Place Construction	\$332,428
Bioretention Basin Construction	\$140,000
<i>Construction Proposal Total (Don Weston Excavating)</i>	<i>\$472,428</i>
RE Services (Contract w/EIV Technical Services)	\$39,996
Soil Testing (Allowance, awaiting quote)	\$5,000
<i>Project SubTotal</i>	<i>\$517,424</i>
Contingency on above items (10%)	\$52,000
Design (Under Contract)	\$22,147
Exercise Equipment (Expended)	\$30,071
Total Project Cost	\$621,385

The contingency amount above is intended to cover any unanticipated costs that may come up as part of construction.

V. SCHEDULE

The anticipated project schedule is as follows:

- 2/8/2023: RFP issued
- 3/20/2023: Board of Finance (contract approval)
- 3/27/2023: City Council (contract approval)
- Week of 4/3/2023: Contract signed
- May 2023: Construction begins
- June 2023: Construction Substantially Complete
- Summer/Fall 2023: Lighting Installation

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

1. To approve and recommend that the City Council approve and authorize the execution of a contract with Don Weston Excavating, for a price not to exceed \$472,428.00 for the Leddy Park Pause Place Construction project, plus consultant fees of \$44,996.00 and a project contingency of \$52,000.00, for a total authorized expenditure in the amount of \$569,424.00, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
2. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$167,000 in funds



from the Penny for Parks unallocated restricted fund balance to the Penny for Parks – Leddy Pause Place Project as outlined on the Budget Amendment Request form.

3. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$180,000 in funds from the Bike Path – Phase 3 Construction balance to the Penny for Parks – Leddy Pause Place Project as outlined on the Budget Amendment Request form.

City Council Motion:

To take the following actions with respect to the Department of Parks, Recreation, and Waterfront:

1. To approve and authorize the execution of a contract with Don Weston Excavating, for a price not to exceed \$472,428.00 for the Leddy Park Pause Place Construction project, plus consultant fees of \$44,996.00 and a project contingency of \$52,000.00, for a total authorized expenditure in the amount of \$569,424.00, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
2. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$167,000 in funds from the Penny for Parks unallocated restricted fund balance to the Penny for Parks – Leddy Pause Place Project.
3. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$180,000 in funds from the Bike Path – Phase 3 Construction budget to the Penny for Parks – Leddy Pause Place Project.

Board of Finance and City Council Submission ChecklistDepartment: Parks & Recreation Submitter: Max MadalinskiTitle/Subject: Leddy Park Pause Place Construction

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	

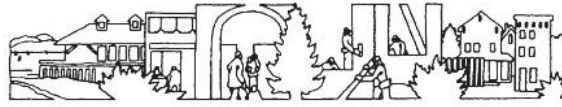
This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/13/2023	Cindi Wight
Mayor's Office informed and approved memo	Yes	3/15/2023	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	3/15/2023	Kyle Clauss; final review will take place before signing
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Kyle Clauss
CAO has reviewed budget, financing, and memo	Yes	3/14/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	No	Full Attorney's office review to take place before signing
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Included in memo
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.



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

MEMORANDUM

To: Board of Finance/City Council

From: Brian Pine CEDO Director
Rachel Jolly, Assistant Director, CJC

CC: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer

DATE: March 15, 2023

RE: Burlington School District and Balanced and Restorative Justice award acceptances

Executive Summary:

The Burlington Community Justice Center (CJC) seeks the approval of the acceptance of two contracts:

- 1) The Burlington School District contract to provide a Youth and Family Service Liaison to help reduce racial disparities in suspensions and expulsions, in the amount of \$81,890, to be extended from October 1, 2022 through September 30, 2023.
- 2) The VT Department for Children and Families Balanced and Restorative Justice (BARJ) contract, in the amount of \$133,522.79, to be expended between January 1, 2023 and December 31, 2023. The purpose of this grant is to serve youth who are involved, or at risk of being involved, in the criminal-legal system. The funding supports 1.64 FTE, spread over 3 staff members.

Background

- 1) In December of 2020, the Burlington School District applied for and was granted a VT Department for Children and Families grant to reduce racial disparities in suspensions and expulsions. They subcontracted with us to allow us to hire, in February 2021, a Youth and Family Restorative Liaison position, working within both of Burlington's middle schools. The grant has been extended to include the next (federal) fiscal year, which began October 1, 2022 and runs through September 30, 2023. Due to delays in BSD-DCF negotiations about the extension of their contract, CEDO/CJC only recently received the revised contract. The grant covers 100% of the salary and benefits and needed materials of the related position, totaling \$80,903.
- 2) Since July 1, 2020, the Burlington CJC has subcontracted with Spectrum Youth and Family Services to deliver a portion, and since July 1, 2022, the entirety, of the Balanced and Restorative Justice (BARJ) contract, serving youth who are involved, or at risk of being involved, with the criminal-legal system. The VT Department for Children and Families (DCF) issued a new RFP in November 2022, and in December, we

were awarded the full contract, for a start date of January 1, 2023 and an end date of December 31, 2023. The contract is in the amount of \$133,522.79 and covers 1.64 FTE.

Board of Finance Motion: Move to approve and recommend that City Council approve and authorize Director Pine to accept and retroactively execute 1) the Burlington School District contract with the Burlington Community Justice Center in the amount of \$80,903 for the federal FY23 fiscal year and 2) DCF State Grant #45100 in the amount of \$133,522.79 for CY23, upon final review and approval of the City Attorney's Office

City Council Motion: Move to approve and authorize Director Pine to accept and retroactively execute the DCF State Grant #45100 in the amount of \$133,522.79 for CY23, upon final review and approval of the City Attorney's Office

**STATE OF VERMONT, CONTRACT FOR SERVICES
DEPARTMENT FOR CHILDREN AND FAMILIES
BURLINGTON CITY TREASURER**

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STANDARD CONTRACT FOR SERVICES

1. ***Parties.*** This is a contract for services between the State of Vermont, Department of Children and Families, Family Services Division (hereinafter called "State"), and **Burlington City Treasurer** with a principal place of business at Attn Accounts Receivable, City Hall Room 22, 149 Church Street, Burlington, Vermont 05401 (hereinafter called "Contractor"). It is Contractor's responsibility to contact the Vermont Department of Taxes to determine if, by law, Contractor is required to have a Vermont Department of Taxes Business Account Number.
2. ***Subject Matter.*** The subject matter of this contract is services generally on the subject of Balanced and Restorative Justice (BARJ) Services in the Burlington-district. Detailed services to be provided by Contractor are described in Attachment A.
3. ***Maximum Amount.*** In consideration of the services to be performed by Contractor, the State agrees to pay Contractor, in accordance with the payment provisions specified in Attachment B, a sum not to exceed \$133,522.79.
4. ***Contract Term.*** The period of Contractor's performance shall begin on January 1, 2023 and end on December 31, 2023 with the option to extend up to three (3) additional one-year terms.
5. ***Prior Approvals.*** This Contract shall not be binding unless and until all requisite prior approvals have been obtained in accordance with current State law, bulletins, and interpretations.
6. ***Amendment.*** No changes, modifications, or amendments in the terms and conditions of this contract shall be effective unless reduced to writing, numbered and signed by the duly authorized representative of the State and Contractor.
7. ***Termination for Convenience.*** This contract may be terminated by the State at any time by giving written notice at least thirty (30) days in advance. In such event, Contractor shall be paid under the terms of this contract for all services provided to and accepted by the State prior to the effective date of termination.
8. ***Attachments.*** This contract consists of 40 pages including the following attachments which are incorporated herein:

Attachment A - Scope of Work to be Performed

Attachment B - Payment Provisions

Attachment C - Standard State Provisions for Contracts and Grants

Attachment D - Other Contract Provisions

Attachment E - Business Associate Agreement

Attachment F - Agency of Human Services' Customary Contract/Grant Provisions

Attachment G - Reporting Forms

**STATE OF VERMONT, CONTRACT FOR SERVICES
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BURLINGTON CITY TREASURER**

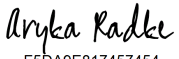
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9. ***Order of Precedence.*** Any ambiguity, conflict or inconsistency between the documents comprising this contract shall be resolved according to the following order of precedence:

- (1) Standard Contract
- (2) Attachment D – Other Contract Provisions
- (3) Attachment C - Standard Contract Provisions for Contracts and Grants
- (4) Attachment A – Scope of Work to be Performed
- (5) Attachment B – Payment Provisions
- (6) Attachment E – Business Associate Agreement
- (7) Attachment F – Agency of Human Services’ Customary Contract/Grant Provisions
- (8) Attachment G – Reporting Forms

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS CONTRACT

**STATE OF VERMONT
BY:**

DocuSigned by:
 2/22/2023
F5DA9E817457454
Aryka Radke, (or Designee)
DCF/FSD Deputy Commissioner
Aryka.Radke@vermont.gov

**CONTRACTOR
BY:**

DocuSigned by:
 2/22/2023
4F6820541B8F4FE...
Brian Pine,
Director of Community & Economic Development
Burlington City Treasurer,
Community Justice Center
200 Church St Ste 101
Burlington, Vermont 05401
bpine@burlingtonvt.gov

**STATE OF VERMONT, CONTRACT FOR SERVICES
DEPARTMENT FOR CHILDREN AND FAMILIES
BURLINGTON CITY TREASURER**

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**ATTACHMENT A
SCOPE OF WORK TO BE PERFORMED**

A. PROGRAM BACKGROUND

The Vermont Department for Children and Families' (DCF) mission is to foster the healthy development, safety, well-being, and self-sufficiency of Vermonters. The Department is structured around six Divisions that deliver programs and services to Vermonters; one of those Divisions is the Family Services Division (FSD). FSD's vision is that Vermont's children and youth live free from abuse, neglect, and delinquency – in resilient families that are supported and valued by their communities. FSD's mission is to engage families, foster and kin caregivers, partner agencies, and the community to increase safety and law abidance for Vermont children and youth.

As part of its vision and mission work, FSD seeks to support youth who are at-risk of involvement with the justice system, have been adjudicated, and may or may not be on probation with DCF, Family Services by providing restorative interventions that reduce or eliminate further involvement with the juvenile justice system.

B. SERVICE DESCRIPTION

The BARJ program is an arm of the youth justice system that provides support to youth who are at risk for involvement in the justice system, have been adjudicated as delinquent, and may or may not be on probation with DCF – Family Services.

C. SERVICE GOALS & OUTCOMES

The BARJ program seeks to support youth involved with, or at risk of becoming involved with the justice system by providing restorative interventions that reduce or eliminate further involvement with the justice system.

D. SPECIFICATIONS

The Contractor shall:

1. Offer victims and community members an opportunity to interact with youth to discuss the harms caused and the actions needed to repair the damage caused by these acts. Examples include but are not limited to, Restorative Panels, Circles, and Restorative Family Group Conferences.
2. Complete the Youth Assessment and Screening Instrument (YASI) pre-screening to determine risk and coordinate protocols for referring youth to services based on risks and needs.
3. Provide individualized case management services to youth and families which may include but are not limited to the following:
 - a. Attendance at family and school team meetings
 - b. Therapeutic treatment meetings
 - c. One on one support to youth and families

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- d. Community based visits
 - e. Attendance at case plan reviews
 - f. Attendance at court hearings
 - g. Drug and alcohol test
 - h. Curfew checks
4. Provide Restorative Skills development that includes conflict resolution, social skills development, problem solving and decision making, community services, victim and community impact, and respectful communication.
5. Hire staff that meet the programs minimum educational requirements of a bachelor's degree or equivalent experience and complete a background check on all new hires that includes the DCF-FSD Child Protection Registry, Adult Protective Services Registry and the National Crime Information Center (NCIC). If there are any records from the Child Protection or Adult Protective Services registries the applicant will not be eligible for employment. The Contractor shall also ascertain reasons for termination from previous employers. If the information found does not disqualify the applicant from employment but is concerning around the applicant's appropriateness to work with youth, then the Contractor shall discuss the concerns with the State Program Manager to determine if an offer of employment is appropriate.
6. Ensure staff complete mandated reporter training, YASI training (provided by the state), and that staff are trained in restorative justice principles within six months of hire. Ensure staff are supported with other training opportunities.
7. Implement Motivational Interviewing as written in the DCF Family First Prevention Plan. Motivational Interviewing (MI) is a method of counseling clients designed to promote behavior change and improve physiological, psychological, and lifestyle outcomes. Youth served shall exhibit fewer maladaptive behaviors and exhibit an increase in pro-social decisions.
8. Participate in quarterly meetings with the local DCF/FSD District Office to ensure the requirements of the contract are met and adherence to the roles and responsibilities for each agency.

E. PERFORMANCE MEASURES

The Contractor shall demonstrate progress for youth based on the following:

1. Number of youths with no new criminal charges while participating in the program
2. Number of youths that increase protective factors as measured by YASI
3. Number of truancy referral youths whose school attendance increased
4. Number of victims that participated in a restorative process

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F. PROGRAM ADMINISTRATION AND EVALUATION

The State shall monitor and evaluate the Contractor's performance based on the following: program reports, timeliness and financial reports. Assistance is available to the Contract from the DCF Grants and Contracts Manager and the Juvenile Justice Director.

Program Reports

Complete program reports shall be submitted to the Juvenile Justice Director, and DCF Grants and Contracts Manager no later than 20 calendar days following the end of each quarter.

The program reports consist of the following forms:

- Form A: Program Progress Report
- Form B: Program Data Report

Snapshots of the program reports, which may be revised as required by the State, are provided in Attachment G. Electronic copies of all program reports with directions shall be provided to the Contractor upon execution of the Contract. Any questions related to the completion of the reports should be directed to the DCF Grants and Contracts Manager and the Juvenile Justice Director.

Financial Reports

Satisfactory financial reports must be received by the State within 20 calendar days following the end of each quarter to receive subsequent payments. The payment schedule for services performed is included in Attachment B.

The financial reports consist of the following:

- Form C: Request for Payment
- Form D: Financial Report

Snapshots of the financial reports, which may be revised as required by the State, are provided in Attachment G. Electronic copies of all financial reports with directions shall be provided to the Contractor upon execution of the Contract. Request for Payment forms shall be submitted to the State electronically as a .pdf with an original signature or electronic signature.

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ATTACHMENT B –PAYMENT PROVISIONS

GENERAL PAYMENT INFORMATION

Contract issuance is contingent upon funding availability. The maximum dollar amount payable under this contract is not intended to guarantee any amount of payment. The Contractor shall be paid for products or services actually delivered or performed, as specified in Attachment A, at the billable rates up to the maximum allowable amount that will be specified in the contract.

1. Prior to commencement of work and release of any payments, Contractor shall submit to the State:
 - a. a certificate of insurance consistent with the requirements set forth in Attachment C, Section 8 (Insurance), and with any additional requirements for insurance as may be set forth elsewhere in this contract, and
 - b. a current IRS Form W-9 (signed within the last six months).
2. Contractor shall submit detailed Financial Reports and Requests for Payment on a quarterly basis itemizing all work performed during the previous quarter, including the dates of service, rates of pay, hours of work performed, deliverables provided, and any other information and/or documentation appropriate and sufficient to substantiate the amount invoiced for payment by the State. All Requests for Payment must include the Contract # for this agreement.
3. Payment terms are **Net 30** calendar days from the date the State receives an error-free Request for Payment, Financial Report, and Program Report(s). Vermont State Fiscal Year Close Out starts the last week of May/first week of June and runs through early July. During this period of time, no financial reports or invoices are processed for payment in the State of Vermont Vision system.
4. Contractor shall be paid for services actually delivered or performed beginning on January 1, 2023.
5. Requests for Payment submitted more than 60 calendar days after the period of service may not be honored.
6. As contract award amounts are based on state and federal fiscal year budgets, no payments will be issued 90 calendar days after the end date of this agreement as budgets close out and funds are no longer available.
7. Requests for payment shall be submitted electronically as a .PDF document with either an original or electronic signature.
8. Contractor agrees to produce, on request, the source documents upon which all invoices are based.

**STATE OF VERMONT, CONTRACT FOR SERVICES
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9. Contractor shall submit Program Reports and Requests for Payment to the State in accordance with the schedule set forth in this Attachment B, which shall not be more frequently than quarterly.
10. The payment schedule for delivered products, or rates for services performed, are as follows:
- a. Reporting Schedule

Reporting Period	Report Due Date	Reports Due
1/1/23 – 3/31/2023	4/20/2023	Program Reports, Financial Report, & Request for Payment
4/1/2023 – 6/30/2023	7/20/2023	Program Reports, Financial Report, & Request for Payment
7/1/2023 – 9/30/2023	10/20/2023	Program Reports, Financial Report, & Request for Payment
10/1/2023 – 12/31/2023	1/20/2024	Program Reports, Financial Report, & Request for Payment

- b. The annual budget for this contract is as follows:

Positions funded in part or whole by this agreement:	Hourly Rate	Hours per week	Total Weeks	Total Budget
Youth Restoraive Program Manager	\$33.23	4.8	52	\$8,307.50
Yout Restorative Services Coordinator	\$28.60	20.8	52	\$30,933.76
BARJ Coordinator	\$28.00	40	52	\$58,240.00

TOTAL Salaries	\$97,481.26
Fringe	\$33,143.84
A. Total Personnel Expenses	\$130,625.10

Operating expenses directly related to contract activities:	
Staff Training/Professional Development	\$1,000.00
Travel	\$482.50
Supplies	\$500.19
Utilities (inc. Telephone, Fax, Internet)	\$915.00
B. TOTAL Operating	\$2,897.69

TOTAL Direct expenses (A+B)	\$133,522.79
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C. Indirect Costs	
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TOTAL BARJ Expenses (A+B+C)	\$133,522.79
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**STATE OF VERMONT, CONTRACT FOR SERVICES
DEPARTMENT FOR CHILDREN AND FAMILIES
BURLINGTON CITY TREASURER**

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CONTACT AND PAYMENT REQUEST INFORMATION

Program Reports, Financial Reports, and correspondence shall be sent to:

Matthew Rockwell, or Designee
DCF Grants & Contracts Manager
Department for Children & Families
Matthew.Rockwell@vermont.gov

and

Lindy Boudreau, or Designee
Juvenile Justice Director
Department for Children & Families
Family Services Division
Lindy.Boudreau@vermont.gov

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**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS
REVISED DECEMBER 15, 2017**

1. Definitions: For purposes of this Attachment, "Party" shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. "Agreement" shall mean the specific contract or grant to which this form is attached.

2. Entire Agreement: This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.

3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial: This Agreement will be governed by the laws of the State of Vermont. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State with regard to its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

4. Sovereign Immunity: The State reserves all immunities, defenses, rights or actions arising out of the State's sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State's immunities, defenses, rights or actions shall be implied or otherwise deemed to exist by reason of the State's entry into this Agreement.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence: The Party will act in an independent capacity and not as officers or employees of the State.

7. Defense and Indemnity: The Party shall defend the State and its officers and employees against all third party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.

**STATE OF VERMONT, CONTRACT FOR SERVICES
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The Party shall indemnify the State and its officers and employees if the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.

Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys' fees, collection costs or other costs of the Party or any third party.

8. Insurance: Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the State through the term of this Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont. Vermont will accept an out-of-state employer's workers' compensation coverage while operating in Vermont provided that the insurance carrier is licensed to write insurance in Vermont and an amendatory endorsement is added to the policy adding Vermont for coverage purposes. Otherwise, the party shall secure a Vermont workers' compensation policy, if necessary to comply with Vermont law.

General Liability and Property Damage: With respect to all operations performed under this Agreement, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations

Products and Completed Operations

Personal Injury Liability

Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Each Occurrence

\$2,000,000 General Aggregate

\$1,000,000 Products/Completed Operations Aggregate

\$1,000,000 Personal & Advertising Injury

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than \$500,000 combined single limit. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, limits of coverage shall not be less than \$1,000,000 combined single limit.

Additional Insured. The General Liability and Property Damage coverages required for performance of this Agreement shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, then the required Automotive Liability coverage shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Notice of Cancellation or Change. There shall be no cancellation, change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written prior written notice to the State.

**STATE OF VERMONT, CONTRACT FOR SERVICES
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9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports and other proofs of work.

10. False Claims Act: The Party acknowledges that it is subject to the Vermont False Claims Act as set forth in 32 V.S.A. § 630 *et seq.* If the Party violates the Vermont False Claims Act it shall be liable to the State for civil penalties, treble damages and the costs of the investigation and prosecution of such violation, including attorney's fees, except as the same may be reduced by a court of competent jurisdiction. The Party's liability to the State under the False Claims Act shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Location of State Data: No State data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the continental United States, except with the express written permission of the State.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Set Off: The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

16. Taxes Due to the State:

- A.** Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- B.** Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.

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- C.** Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- D.** Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, he/she:

- A.** is not under any 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.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 ("False Claims Act"); Section 11 ("Whistleblower Protections"); Section 12 ("Location of State Data"); Section 14 ("Fair Employment Practices and Americans with Disabilities Act"); Section 16 ("Taxes Due the State"); Section 18 ("Child Support"); Section 20 ("No Gifts or Gratuities"); Section 22 ("Certification Regarding Debarment"); Section 30 ("State Facilities"); and Section 32.A ("Certification Regarding Use of State Funds").

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Copies: Party shall use reasonable best efforts to ensure that all written reports prepared under this Agreement are printed using both sides of the paper.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or

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partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Confidentiality: Party acknowledges and agrees that this Agreement and any and all information obtained by the State from the Party in connection with this Agreement are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq.

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lock-outs) ("Force Majeure"). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- B. Termination for Cause:** Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party's notice or such longer time as the non-breaching party may specify in the notice.
- C. Termination Assistance:** Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

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29. No Implied Waiver of Remedies: Either party's delay or failure to exercise any right, power or remedy under this Agreement shall not impair any such right, power or remedy, or be construed as a waiver of any such right, power or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party's performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to and use of State facilities which shall be made available upon request. State facilities will be made available to Party on an "AS IS, WHERE IS" basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

A. Requirement to Have a Single Audit: The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

B. Internal Controls: In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

C. Mandatory Disclosures: In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

A. Certification Regarding Use of State Funds: If Party is an employer and this Agreement is a State-funded grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.

B. Good Standing Certification (Act 154 of 2016): If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and

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Markets, or otherwise explaining the circumstances surrounding the inability to so certify, and (ii) that it will comply with the requirements stated therein.

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**ATTACHMENT D
OTHER CONTRACT PROVISIONS**

A. GENERAL DATA PROVISIONS

1. As between the State and Party, "State Data" includes all data received, obtained, or generated by the Party, including its' subcontractors, in connection with performance under this Agreement. Party acknowledges that certain State Data to which the Party may have access may contain information that is deemed confidential by the State or which is otherwise confidential by law, rule, or practice, or otherwise exempt from disclosure under the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq. ("Confidential State Data").
2. With respect to State Data, Party shall:
 - a. Take reasonable precautions for its protection;
 - b. Not rent, sell, publish, share or otherwise appropriate it;
 - c. Not collect, access, use or disclose it except as necessary to provide services to the State under this Agreement; and
 - d. Upon termination of the Agreement for any reason, Party shall dispose of or retain State Data as required by the Agreement, law, or regulation, or otherwise shall return or destroy State Data remaining in its possession or control as outlined in the Agreement.
3. With respect to Confidential State Data, Party shall:
 - a. strictly maintain its confidentiality;
 - b. provide, at a minimum, the same care to avoid disclosure or unauthorized use as it provides to protect its own similar confidential and proprietary information; and
 - c. implement and maintain administrative, technical, and physical safeguards and controls to protect against any anticipated threats or hazards or unauthorized access or use.
4. If Party is provided or accesses, creates, collects, processes, receives, stores, or transmits Confidential State Data in any electronic form or media, Party shall utilize:
 - a. industry-standard firewall protection;
 - b. multi-factor authentication controls;
 - c. encryption of electronic Confidential State Data while in transit and at rest;
 - d. measures to ensure that the State Data shall not be altered without the prior written consent of the State;
 - e. measures to protect against destruction, loss, or damage of State Data due to potential environmental hazards, such as fire and water damage;
 - f. training to implement the information security measures; and
 - g. monitoring of the security of any portions of the Party's systems that are used in the provision of the services against intrusion.
5. No Confidential State Data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the United States, except with the express written permission of the State.
6. In addition to the requirements of this Section, Party shall comply with any additional requirements regarding the protection of data that may be included in this Agreement or required by law or regulation.

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OWNERSHIP AND LICENSE IN DELIVERABLES

7. **Contractor Intellectual Property.** Contractor shall retain all right, title and interest in and to any work, ideas, inventions, discoveries, tools, methodology, computer programs, processes and improvements and any other intellectual property, tangible or intangible, that has been created by Contractor prior to entering into this Contract (“Contractor Intellectual Property”). Should the State require a license for the use of Contractor Intellectual Property in connection with the development or use of the items that Contractor is required to deliver to the State under this Contract, including Work Product (“Deliverables”), the Contractor shall grant the State a royalty-free license for such development and use. For the avoidance of doubt, Work Product shall not be deemed to include Contractor Intellectual Property, provided the State shall be granted an irrevocable, perpetual, non-exclusive royalty-free license to use any such Contractor Intellectual Property that is incorporated into Work Product.

8. **State Intellectual Property.** The State shall retain all right, title and interest in and to (i) all content and all property, data and information furnished by or on behalf of the State or any agency, commission or board thereof, and to all information that is created under this Contract, including, but not limited to, all data that is generated under this Contract as a result of the use by Contractor, the State or any third party of any technology systems or knowledge bases that are developed for the State and used by Contractor hereunder, and all other rights, tangible or intangible; and (ii) all State trademarks, trade names, logos and other State identifiers, Internet uniform resource locators, State user name or names, Internet addresses and e-mail addresses obtained or developed pursuant to this Contract (collectively, “State Intellectual Property”).

Contractor may not use State Intellectual Property for any purpose other than as specified in this Contract. Upon expiration or termination of this Contract, Contractor shall return or destroy all State Intellectual Property and all copies thereof, and Contractor shall have no further right or license to such State Intellectual Property.

Contractor acquires no rights or licenses, including, without limitation, intellectual property rights or licenses, to use State Intellectual Property for its own purposes. In no event shall the Contractor claim any security interest in State Intellectual Property.

9. **Work Product.** All Work Product shall belong exclusively to the State, with the State having the sole and exclusive right to apply for, obtain, register, hold and renew, in its own name and/or for its own benefit, all patents and copyrights, and all applications and registrations, renewals and continuations thereof and/or any and all other appropriate protection. To the extent exclusive title and/or complete and exclusive ownership rights in and to any Work Product may not originally vest in the State by operation of law or otherwise as contemplated hereunder, Contractor shall immediately upon request, unconditionally and irrevocably assign, transfer and convey to the State all right, title and interest therein.

“Work Product” means any tangible or intangible ideas, inventions, improvements, modifications, discoveries, development, customization, configuration, methodologies or processes, designs, models, drawings, photographs, reports, formulas, algorithms, patterns, devices, compilations, databases, computer programs, work of authorship, specifications, operating instructions, procedures manuals or other documentation, technique, know-how, secret, or intellectual property right whatsoever or any interest therein (whether patentable or not patentable or registerable under copyright or similar statutes or subject to analogous

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protection), that is specifically made, conceived, discovered or reduced to practice by Contractor, either solely or jointly with others, pursuant to this Contract. Work Product does not include Contractor Intellectual Property or third party intellectual property.

To the extent delivered under this Contract, upon full payment to Contractor in accordance with Attachment B, and subject to the terms and conditions contained herein, Contractor hereby (i) assigns to State all rights in and to all Deliverables, except to the extent they include any Contractor Intellectual Property; and (ii) grants to State a perpetual, non-exclusive, irrevocable, royalty-free license to use for State's internal business purposes, any Contractor Intellectual Property included in the Deliverables in connection with its use of the Deliverables and, subject to the State's obligations with respect to Confidential Information, authorize others to do the same on the State's behalf. Except for the foregoing license grant, Contractor or its licensors retain all rights in and to all Contractor Intellectual Property.

The Contractor shall not sell or copyright a Deliverable without explicit permission from the State. If the Contractor is operating a system or application on behalf of the State of Vermont, then the Contractor shall not make information entered into the system or application available for uses by any other party than the State of Vermont, without prior authorization by the State. Nothing herein shall entitle the State to pre-existing Contractor Intellectual Property or Contractor Intellectual Property developed outside of this Contract with no assistance from State.

B. CONFIDENTIALITY AND NON-DISCLOSURE; SECURITY BREACH REPORTING

1. For purposes of this Contract, confidential information will not include information or material which (a) enters the public domain (other than as a result of a breach of this Contract); (b) was in the receiving party's possession prior to its receipt from the disclosing party; (c) is independently developed by the receiving party without the use of confidential information; (d) is obtained by the receiving party from a third party under no obligation of confidentiality to the disclosing party; or (e) is not exempt from disclosure under applicable State law.

2. **Confidentiality of Contractor Information.** The Contractor acknowledges and agrees that this Contract and any and all Contractor information obtained by the State in connection with this Contract are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq. The State will not disclose information for which a reasonable claim of exemption can be made pursuant to 1 V.S.A. § 317(c), including, but not limited to, trade secrets, proprietary information or financial information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to the Contractor, and which gives the Contractor an opportunity to obtain business advantage over competitors who do not know it or use it.

The State shall immediately notify Contractor of any request made under the Access to Public Records Act, or any request or demand by any court, governmental agency or other person asserting a demand or request for Contractor information. Contractor may, in its discretion, seek an appropriate protective order, or otherwise defend any right it may have to maintain the confidentiality of such information under applicable State law within three business days of the State's receipt of any such request. Contractor agrees that it will not make any claim against the State if the State makes available to the public any information in accordance with the Access to Public Records Act or in response to a binding order from a

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court or governmental body or agency compelling its production. Contractor shall indemnify the State for any costs or expenses incurred by the State, including, but not limited to, attorneys' fees awarded in accordance with 1 V.S.A. § 320, in connection with any action brought in connection with Contractor's attempts to prevent or unreasonably delay public disclosure of Contractor's information if a final decision of a court of competent jurisdiction determines that the State improperly withheld such information and that the improper withholding was based on Contractor's attempts to prevent public disclosure of Contractor's information.

The State agrees that (a) it will use the Contractor information only as may be necessary in the course of performing duties, receiving services or exercising rights under this Contract; (b) it will provide at a minimum the same care to avoid disclosure or unauthorized use of Contractor information as it provides to protect its own similar confidential and proprietary information; (c) except as required by the Access to Records Act, it will not disclose such information orally or in writing to any third party unless that third party is subject to a written confidentiality agreement that contains restrictions and safeguards at least as restrictive as those contained in this Contract; (d) it will take all reasonable precautions to protect the Contractor's information; and (e) it will not otherwise appropriate such information to its own use or to the use of any other person or entity.

Contractor may affix an appropriate legend to Contractor information that is provided under this Contract to reflect the Contractor's determination that any such information is a trade secret, proprietary information or financial information at time of delivery or disclosure.

3. Confidentiality of State Information. In performance of this Contract, and any exhibit or schedule hereunder, the Party acknowledges that certain State Data (as defined below), to which the Contractor may have access may contain individual federal tax information, personal protected health information and other individually identifiable information protected by State or federal law or otherwise exempt from disclosure under the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq ("State Data"). In addition to the provisions of this Section, the Contractor shall comply with the requirements set forth in the State's HIPAA Business Associate Agreement attached hereto as Attachment E. Before receiving or controlling State Data, the Contractor will have an information security policy that protects its systems and processes and media that may contain State Data from internal and external security threats and State Data from unauthorized disclosure, and will have provided a copy of such policy to the State.

State Data shall not be stored, accessed from, or transferred to any location outside the United States.

The Contractor agrees that (a) it will use the State Data only as may be necessary in the course of performing duties or exercising rights under this Contract; (b) it will provide at a minimum the same care to avoid disclosure or unauthorized use of State Data as it provides to protect its own similar confidential and proprietary information; (c) it will not publish, reproduce, or otherwise divulge any State Data in whole or in part, in any manner or form orally or in writing to any third party unless it has received written approval from the State and that third party is subject to a written confidentiality agreement that contains restrictions and safeguards at least as restrictive as those contained in this Contract; (d) it will take all reasonable precautions to protect the State's information; and (e) it will not otherwise appropriate such information to its own use or to the use of any other person or entity.

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Contractor will take reasonable measures as are necessary to restrict access to State Data in the Contractor's possession to only those employees on its staff who must have the information on a "need to know" basis. The Contractor shall not retain any State Data except to the extent required to perform the services under this Contract.

Contractor shall not access State user accounts or State Data, except in the course of data center operations, response to service or technical issues, as required by the express terms of this Contract, or at State's written request.

Contractor may not share State Data with its parent company or other affiliate without State's express written consent.

The Contractor shall promptly notify the State of any request or demand by any court, governmental agency or other person asserting a demand or request for State Data to which the Contractor or any third party hosting service of the Contractor may have access, so that the State may seek an appropriate protective order.

C. SECURITY BREACH NOTICE AND REPORTING

The Contractor shall have policies and procedures in place for the effective management of Security Breaches, as defined below, which shall be made available to the State upon request.

In addition to the requirements set forth in any applicable Business Associate Agreement as may be attached to this Contract, in the event of any actual security breach or reasonable belief of an actual security breach the Contractor either suffers or learns of that either compromises or could compromise State Data (a "Security Breach"), the Contractor shall notify the State within 24 hours of its discovery. Contractor shall immediately determine the nature and extent of the Security Breach, contain the incident by stopping the unauthorized practice, recover records, shut down the system that was breached, revoke access and/or correct weaknesses in physical security. Contractor shall report to the State: (i) the nature of the Security Breach; (ii) the State Data used or disclosed; (iii) who made the unauthorized use or received the unauthorized disclosure; (iv) what the Contractor has done or shall do to mitigate any deleterious effect of the unauthorized use or disclosure; and (v) what corrective action the Contractor has taken or shall take to prevent future similar unauthorized use or disclosure. The Contractor shall provide such other information, including a written report, as reasonably requested by the State. Contractor shall analyze and document the incident and provide all notices required by applicable law.

In accordance with Section 9 V.S.A. §2435(b)(3), the Contractor shall notify the Office of the Attorney General, or, if applicable, Vermont Department of Financial Regulation ("DFR"), within fourteen (14) business days of the Contractor's discovery of the Security Breach. The notice shall provide a preliminary description of the breach. The foregoing notice requirement shall be included in the subcontracts of any of Contractor's subcontractors, affiliates or agents which may be "data collectors" hereunder.

The Contractor agrees to fully cooperate with the State and assume responsibility at its own expense for the following, to be determined in the sole discretion of the State: (i) notice to affected consumers if the State determines it to be appropriate under the circumstances of any particular Security Breach, in a form recommended by the AGO; and (ii) investigation and remediation associated with a Security Breach, including but not limited to, outside investigation, forensics, counsel, crisis management and credit monitoring, in the sole determination of the State.

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The Contractor agrees to comply with all applicable laws, as such laws may be amended from time to time (including, but not limited to, Chapter 62 of Title 9 of the Vermont Statutes and all applicable State and federal laws, rules or regulations) that require notification in the event of unauthorized release of personally-identifiable information or other event requiring notification.

In addition to any other indemnification obligations in this Contract, the Contractor shall fully indemnify and save harmless the State from any costs, loss or damage to the State resulting from a Security Breach or the unauthorized disclosure of State Data by the Contractor, its officers, agents, employees, and subcontractors.

D. CONTRACTOR'S REPRESENTATIONS AND WARRANTIES

1. **General Representations and Warranties.** The Contractor represents, warrants and covenants that:

- i. The Contractor has all requisite power and authority to execute, deliver and perform its obligations under this Contract and the execution, delivery and performance of this Contract by the Contractor has been duly authorized by the Contractor.
- ii. There is no pending litigation, arbitrated matter or other dispute to which the Contractor is a party which, if decided unfavorably to the Contractor, would reasonably be expected to have a material adverse effect on the Contractor's ability to fulfill its obligations under this Contract.
- iii. The Contractor will comply with all laws applicable to its performance of the services and otherwise to the Contractor in connection with its obligations under this Contract.
- iv. The Contractor (a) owns, or has the right to use under valid and enforceable agreements, all intellectual property rights reasonably necessary for and related to delivery of the services and provision of the services as set forth in this Contract; (b) shall be responsible for and have full authority to license all proprietary and/or third party software modules, including algorithms and protocols, that Contractor incorporates into its product; and (c) none of the services or other materials or technology provided by the Contractor to the State will infringe upon or misappropriate the intellectual property rights of any third party.
- v. The Contractor has adequate resources to fulfill its obligations under this Contract.
- vi. Neither Contractor nor Contractor's subcontractors has past state or federal violations, convictions or suspensions relating to miscoding of employees in NCCI job codes for purposes of differentiating between independent contractors and employees.

2. **Contractor's Performance Warranties.** Contractor represents and warrants to the State that:
- i. Each and all of the services shall be performed in a timely, diligent, professional and skillful manner, in accordance with the highest professional or technical standards applicable to such services, by qualified persons with the technical skills, training and experience to perform such services in the planned environment.

E. ADDITIONAL LIABILITY INSURANCE COVERAGES

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Before commencing work on this Contract, the Contractor must provide certificates of insurance to show that the following minimum coverages are in effect:

1. TECHNOLOGY PROFESSIONAL LIABILITY AND CYBER LIABILITY INSURANCE COVERAGE

In addition to the insurance required in Attachment C and elsewhere in this Contract, before commencing work on this Contract and throughout the term of this Contract, Contractor agrees to procure and maintain (a) Technology Professional Liability insurance for any and all services performed under this Contract, with minimum third party coverage of \$ N/A per claim, \$ N/A aggregate. To the extent Contractor has access to, processes, handles, collects, transmits, stores or otherwise deals with State Data, Contractor shall maintain first party Breach Notification Coverage of not less than \$500,000.00 per claim, \$1,000,000.00 aggregate.

With respect to the first party Breach Notification Coverage, Contractor shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Contract.

2. OTHER INSURANCE COVERAGE

In addition to the insurance required in Attachment C and elsewhere in this Contract, before commencing work on this Contract and throughout the term of this Contract, Contractor agrees to procure and maintain the following:

- a. Professional Liability insurance coverage for any and all services performed under this Agreement, with minimum coverage of \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate, and
- b. Abuse and molestation coverage of \$500,000.00 per claim and \$1,000,000.00 aggregate.

F. REMEDIES FOR DEFAULT.

In the event either party is in default under this Contract, the non-defaulting party may, at its option, pursue any or all of the remedies available to it under this Contract, including termination for cause, and at law or in equity.

G. TERMINATION

1. Contractor shall reasonably cooperate with other parties in connection with all services to be delivered under this Contract, including without limitation any successor provider to whom State Data, State Intellectual Property or other State information and materials are to be transferred in connection with termination. Contractor shall assist the State in exporting and extracting any and all State data, in a format usable without the use of the Services and as agreed to by State, at no additional cost. Any transition services requested by State involving additional knowledge transfer and support may be subject to a contract amendment for a fixed fee or at rates to be mutually agreed upon by the parties.

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If the State determines in its sole discretion that a documented transition plan is necessary, then no later than sixty (60) days prior to termination, Contractor and the State shall mutually prepare a Transition Plan identifying transition services to be provided.

2. **Return of Property.** Upon termination of this Contract for any reason whatsoever, Contractor shall immediately deliver to State all State Intellectual Property and State Data (including without limitation any Deliverables for which State has made payment in whole or in part), that are in the possession or under the control of Contractor in whatever stage of development and form of recordation such State property is expressed or embodied at that time.

H. DESTRUCTION OF STATE DATA. At any time during the term of this Contract within thirty days of (i) the State's written request or (ii) termination or expiration of this Contract for any reason, Contractor shall securely dispose of all copies, whether in written, electronic or other form or media, of State Data according to National Institute of Standards and Technology (NIST) approved methods, and certify in writing to the State that such State Data has been disposed of securely. Further, upon the relocation of State Data, Contractor shall securely dispose of such copies from the former data location according to National Institute of Standards and Technology (NIST) approved methods and certify in writing to the State that such State Data has been disposed of securely. Contractor shall comply with all reasonable directions provided by the State with respect to the disposal of State Data.

I. SOV Cybersecurity Standard Update 2022-01. Contractor confirms that all products and services provided to or for the use of the State under this Agreement shall be in compliance with *State of Vermont Cybersecurity Standard 22-01*, which prohibits the use of certain branded products in State information systems or any vendor system that is supporting State information systems, and is available on-line at:
<https://digitalservices.vermont.gov/cybersecurity/cybersecurity-standards-and-directives>

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**ATTACHMENT E
BUSINESS ASSOCIATE AGREEMENT**

**SOV CONTRACTOR/GRANTEE/BUSINESS ASSOCIATE: BURLINGTON CITY
TREASURER**

SOV CONTRACT NO. 45100 CONTRACT EFFECTIVE DATE: JANUARY 1ST, 2023

This Business Associate Agreement (“Agreement”) is entered into by and between the State of Vermont Agency of Human Services, operating by and through its **Department of Children and Families, Family Services Division** (“Covered Entity”) and Party identified in this Agreement as Contractor or Grantee above (“Business Associate”). This Agreement supplements and is made a part of the contract or grant (“Contract or Grant”) to which it is attached.

Covered Entity and Business Associate enter into this Agreement to comply with the standards promulgated under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), including the Standards for the Privacy of Individually Identifiable Health Information, at 45 CFR Parts 160 and 164 (“Privacy Rule”), and the Security Standards, at 45 CFR Parts 160 and 164 (“Security Rule”), as amended by Subtitle D of the Health Information Technology for Economic and Clinical Health Act (HITECH), and any associated federal rules and regulations.

The parties agree as follows:

1. Definitions. All capitalized terms used but not otherwise defined in this Agreement have the meanings set forth in 45 CFR Parts 160 and 164 as amended by HITECH and associated federal rules and regulations. Terms defined in this Agreement are italicized. Unless otherwise specified, when used in this Agreement, defined terms used in the singular shall be understood if appropriate in their context to include the plural when applicable.

“*Agent*” means an *Individual* acting within the scope of the agency of the *Business Associate*, in accordance with the Federal common law of agency, as referenced in 45 CFR § 160.402(c) and includes Workforce members and *Subcontractors*.

“*Breach*” means the acquisition, Access, Use or Disclosure of *Protected Health Information (PHI)* which compromises the Security or privacy of the *PHI*, except as excluded in the definition of *Breach* in 45 CFR § 164.402.

“*Business Associate*” shall have the meaning given for “Business Associate” in 45 CFR § 160.103 and means Contractor or Grantee and includes its Workforce, *Agents* and *Subcontractors*.

“*Electronic PHP*” shall mean *PHI* created, received, maintained or transmitted electronically in accordance with 45 CFR § 160.103.

“*Individual*” includes a Person who qualifies as a personal representative in accordance with 45 CFR § 164.502(g).

“*Protected Health Information*” (“*PHI*”) shall have the meaning given in 45 CFR § 160.103, limited to the *PHI* created or received by *Business Associate* from or on behalf of Covered Entity.

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“*Required by Law*” means a mandate contained in law that compels an entity to make a use or disclosure of *PHI* and that is enforceable in a court of law and shall have the meaning given in 45 CFR § 164.103.

“*Report*” means submissions required by this Agreement as provided in section 2.3.

“*Security Incident*” means the attempted or successful unauthorized Access, Use, Disclosure, modification, or destruction of Information or interference with system operations in an Information System relating to *PHI* in accordance with 45 CFR § 164.304.

“*Services*” includes all work performed by the *Business Associate* for or on behalf of Covered Entity that requires the Use and/or Disclosure of *PHI* to perform a *Business Associate* function described in 45 CFR § 160.103.

“*Subcontractor*” means a Person to whom *Business Associate* delegates a function, activity, or service, other than in the capacity of a member of the workforce of such *Business Associate*.

“*Successful Security Incident*” shall mean a *Security Incident* that results in the unauthorized Access, Use, Disclosure, modification, or destruction of information or interference with system operations in an Information System.

“*Unsuccessful Security Incident*” shall mean a *Security Incident* such as routine occurrences that do not result in unauthorized Access, Use, Disclosure, modification, or destruction of information or interference with system operations in an Information System, such as: (i) unsuccessful attempts to penetrate computer networks or services maintained by *Business Associate*; and (ii) immaterial incidents such as pings and other broadcast attacks on *Business Associate's* firewall, port scans, unsuccessful log-on attempts, denials of service and any combination of the above with respect to *Business Associate's* Information System.

“*Targeted Unsuccessful Security Incident*” means an *Unsuccessful Security Incident* that appears to be an attempt to obtain unauthorized Access, Use, Disclosure, modification or destruction of the Covered Entity's *Electronic PHI*.

2. Contact Information for Privacy and Security Officers and Reports.

2.1 *Business Associate* shall provide, within ten (10) days of the execution of this Agreement, written notice to the Contract or Grant manager the names and contact information of both the HIPAA Privacy Officer and HIPAA Security Officer of the *Business Associate*. This information must be updated by *Business Associate* any time these contacts change.

2.2 Covered Entity's HIPAA Privacy Officer and HIPAA Security Officer contact information is posted at: <https://humanservices.vermont.gov/rules-policies/health-insurance-portability-and-accountability-act-hipaa>

2.3 *Business Associate* shall submit all *Reports* required by this Agreement to the following email address: AHS.PrivacyAndSecurity@vermont.gov

3. Permitted and Required Uses/Disclosures of PHI.

3.1 Subject to the terms in this Agreement, *Business Associate* may Use or Disclose *PHI* to perform *Services*, as specified in the Contract or Grant. Such Uses and Disclosures are limited to the minimum necessary to provide the *Services*. *Business Associate* shall not Use or Disclose *PHI* in any manner that would constitute a violation of the Privacy Rule if Used or Disclosed by Covered Entity

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in that manner. *Business Associate* may not Use or Disclose *PHI* other than as permitted or required by this Agreement or as *Required by Law* and only in compliance with applicable laws and regulations.

3.2 *Business Associate* may make *PHI* available to its Workforce, *Agent* and *Subcontractor* who need Access to perform *Services* as permitted by this Agreement, provided that *Business Associate* makes them aware of the Use and Disclosure restrictions in this Agreement and binds them to comply with such restrictions.

3.3 *Business Associate* shall be directly liable under HIPAA for impermissible Uses and Disclosures of *PHI*.

4. **Business Activities.** *Business Associate* may Use *PHI* if necessary for *Business Associate's* proper management and administration or to carry out its legal responsibilities. *Business Associate* may Disclose *PHI* for *Business Associate's* proper management and administration or to carry out its legal responsibilities if a Disclosure is *Required by Law* or if *Business Associate* obtains reasonable written assurances via a written agreement from the Person to whom the information is to be Disclosed that such *PHI* shall remain confidential and be Used or further Disclosed only as *Required by Law* or for the purpose for which it was Disclosed to the Person, and the Agreement requires the Person to notify *Business Associate*, within five (5) business days, in writing of any *Breach* of Unsecured *PHI* of which it is aware. Such Uses and Disclosures of *PHI* must be of the minimum amount necessary to accomplish such purposes.

5. **Electronic PHI Security Rule Obligations.**

5.1 With respect to *Electronic PHI*, *Business Associate* shall:

- a) Implement and use Administrative, Physical, and Technical Safeguards in compliance with 45 CFR sections 164.308, 164.310, and 164.312;
- b) Identify in writing upon request from Covered Entity all the safeguards that it uses to protect such *Electronic PHI*;
- c) Prior to any Use or Disclosure of *Electronic PHI* by an *Agent* or *Subcontractor*, ensure that any *Agent* or *Subcontractor* to whom it provides *Electronic PHI* agrees in writing to implement and use Administrative, Physical, and Technical Safeguards that reasonably and appropriately protect the Confidentiality, Integrity and Availability of *Electronic PHI*. The written agreement must identify Covered Entity as a direct and intended third party beneficiary with the right to enforce any breach of the agreement concerning the Use or Disclosure of *Electronic PHI*, and be provided to Covered Entity upon request;
- d) Report in writing to Covered Entity any *Successful Security Incident* or *Targeted Unsuccessful Security Incident* as soon as it becomes aware of such incident and in no event later than five (5) business days after such awareness. Such *Report* shall be timely made notwithstanding the fact that little information may be known at the time of the *Report* and need only include such information then available;
- e) Following such *Report*, provide Covered Entity with the information necessary for Covered Entity to investigate any such incident; and
- f) Continue to provide to Covered Entity information concerning the incident as it becomes available to it.

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5.2 Reporting *Unsuccessful Security Incidents*. *Business Associate* shall provide Covered Entity upon written request a *Report* that: (a) identifies the categories of *Unsuccessful Security Incidents*; (b) indicates whether *Business Associate* believes its current defensive security measures are adequate to address all *Unsuccessful Security Incidents*, given the scope and nature of such attempts; and (c) if the security measures are not adequate, the measures *Business Associate* will implement to address the security inadequacies.

5.3 *Business Associate* shall comply with any reasonable policies and procedures Covered Entity implements to obtain compliance under the Security Rule.

6. Reporting and Documenting Breaches.

6.1 *Business Associate* shall *Report* to Covered Entity any *Breach* of Unsecured *PHI* as soon as it, or any Person to whom *PHI* is disclosed under this Agreement, becomes aware of any such *Breach*, and in no event later than five (5) business days after such awareness, except when a law enforcement official determines that a notification would impede a criminal investigation or cause damage to national security. Such *Report* shall be timely made notwithstanding the fact that little information may be known at the time of the *Report* and need only include such information then available.

6.2 Following the *Report* described in 6.1, *Business Associate* shall conduct a risk assessment and provide it to Covered Entity with a summary of the event. *Business Associate* shall provide Covered Entity with the names of any *Individual* whose Unsecured *PHI* has been, or is reasonably believed to have been, the subject of the *Breach* and any other available information that is required to be given to the affected *Individual*, as set forth in 45 CFR § 164.404(c). Upon request by Covered Entity, *Business Associate* shall provide information necessary for Covered Entity to investigate the impermissible Use or Disclosure. *Business Associate* shall continue to provide to Covered Entity information concerning the *Breach* as it becomes available.

6.3 When *Business Associate* determines that an impermissible acquisition, Access, Use or Disclosure of *PHI* for which it is responsible is not a *Breach*, and therefore does not necessitate notice to the impacted *Individual*, it shall document its assessment of risk, conducted as set forth in 45 CFR § 402(2). *Business Associate* shall make its risk assessment available to Covered Entity upon request. It shall include 1) the name of the person making the assessment, 2) a brief summary of the facts, and 3) a brief statement of the reasons supporting the determination of low probability that the *PHI* had been compromised.

7. **Mitigation and Corrective Action.** *Business Associate* shall mitigate, to the extent practicable, any harmful effect that is known to it of an impermissible Use or Disclosure of *PHI*, even if the impermissible Use or Disclosure does not constitute a *Breach*. *Business Associate* shall draft and carry out a plan of corrective action to address any incident of impermissible Use or Disclosure of *PHI*. *Business Associate* shall make its mitigation and corrective action plans available to Covered Entity upon request.

8. Providing Notice of Breaches.

8.1 If Covered Entity determines that a *Breach* of *PHI* for which *Business Associate* was responsible, and if requested by Covered Entity, *Business Associate* shall provide notice to the *Individual* whose *PHI* has been the subject of the *Breach*. When so requested, *Business Associate* shall consult with Covered Entity about the timeliness, content and method of notice, and shall receive Covered Entity's approval concerning these elements. *Business Associate* shall be responsible for the cost of notice and related remedies.

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8.2 The notice to affected *Individuals* shall be provided as soon as reasonably possible and in no case later than sixty (60) calendar days after *Business Associate* reported the *Breach* to Covered Entity.

8.3 The notice to affected *Individuals* shall be written in plain language and shall include, to the extent possible: 1) a brief description of what happened; 2) a description of the types of Unsecured *PHI* that were involved in the *Breach*; 3) any steps *Individuals* can take to protect themselves from potential harm resulting from the *Breach*; 4) a brief description of what the *Business Associate* is doing to investigate the *Breach* to mitigate harm to *Individuals* and to protect against further *Breaches*; and 5) contact procedures for *Individuals* to ask questions or obtain additional information, as set forth in 45 CFR § 164.404(c).

8.4 *Business Associate* shall notify *Individuals* of *Breaches* as specified in 45 CFR § 164.404(d) (methods of *Individual* notice). In addition, when a *Breach* involves more than 500 residents of Vermont, *Business Associate* shall, if requested by Covered Entity, notify prominent media outlets serving Vermont, following the requirements set forth in 45 CFR § 164.406.

9. **Agreements with Subcontractors.** *Business Associate* shall enter into a Business Associate Agreement with any *Subcontractor* to whom it provides *PHI* to require compliance with HIPAA and to ensure *Business Associate* and *Subcontractor* comply with the terms and conditions of this Agreement. *Business Associate* must enter into such written agreement before any Use by or Disclosure of *PHI* to such *Subcontractor*. The written agreement must identify Covered Entity as a direct and intended third party beneficiary with the right to enforce any breach of the agreement concerning the Use or Disclosure of *PHI*. *Business Associate* shall provide a copy of the written agreement it enters into with a *Subcontractor* to Covered Entity upon request. *Business Associate* may not make any Disclosure of *PHI* to any *Subcontractor* without prior written consent of Covered Entity.

10. **Access to PHI.** *Business Associate* shall provide access to *PHI* in a Designated Record Set to Covered Entity or as directed by Covered Entity to an *Individual* to meet the requirements under 45 CFR § 164.524. *Business Associate* shall provide such access in the time and manner reasonably designated by Covered Entity. Within five (5) business days, *Business Associate* shall forward to Covered Entity for handling any request for Access to *PHI* that *Business Associate* directly receives from an *Individual*.

11. **Amendment of PHI.** *Business Associate* shall make any amendments to *PHI* in a Designated Record Set that Covered Entity directs or agrees to pursuant to 45 CFR § 164.526, whether at the request of Covered Entity or an *Individual*. *Business Associate* shall make such amendments in the time and manner reasonably designated by Covered Entity. Within five (5) business days, *Business Associate* shall forward to Covered Entity for handling any request for amendment to *PHI* that *Business Associate* directly receives from an *Individual*.

12. **Accounting of Disclosures.** *Business Associate* shall document Disclosures of *PHI* and all information related to such Disclosures as would be required for Covered Entity to respond to a request by an *Individual* for an accounting of disclosures of *PHI* in accordance with 45 CFR § 164.528. *Business Associate* shall provide such information to Covered Entity or as directed by Covered Entity to an *Individual*, to permit Covered Entity to respond to an accounting request. *Business Associate* shall provide such information in the time and manner reasonably designated by Covered Entity. Within five (5) business days, *Business Associate* shall forward to Covered Entity for handling any accounting request that *Business Associate* directly receives from an *Individual*.

13. **Books and Records.** Subject to the attorney-client and other applicable legal privileges, *Business Associate* shall make its internal practices, books, and records (including policies and procedures and *PHI*) relating to the Use and Disclosure of *PHI* available to the Secretary of Health and Human Services (HHS) in

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the time and manner designated by the Secretary. *Business Associate* shall make the same information available to Covered Entity, upon Covered Entity's request, in the time and manner reasonably designated by Covered Entity so that Covered Entity may determine whether *Business Associate* is in compliance with this Agreement.

14. Termination.

14.1 This Agreement commences on the Effective Date and shall remain in effect until terminated by Covered Entity or until all the *PHI* is destroyed or returned to Covered Entity subject to Section 18.8.

14.2 If *Business Associate* fails to comply with any material term of this Agreement, Covered Entity may provide an opportunity for *Business Associate* to cure. If *Business Associate* does not cure within the time specified by Covered Entity or if Covered Entity believes that cure is not reasonably possible, Covered Entity may immediately terminate the Contract or Grant without incurring liability or penalty for such termination. If neither termination nor cure are feasible, Covered Entity shall report the breach to the Secretary of HHS. Covered Entity has the right to seek to cure such failure by *Business Associate*. Regardless of whether Covered Entity cures, it retains any right or remedy available at law, in equity, or under the Contract or Grant and *Business Associate* retains its responsibility for such failure.

15. Return/Destruction of PHI.

15.1 *Business Associate* in connection with the expiration or termination of the Contract or Grant shall return or destroy, at the discretion of the Covered Entity, *PHI* that *Business Associate* still maintains in any form or medium (including electronic) within thirty (30) days after such expiration or termination. *Business Associate* shall not retain any copies of *PHI*. *Business Associate* shall certify in writing and report to Covered Entity (1) when all *PHI* has been returned or destroyed and (2) that *Business Associate* does not continue to maintain any *PHI*. *Business Associate* is to provide this certification during this thirty (30) day period.

15.2 *Business Associate* shall report to Covered Entity any conditions that *Business Associate* believes make the return or destruction of *PHI* infeasible. *Business Associate* shall extend the protections of this Agreement to such *PHI* and limit further Uses and Disclosures to those purposes that make the return or destruction infeasible for so long as *Business Associate* maintains such *PHI*.

16. Penalties. *Business Associate* understands that: (a) there may be civil or criminal penalties for misuse or misappropriation of *PHI* and (b) violations of this Agreement may result in notification by Covered Entity to law enforcement officials and regulatory, accreditation, and licensure organizations.

17. Training. *Business Associate* understands its obligation to comply with the law and shall provide appropriate training and education to ensure compliance with this Agreement. If requested by Covered Entity, *Business Associate* shall participate in Covered Entity's training regarding the Use, Confidentiality, and Security of *PHI*; however, participation in such training shall not supplant nor relieve *Business Associate* of its obligations under this Agreement to independently assure compliance with the law and this Agreement.

18. Miscellaneous.

18.1 In the event of any conflict or inconsistency between the terms of this Agreement and the terms of the Contract or Grant, the terms of this Agreement shall govern with respect to its subject matter. Otherwise, the terms of the Contract or Grant continue in effect.

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18.2 Each party shall cooperate with the other party to amend this Agreement from time to time as is necessary for such party to comply with the Privacy Rule, the Security Rule, or any other standards promulgated under HIPAA. This Agreement may not be amended, except by a writing signed by all parties hereto.

18.3 Any ambiguity in this Agreement shall be resolved to permit the parties to comply with the Privacy Rule, Security Rule, or any other standards promulgated under HIPAA.

18.4 In addition to applicable Vermont law, the parties shall rely on applicable federal law (e.g., HIPAA, the Privacy Rule, Security Rule, and HITECH) in construing the meaning and effect of this Agreement.

18.5 *Business Associate* shall not have or claim any ownership of *PHI*.

18.6 *Business Associate* shall abide by the terms and conditions of this Agreement with respect to all *PHI* even if some of that information relates to specific services for which *Business Associate* may not be a “*Business Associate*” of Covered Entity under the Privacy Rule.

18.7 *Business Associate* is prohibited from directly or indirectly receiving any remuneration in exchange for an *Individual's PHI*. *Business Associate* will refrain from marketing activities that would violate HIPAA, including specifically Section 13406 of the HITECH Act. *Reports* or data containing *PHI* may not be sold without Covered Entity's or the affected Individual's written consent.

18.8 The provisions of this Agreement that by their terms encompass continuing rights or responsibilities shall survive the expiration or termination of this Agreement. For example: (a) the provisions of this Agreement shall continue to apply if Covered Entity determines that it would be infeasible for *Business Associate* to return or destroy *PHI* as provided in Section 14.2 and (b) the obligation of *Business Associate* to provide an accounting of disclosures as set forth in Section 12 survives the expiration or termination of this Agreement with respect to accounting requests, if any, made after such expiration or termination.

Rev. 05/22/2020

(End of Standard Provisions)

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**ATTACHMENT F
AGENCY OF HUMAN SERVICES' CUSTOMARY CONTRACT/GRANT PROVISIONS**

1. **Definitions:** For purposes of this Attachment F, the term "Agreement" shall mean the form of the contract or grant, with all of its parts, into which this Attachment F is incorporated. The meaning of the term "Party" when used in this Attachment F shall mean any named party to this Agreement *other than* the State of Vermont, the Agency of Human Services (AHS) and any of the departments, boards, offices and business units named in this Agreement. As such, the term "Party" shall mean, when used in this Attachment F, the Contractor or Grantee with whom the State of Vermont is executing this Agreement. If Party, when permitted to do so under this Agreement, seeks by way of any subcontract, sub-grant or other form of provider agreement to employ any other person or entity to perform any of the obligations of Party under this Agreement, Party shall be obligated to ensure that all terms of this Attachment F are followed. As such, the term "Party" as used herein shall also be construed as applicable to, and describing the obligations of, any subcontractor, sub-recipient or sub-grantee of this Agreement. Any such use or construction of the term "Party" shall not, however, give any subcontractor, sub-recipient or sub-grantee any substantive right in this Agreement without an express written agreement to that effect by the State of Vermont.
2. **Agency of Human Services:** The Agency of Human Services is responsible for overseeing all contracts and grants entered by any of its departments, boards, offices and business units, however denominated. The Agency of Human Services, through the business office of the Office of the Secretary, and through its Field Services Directors, will share with any named AHS-associated party to this Agreement oversight, monitoring and enforcement responsibilities. Party agrees to cooperate with both the named AHS-associated party to this contract and with the Agency of Human Services itself with respect to the resolution of any issues relating to the performance and interpretation of this Agreement, payment matters and legal compliance.
3. **Medicaid Program Parties** (*applicable to any Party providing services and supports paid for under Vermont's Medicaid program and Vermont's Global Commitment to Health Waiver*):

Inspection and Retention of Records: In addition to any other requirement under this Agreement or at law, Party must fulfill all state and federal legal requirements, and will comply with all requests appropriate to enable the Agency of Human Services, the U.S. Department of Health and Human Services (along with its Inspector General and the Centers for Medicare and Medicaid Services), the Comptroller General, the Government Accounting Office, or any of their designees: (i) to evaluate through inspection or other means the quality, appropriateness, and timeliness of services performed under this Agreement; and (ii) to inspect and audit any records, financial data, contracts, computer or other electronic systems of Party relating to the performance of services under Vermont's Medicaid program and Vermont's Global Commitment to Health Waiver. Party will retain for ten years all documents required to be retained pursuant to 42 CFR 438.3(u).

Subcontracting for Medicaid Services: Notwithstanding any permitted subcontracting of services to be performed under this Agreement, Party shall remain responsible for ensuring that this Agreement is fully performed according to its terms, that subcontractor remains in compliance with the terms hereof, and that subcontractor complies with all state and federal laws and regulations relating to the Medicaid program in Vermont. Subcontracts, and any service provider agreements entered into by Party in connection with the performance of this Agreement, must clearly specify in writing the responsibilities of the subcontractor or other service provider and Party must retain the authority to revoke its subcontract or service provider agreement or to impose other sanctions if the performance of the subcontractor or service provider is inadequate or if its performance deviates from any requirement of this Agreement. Party shall make available on request all contracts, subcontracts and service provider agreements between

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the Party, subcontractors and other service providers to the Agency of Human Services and any of its departments as well as to the Center for Medicare and Medicaid Services.

Medicaid Notification of Termination Requirements: Party shall follow the Department of Vermont Health Access Managed-Care-Organization enrollee-notification requirements, to include the requirement that Party provide timely notice of any termination of its practice.

Encounter Data: Party shall provide encounter data to the Agency of Human Services and/or its departments and ensure further that the data and services provided can be linked to and supported by enrollee eligibility files maintained by the State.

Federal Medicaid System Security Requirements Compliance: Party shall provide a security plan, risk assessment, and security controls review document within three months of the start date of this Agreement (and update it annually thereafter) in order to support audit compliance with 45 CFR 95.621 subpart F, *ADP System Security Requirements and Review Process*.

4. **Workplace Violence Prevention and Crisis Response** (*applicable to any Party and any subcontractors and sub-grantees whose employees or other service providers deliver social or mental health services directly to individual recipients of such services*):

Party shall establish a written workplace violence prevention and crisis response policy meeting the requirements of Act 109 (2016), 33 VSA §8201(b), for the benefit of employees delivering direct social or mental health services. Party shall, in preparing its policy, consult with the guidelines promulgated by the U.S. Occupational Safety and Health Administration for *Preventing Workplace Violence for Healthcare and Social Services Workers*, as those guidelines may from time to time be amended.

Party, through its violence protection and crisis response committee, shall evaluate the efficacy of its policy, and update the policy as appropriate, at least annually. The policy and any written evaluations thereof shall be provided to employees delivering direct social or mental health services.

Party will ensure that any subcontractor and sub-grantee who hires employees (or contracts with service providers) who deliver social or mental health services directly to individual recipients of such services, complies with all requirements of this Section.

5. **Non-Discrimination:**

Party shall not discriminate, and will prohibit its employees, agents, subcontractors, sub-grantees and other service providers from discrimination, on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under Title IX of the Education Amendments of 1972, and on the basis of race, color or national origin under Title VI of the Civil Rights Act of 1964. Party shall not refuse, withhold from or deny to any person the benefit of services, facilities, goods, privileges, advantages, or benefits of public accommodation on the basis of disability, race, creed, color, national origin, marital status, sex, sexual orientation or gender identity as provided by Title 9 V.S.A. Chapter 139.

No person shall on the grounds of religion or on the grounds of sex (including, on the grounds that a woman is pregnant), be excluded from participation in, be denied the benefits of, or be subjected to discrimination, to include sexual harassment, under any program or activity supported by State of Vermont and/or federal funds.

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Party further shall comply with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d, et seq., and with the federal guidelines promulgated pursuant to Executive Order 13166 of 2000, requiring that contractors and subcontractors receiving federal funds assure that persons with limited English proficiency can meaningfully access services. To the extent Party provides assistance to individuals with limited English proficiency through the use of oral or written translation or interpretive services, such individuals cannot be required to pay for such services.

6. Employees and Independent Contractors:

Party agrees that it shall comply with the laws of the State of Vermont with respect to the appropriate classification of its workers and service providers as “employees” and “independent contractors” for all purposes, to include for purposes related to unemployment compensation insurance and workers compensation coverage, and proper payment and reporting of wages. Party agrees to ensure that all of its subcontractors or sub-grantees also remain in legal compliance as to the appropriate classification of “workers” and “independent contractors” relating to unemployment compensation insurance and workers compensation coverage, and proper payment and reporting of wages. Party will on request provide to the Agency of Human Services information pertaining to the classification of its employees to include the basis for the classification. Failure to comply with these obligations may result in termination of this Agreement.

7. Data Protection and Privacy:

Protected Health Information: Party shall maintain the privacy and security of all individually identifiable health information acquired by or provided to it as a part of the performance of this Agreement. Party shall follow federal and state law relating to privacy and security of individually identifiable health information as applicable, including the Health Insurance Portability and Accountability Act (HIPAA) and its federal regulations.

Substance Abuse Treatment Information: Substance abuse treatment information shall be maintained in compliance with 42 C.F.R. Part 2 if the Party or subcontractor(s) are Part 2 covered programs, or if substance abuse treatment information is received from a Part 2 covered program by the Party or subcontractor(s).

Protection of Personal Information: Party agrees to comply with all applicable state and federal statutes to assure protection and security of personal information, or of any personally identifiable information (PII), including the Security Breach Notice Act, 9 V.S.A. § 2435, the Social Security Number Protection Act, 9 V.S.A. § 2440, the Document Safe Destruction Act, 9 V.S.A. § 2445 and 45 CFR 155.260. As used here, PII shall include any information, in any medium, including electronic, which can be used to distinguish or trace an individual’s identity, such as his/her name, social security number, biometric records, etc., either alone or when combined with any other personal or identifiable information that is linked or linkable to a specific person, such as date and place or birth, mother’s maiden name, etc.

Other Confidential Consumer Information: Party agrees to comply with the requirements of AHS Rule No. 08-048 concerning access to and uses of personal information relating to any beneficiary or recipient of goods, services or other forms of support. Party further agrees to comply with any applicable Vermont State Statute and other regulations respecting the right to individual privacy. Party shall ensure that all of its employees, subcontractors and other service providers performing services under this agreement understand and preserve the sensitive, confidential and non-public nature of information to which they may have access.

Data Breaches: Party shall report to AHS, through its Chief Information Officer (CIO), any impermissible use or disclosure that compromises the security, confidentiality or privacy of any form of protected personal information identified above within 24 hours of the discovery of the breach. Party

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shall in addition comply with any other data breach notification requirements required under federal or state law.

8. Abuse and Neglect of Children and Vulnerable Adults:

Abuse Registry. Party agrees not to employ any individual, to use any volunteer or other service provider, or to otherwise provide reimbursement to any individual who in the performance of services connected with this agreement provides care, custody, treatment, transportation, or supervision to children or to vulnerable adults if there has been a substantiation of abuse or neglect or exploitation involving that individual. Party is responsible for confirming as to each individual having such contact with children or vulnerable adults the non-existence of a substantiated allegation of abuse, neglect or exploitation by verifying that fact through (a) as to vulnerable adults, the Adult Abuse Registry maintained by the Department of Disabilities, Aging and Independent Living and (b) as to children, the Central Child Protection Registry (unless the Party holds a valid child care license or registration from the Division of Child Development, Department for Children and Families). See 33 V.S.A. §4919(a)(3) and 33 V.S.A. §6911(c)(3).

Reporting of Abuse, Neglect, or Exploitation. Consistent with provisions of 33 V.S.A. §4913(a) and §6903, Party and any of its agents or employees who, in the performance of services connected with this agreement, (a) is a caregiver or has any other contact with clients and (b) has reasonable cause to believe that a child or vulnerable adult has been abused or neglected as defined in Chapter 49 or abused, neglected, or exploited as defined in Chapter 69 of Title 33 V.S.A. shall: as to children, make a report containing the information required by 33 V.S.A. §4914 to the Commissioner of the Department for Children and Families within 24 hours; or, as to a vulnerable adult, make a report containing the information required by 33 V.S.A. §6904 to the Division of Licensing and Protection at the Department of Disabilities, Aging, and Independent Living within 48 hours. Party will ensure that its agents or employees receive training on the reporting of abuse or neglect to children and abuse, neglect or exploitation of vulnerable adults.

9. Information Technology Systems:

Computing and Communication: Party shall select, in consultation with the Agency of Human Services' Information Technology unit, one of the approved methods for secure access to the State's systems and data, if required. Approved methods are based on the type of work performed by the Party as part of this agreement. Options include, but are not limited to:

1. Party's provision of certified computing equipment, peripherals and mobile devices, on a separate Party's network with separate internet access. The Agency of Human Services' accounts may or may not be provided.
2. State supplied and managed equipment and accounts to access state applications and data, including State issued active directory accounts and application specific accounts, which follow the National Institutes of Standards and Technology (NIST) security and the Health Insurance Portability & Accountability Act (HIPAA) standards.

Intellectual Property/Work Product Ownership: All data, technical information, materials first gathered, originated, developed, prepared, or obtained as a condition of this agreement and used in the performance of this agreement -- including, but not limited to all reports, surveys, plans, charts, literature, brochures, mailings, recordings (video or audio), pictures, drawings, analyses, graphic representations, software computer programs and accompanying documentation and printouts, notes and memoranda, written procedures and documents, which are prepared for or obtained specifically for this agreement, or

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are a result of the services required under this grant -- shall be considered "work for hire" and remain the property of the State of Vermont, regardless of the state of completion unless otherwise specified in this agreement. Such items shall be delivered to the State of Vermont upon 30-days notice by the State. With respect to software computer programs and / or source codes first developed for the State, all the work shall be considered "work for hire," i.e., the State, not the Party (or subcontractor or sub-grantee), shall have full and complete ownership of all software computer programs, documentation and/or source codes developed.

Party shall not sell or copyright a work product or item produced under this agreement without explicit permission from the State of Vermont.

If Party is operating a system or application on behalf of the State of Vermont, Party shall not make information entered into the system or application available for uses by any other party than the State of Vermont, without prior authorization by the State. Nothing herein shall entitle the State to pre-existing Party's materials.

Party acknowledges and agrees that should this agreement be in support of the State's implementation of the Patient Protection and Affordable Care Act of 2010, Party is subject to the certain property rights provisions of the Code of Federal Regulations and a Grant from the Department of Health and Human Services, Centers for Medicare & Medicaid Services. Such agreement will be subject to, and incorporates here by reference, 45 CFR 74.36, 45 CFR 92.34 and 45 CFR 95.617 governing rights to intangible property.

Security and Data Transfers: Party shall comply with all applicable State and Agency of Human Services' policies and standards, especially those related to privacy and security. The State will advise the Party of any new policies, procedures, or protocols developed during the term of this agreement as they are issued and will work with the Party to implement any required.

Party will ensure the physical and data security associated with computer equipment, including desktops, notebooks, and other portable devices, used in connection with this Agreement. Party will also assure that any media or mechanism used to store or transfer data to or from the State includes industry standard security mechanisms such as continually up-to-date malware protection and encryption. Party will make every reasonable effort to ensure media or data files transferred to the State are virus and spyware free. At the conclusion of this agreement and after successful delivery of the data to the State, Party shall securely delete data (including archival backups) from Party's equipment that contains individually identifiable records, in accordance with standards adopted by the Agency of Human Services.

Party, in the event of a data breach, shall comply with the terms of Section 7 above.

10. Other Provisions:

Environmental Tobacco Smoke. Public Law 103-227 (also known as the Pro-Children Act of 1994) and Vermont's Act 135 (2014) (An act relating to smoking in lodging establishments, hospitals, and child care facilities, and on State lands) restrict the use of tobacco products in certain settings. Party shall ensure that no person is permitted: (i) to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on the premises, both indoor and outdoor, of any licensed child care center or afterschool program at any time; (ii) to use tobacco products or tobacco substitutes on the premises, both indoor and in any outdoor area designated for child care, health or day care services, kindergarten, pre-kindergarten, elementary, or secondary education or library services; and (iii) to use tobacco products or tobacco substitutes on the premises of a licensed or registered family child care home while children are present

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and in care. Party will refrain from promoting the use of tobacco products for all clients and from making tobacco products available to minors.

Failure to comply with the provisions of the federal law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. The federal Pro-Children Act of 1994, however, does not apply to portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where Women, Infants, & Children (WIC) coupons are redeemed.

2-1-1 Database: If Party provides health or human services within Vermont, or if Party provides such services near the Vermont border readily accessible to residents of Vermont, Party shall adhere to the "Inclusion/Exclusion" policy of Vermont's United Way/Vermont 211 (Vermont 211), and will provide to Vermont 211 relevant descriptive information regarding its agency, programs and/or contact information as well as accurate and up to date information to its database as requested. The "Inclusion/Exclusion" policy can be found at www.vermont211.org.

Voter Registration: When designated by the Secretary of State, Party agrees to become a voter registration agency as defined by 17 V.S.A. §2103 (41), and to comply with the requirements of state and federal law pertaining to such agencies.

Drug Free Workplace Act: Party will assure a drug-free workplace in accordance with 45 CFR Part 76.

Lobbying: No federal funds under this agreement may be used to influence or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, continuation, renewal, amendments other than federal appropriated funds.

AHS ATT. F 5/16/2018

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**ATTACHMENT G
REPORTING FORMS**

FORM A: PROGRAM PROGRESS REPORT EXAMPLE

Please use the form provided by the State

Contractor:	Example 1	Contract Number:	N/A
Report Period			
Report Prepared By:		E-Mail:	Date:

COMPLETE THIS FORM FOR THE CURRENT REPORTING PERIOD, BY PROVIDING A SHORT, DETAILED NARRATIVE. PLEASE USE THE HEADERS AND NUMBERS AS YOUR OUTLINE. YOU MAY ATTACH ADDITIONAL SHEETS.

- 1. Give an update on your program:**
 - (a) Challenges/Barriers:
 - (b) Successes:
 - (c) Trends:
 - (d) Concerns about finances?
- 2. Give an update of your relationship with the local DCF office:**
 - (a) Success:
 - (b) Challenges/Barriers:
 - (c) Adherence to Roles and Responsibilities:
 - (d) Date of quarterly meeting: _____
- 3. Give an update on any community outreach/prevention efforts:**
 - (a) What was the event/activity?
 - (b) What was the goal of the event/activity?
 - (c) Number of participants?
 - (d) Describe thoughts about future events of this nature, would you do it again? If not, why not?
- 4. Give an update on training or educational opportunities provided to staff.**
- 5. Please share a success story.**
- 6. Other:** If you would like to address anything that is not included on this report form, please do so.

This form to be submitted electronically quarterly to the following:

- **Lindy Boudreau, Juvenile Justice and Adolescent Programs Director** lindy.boudreau@vermont.gov
- **Matthew Rockwell, Grants and Contracts Manager,** matthew.rockwell@vermont.gov
- AHS.DCFFSDInvoicesREU@vermont.gov
- **Your local DCF District Director**

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FORM C: REQUEST FOR PAYMENT EXAMPLE

Please use the form provided by the State

REQUEST VT Department for Children and Families Family Services Division
TO: HC 1 South / 280 State Drive / Waterbury, VT 05671-1020
FROM: **TBD**

RE: **BALANCED AND RESTORATIVE JUSTICE (BARJ)**
TERM: JANUARY 1, 2023 – DECEMBER 31, 2023

State-assigned Contract number: **TBD** Request #: _____ Final Invoice: Yes ___ No ___
Have required Monthly Program Reports been submitted? Yes ___ No ___

- A) Maximum amount payable to Contractor: \$ _____
B) Total payments received on Contract previously: \$ _____
C) Balance (*line A minus line B*) \$ _____
D) Total Contract expenditures in the financial report
for the quarter ending _____: \$ _____
mm/dd/yy
E) Contract Balance (*line C minus line D*) \$ _____
F) REQUEST AMOUNT, determined as follows: \$ _____
*For requests submitted during the Contract term, request
the amount in line D or line C, whichever is lower. A
request submitted with the final quarterly report may be for
the amount in line C if the State had withheld funds earlier
and the total YTD allowable reported expenditures
exhausted the maximum payable under the Contract.*

CONTRACTOR SIGNATURE:

Executive or Financial Director Title Date

For FSD use only: FSD Contract Manager reviewed required reports submitted,
assessed Contractor performance, and approves payment in the amount of:

\$ _____

Explanation if amount approved differs from amount requested in line F:

☐ 10% of maximum payable is withheld until Contract term ends and final Contract reports are
approved; or

☐ Other:

FSD Signature and Date: _____

Board of Finance and City Council Submission ChecklistDepartment: CEDO/CJC Submitter: Rachel JollyTitle/Subject: Approval for BSD and BARJ contracts

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

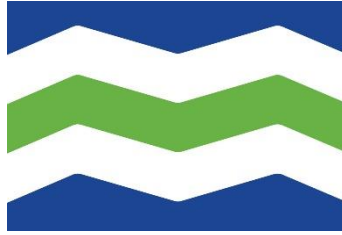
This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/15/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



PROCLAMATION

WHEREAS, the 2023 Burlington High School girls' Nordic ski team demonstrated exemplary ability, leadership, and character during the 2023 winter ski season; and

WHEREAS, the team has won the Division 1 Vermont High School Nordic championships for three consecutive years; and

WHEREAS, the team was comprised of six student athletes, Gillian Fairfax, Rosalie Brown, Greta Kilburn, Elsa Sanborn, Lillian Connolly, and Ailsa O'Neil-Dunne coming together to form a cohesive unit; and

WHEREAS, the team thrived under the leadership of head Coach, Kirsten Berggren, assistant Coaches Craig Pepin, Keith Brown, and August Tallmadge, Athletic Director, Quaran Pinkney, Assistant Athletic Director, Jeff Hayes, the ski team's volunteer coach, David Lustgarten, and Gillian Fairfax's overall individual victory.

WHEREAS, the team demonstrated the spirit and values of the young people in our City;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council officially acknowledges the hard work, dedication, and teamwork of this championship team, and appreciates the joy and pride they brought to our community through their hard-won victory.



BURLINGTON SCHOOL DISTRICT

DISTRICT OFFICES
Tom Flanagan, Superintendent

150 Colchester Avenue
Burlington, VT 05401

802-865-5332
superintendent@bsdvt.org

Amendment #1

This is amendment #1 to a contract between the Burlington School District (hereinafter called the "School District" or "District") with a principal place of business at 150 Colchester Avenue, Burlington, Vermont, and the **Burlington Community Justice Center (BCJC)** (hereinafter called the "Contractor") with a principal place of business 200 Church Street, Burlington, VT, 05401, with a Contract Term from **October 1, 2022, to March 31, 2023.**

All provisions of the original agreement shall remain in place, except for the following changes, (deletions are in ~~striketrough~~, additions are underlined):

1. **Contract Term:** The period of the contractor's performance shall begin **on October 1, 2022, and end on ~~March 31, 2023~~ September 30, 2023.**

7. **Payment Provisions:** Total amount not to exceed ~~\$39,232~~ \$80,903.

Appendix A is also replaced in its entirety with the attached revised version.

We the undersigned parties agree to be bound by this contract as amended.

By the Burlington School District

Date: 1/20/23
Signature: [Signature]
Name: Tom Flanagan
Title: Superintendent

By the Contractor

Date: 1/20/2023
Signature: [Signature]
Name: Brian T. Pine
Title: CEDO Director
Fed. ID/Social Security #: 03-6000410

APPENDIX A
BCJC Scope of Work--for DCF Grant
Year 3: Oct. 1, 2022-Sept. 30, 2023

I. Purpose

To provide support and training, using an equity lens, for Tier 2 level needs in the school, embedding the practice in the schools.

II. Outcomes

- Increase a sense of engagement, belonging and student voice by involving youth and families in disciplinary policies and practices that are restorative in nature
- Partner with support staff in the schools for cases that require Tier 2 processes
- Design and develop systems related to office behavioral referrals and subsequent documentation

III. Scope of Service

<i>Service</i>	<i>Date</i>
• Provide consistent modeling and mentorship to RP Specialists in conjunction with Office of Equity to support implementation of whole school restorative practices and decreasing ethnic and racial disparities in suspensions	Fall 2022-Fall 2023
• In collaboration with District RP Coordinator, identify, develop and deliver trainings related to RP	Fall 2022-Fall 2023
• Recruit and train student volunteers to lead restorative processes, both in proactive relationship-building scenarios as well as in response to discipline referrals	Fall 2022-Fall 2023
• Provide on-going training and support to peer mediator students throughout the school year	Fall 2022-Fall 2023
• Partner with UP and Youth and Family Engagement Team to recruit and train students from diverse backgrounds on Tier 1 and Tier 2 level engagements/responses	Fall 2022-Fall 2023
• Build safety and trust through use of Circles in staff meetings, one on one conversations, and student interventions	Fall 2022-Fall 2023
• Support administrator training, coaching, and collaboration on restorative re-entry for students who've been separated from the community through suspension	Fall 2022-Fall 2023
• Partner in UP's retreats, coachings and trainings to carry learnings and ideas into Tier 2 level responses	Fall 2022-Fall 2023
• Analyze BSD disciplinary data for Middle School as it relates to racial identity and IEP status, identify skill gaps of the teachers generating referrals, and target interventions.	Fall 2022-Fall 2023

• Work with BSD Multilingual liaisons, City of Burlington's Trusted Community Voices program, AALV, Spectrum and others to create a system for culturally responsive early interventions which honors the inherent cultural values of the families while supporting them within the dominant culture	Fall 2022-Fall 2023
--	---------------------

Burlington CJC Budget for Year Three

One full time salary	\$58,113
Benefits	\$20,620
Supervisor salary (2%)	\$1,390
Supervisor Benefits	\$684
Phone	\$600
Travel	\$100
Training	\$383

Total **\$81,890**

The BSD will cover \$80,903 of this total, and the BCJC will make up the remaining \$987.

SPECIFICATIONS

1. Contractor shall collaborate in the following ways.
 - a. Meet with BSD and DCF on a monthly basis to discuss trends each entity has been witnessing in their respective districts, the data, what is working well, what isn't working well, successes, challenges, how to support each other, etc.
 - b. Present to the Ethnic and Racial Disparities Committee of the Children and Family Council for Prevention Programs (CFCPP) on a quarterly basis with the BSD and DCF regarding trends, successors, challenges, how to support each other, etc.
 - c. Present to the CFCPP annually with the BSD and DCF regarding trends, successes, challenges, how to support each other, and a detailed plan outlining future collaboration.
 - d. Make trainings available to partners and other organizations.
2. Contractor shall demonstrate how they have and will continue to develop trust within their communities of color.
3. Contractor shall demonstrate individual and systemic changes resulting from selected interventions. Contractor will work collaboratively with community and State partners to create systemic changes, not just changes for individual youth and families.
4. Contractor will deliver service and system changes within culturally responsive, trauma-informed, and youth and family centered approaches.
5. Contractor shall work directly with youth who are at risk of school discipline and suspension.
6. Contractor shall follow the Vermont Department of Health (VDH) guidelines for health and safety regarding the COVID-19 pandemic. Contractor may access such guidelines by following the link: <https://www.healthvermont.gov/response/coronavirus-covid-19>
7. Contractor must provide services under this agreement in compliance with applicable special conditions as set forth by OJJDP, including appropriate suitability requirements for adults interacting with minors, as detailed here: <https://www.ojp.gov/funding/explore/interact-minors>.
 - a. Contractor shall provide DCF with documentation that details the process for

- background/fingerprint checks for those who interact with minors.
8. Contractor shall ensure Federal funds are not used for food expenses.
 9. Contractor shall complete the following guides of the Cultural and Linguistic Competency Training by following this link: <https://dcf.vermont.gov/youth/council/member-resources>.
 - a. Cultural Competence Discussion Guides.
 - b. Social Determinants: Implications for Service Delivery.
 - c. Standing up to Bias: Mine, Yours, Ours.
 - d. Talking about Social Justice.
 - e. The Journey toward Cultural and Linguistic Competence.
 - f. Who are we? Exploring Issues of Racial and Ethnic Identity.

PERFORMANCE MEASURES

1. Contractor shall submit accurate and timely quarterly reports to the BSD Program Manager that shall include the following:
 - a. Detailed summary of activities conducted during the quarter that shall include the following:
 - i. Milestones achieved.
 - ii. Challenges, issues, or concerns experiences during the quarter.
 - iii. Strategies and/or actions to address any challenges, issues, or concerns.
 - iv. Provide evidence that contractor has the trust of communities of color.
 - b. The following data points, to the best of Contractor's ability and knowledge
 - i. Number of collaborative partnerships developed.
 - ii. School attendance.
 1. The number of youth who have exhibited an increase in school attendance during the quarter.
 - iii. Number and percent of youth who offend
 1. The number and percent of youth who were arrested or seen at a juvenile court for a delinquent offense during the quarter. The number of youth should reflect the number of youth that are followed or monitored for arrests or offenses.
 2. Total number of youth served.
 3. Number of youth tracked during this reporting period.
 - a. Of iii, what is the number of youth who had a new arrest or delinquent offense.
 4. Number of youth who were recommitted to a juvenile facility.
 5. Number of youth who were sentenced to adult prison.
 6. Number of youth who received another sentence.
 7. Percentage of youth served who were offending during the quarter (i/iii).
 - iv. Total number of youth served.
 1. Total number of contacts that include liaison connections and youth partnership participation.
 - c. The reporting schedule is as follows:

Report #	Reporting Period	Due Date
1	10/01/2022-12/31/2022	01/20/2023
2	01/01/2023-03/30/2023	04/20/2023
3	04/01/2023-06/30/2023	07/20/2023
4	07/01/2023-10/20/2023	10/20/2023

2. Contractor shall work with the BSD program manager to submit accurate and timely annual programmatic OJJDP federal reporting:

a. Which population(s) of youth were served during the reporting period?

i. Race/ Ethnicity:

1. American Indian/ Alaskan Native.
2. Asian.
3. Black/ African American.
4. Hispanic or Latino (of any race).
5. Native Hawaiian and Other Pacific Islander
6. White/ Caucasian.
7. Youth population not directly served.
8. Other Race.

ii. Justice:

1. At risk population (no prior offense).
2. First time offenders.
3. Repeat offenders.
4. Sex offenders
5. Status offenders.
6. Violent offenders.
7. Youth population not directly served.

iii. Gender:

1. Male.
2. Female.
3. Youth population not directly served.

iv. Age:

1. 0-10.
2. 11-18.
3. Over 18.
4. Youth population not directly served.

v. Geography:

1. Rural.
2. Suburban.
3. Tribal.
4. Urban
5. Youth population not directly served.

b. School attendance.

- i. Number and percent of youth who exhibited an increase in school attendance 6 months to 1 year after exiting the program (long term).

c. Number and percent of youth who offend.

- i. The number and percent of youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period (long term).

1. The number of youth tracked should reflect the number of youth that are followed or monitored for arrests or offenses 6-12 months after exiting the program.

ii. Number of program youth who exited services 6-12 months ago.

1. Number of youth who had a new arrest or delinquent offenses.

iii. Number of youth who were recommitted to a juvenile facility.

iv. Number of program youth who were sentenced to adult prison.

v. Number of youth who received another sentence during the reporting period.

vi. Percent of long-term recidivism (ii/i).

- d. Average length of services provided to youth during the reporting period.
 - i. Average length of time (in days) that youth received services and completed program requirements prior to exiting.
 - ii. Average length of time (in days) that youth received services and did not complete program requirements prior to exiting.
- e. Number and percent of youth completing program requirements.
 - i. The number and percent of youth who have successfully fulfilled all program obligations and requirements. The total number of youth includes those who exited the program successfully or unsuccessfully.
- f. Number and percent of families who were satisfied with the program.
 - i. The number and percent of families satisfied with the service in areas such as staff relations and expertise, general operations, facilities, materials, and service.
- g. Number of assessment studies conducted (short term)
 - i. The number of ethnic and racial disparities (ERD) assessment studies undertaken during the reporting period to determine factors contributing to ERD.
- h. Number of objective decision-making tools developed.
 - i. Report whether any objective decision-making tools were developed, such as detention risk, risk assessment, needs assessment, mental health assessment were developed to determine the supervision needs of the youth.
- i. Number of program/agency policies or procedures created, amended, or rescinded.
 - i. The number of program/agency policies or procedures created, amended, or rescinded during the reporting period.
 - 1. A policy is a plan or specific course of action that guides the general goals and directives of the program or agency. Please include policies that are either relevant to the topic area of the program or policies that affect program operations.
- j. Number and percent of youth satisfied with the program.
 - i. The number and percent of youth satisfied with the program in areas such as staff relations and expertise, general operations, facilities, materials, and service.
- k. Number of full-time employees (FTE's) funded.
 - i. The number of staff funded by this agreement as measured by the number of Full-Time Equivalents, working for the program during the reporting period.
 - 1. Please note to calculate FTE, divide the number of staff hours provided by 2080.
- l. Number of subprograms implemented.
 - i. The number of subprograms as a result of this agreement implemented during the reporting period.
- m. Number and percent of staff trained.
 - i. The number and percent of staff that are trained during reporting period.
 - 1. Please note staff includes full and part-time employees and/or volunteers. The number is the raw number of staff to receive any formal training relevant to the agreement or their position as staff. Include any training from any source or medium received during the reporting period as long as receipt can be verified. Training does not have to have been completed during the reporting period.
 - 2. Divide the raw number by the total number of staff to get the percent.
- n. Number of hours of staff training provided
 - i. The number of training hours that staff are provided during the reporting period. Training can include both in-house and external trainings.
- o. Total number of youth served.
 - i. Total number of contacts that include liaison connections and youth partnership participation.

p. The reporting schedule is as follows:

Report #	Reporting Period	Due Date
1	10/01/2022-9/30/2023	10/20/2023



**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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: City Council

FROM: Phillip Peterson, PE, Public Works Engineer
Dora Bean, Associate Public Works Engineer

DATE: March 27, 2023

CC: Chapin Spencer, Director of Public Works
Norman Baldwin, PE, Assistant Director of Public Works/City Engineer
Corey Mims, PE, Senior Public Works Engineer
Laura Wheelock, PE, Senior Public Works Engineer

RE: CY23 Paving Contract

Request

The Department of Public Works ("DPW") seeks approval and authorization from City Council to execute a construction contract and Change Order #1 with Engineers Construction Inc. for the Calendar Year 2023 Paving Contract in the amount of \$1,399,098.45 with an additional \$139,909.85 (~10%) in contingency funds, and an additional \$170,000 for street patching work, totaling \$1,709,008.30.

The following motions were approved by Board of Finance at their March 20, 2023 meeting.

1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY23 paving project budget, as needed to a total of \$1,709,008.30 for the projected construction costs to complete the CY23 Paving project.
2. To approve and recommend the City Council authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY23 Paving project in the amount of \$1,399,098.45, with an additional \$139,909.85 in contingency funds, and to further execute a change order authorizing an additional expenditure of \$170,000 for street patching work, equaling a total authorized expenditure of \$1,709,008.30, subject to the final review and approval by the Office of the City Attorney.

Background

DPW is prepared to move forward with its Calendar Year (“CY”) 2023 Paving Contract, which involves the mill and fill along with other roadway improvements of the following streets:

Mill and Fill Streets: This work will involve milling off the top course of pavement and applying a new top course to the road.

Street	Limits	Length (miles)
Pearl Street	Prospect St to Winooski Ave	~0.50
St. Paul Street	Adams St to Howard St	~0.35
Walnut Street	Oak St to Archibald St	~0.16
Clarke Street	Entire length	~0.12
Riverside Avenue	Winooski Ave – Intervale Ave	~0.18
	Total	~1.31

There are some common factors DPW Staff consider when selecting streets to pave. DPW Staff often prioritize paving streets which are in the worst condition; pavement condition is assessed and statistically tracked with the pavement condition index. DPW Staff also utilize traffic volume in determining which streets have priority for paving; streets which have high traffic volumes may be prioritized for paving as they are more prone to wear and tear. In addition, coordination with other City projects helps drive which streets are picked for paving.

VTrans is anticipated to be paving approximately 4 miles in Burlington this season as part of their Class-1 paving contract including sections of:

- St Paul Street
- Winooski Avenue
- Shelburne Street
- Willard Street

Additionally, DPW anticipates paving approximately 1 mile as part of our SRF/Water Resources work including:

- Lakewood Avenue
- North Prospect Street
- Tallwood Lane

All these projects together represent 6.3 miles of paving for this upcoming year.

The paving work consists of structure installation, traffic calming features, lowering and raising catch basins, manhole structures, and water valves throughout the project streets. This contract will also include adjusting and updating curbs, driveway aprons, sidewalk panels and sidewalk ramps as indicated in the contract documents. The paving program is again closely coordinated with DPW Water Resources capital work and other departmental programs to maximize efficiencies and minimize rework. That said, there are drinking water infrastructure investment needs on Pearl Street and St Paul Street, however, there is not sufficient funding available within the drinking water budget to pursue these capital improvements given that our 2016 Water Bond authorization has been fully drawn down.

Funding for Project

This paving project includes improvements to catch basins and manhole structures on St. Paul

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Street which will be paid for by DPW Water Resources in the amount of \$49,000.

DPW is seeking to create the Capital Project Budget for the CY23 Paving Contract from the following funding sources, see Attachment-1:

- 1) \$755,108.30 in Street Capital Funds from anticipated FY24 Funds, FY24 budget will be identified under the FY24 budget documents. This includes a ~10% contingency for CY23 Paving work, and \$170,000 for street patching work.
- 2) \$700,000.00 from the approved March FY23 Capital Bond, FY24 budget will be identified under the FY24 budget documents.
- 3) \$200,000 in VTrans Town Highway Class 2 Roadway Program Grant #P02053 (This grant was approved by BOF/CC on 09/19/2022)
- 4) \$53,900.00 in Water Resources Funds, FY24 budget will be identified under the FY24 budget documents. This includes a ~10% contingency for St Paul Street stormwater and wastewater work.

The total available funds to be used towards the contract is \$1,709,008.30.

Contractor Bid/Selection

This year's invitation for bids resulted in three qualified bids being submitted; Engineers Construction Inc. (ECI), Frank W. Whitcomb Construction Corps (FWW), S.D. Ireland Brothers Corporation (SDI), see Table-1. The values shown in Table-1 are the audited bids of the bidders.

Table 1 – Bids Results for Construction Contract

Contractor	Base Bid Tab-1 Paving Work	Base Bid Tab-2 Stormwater Work	Add Alt 1 Riverside	Add Alt 2 Clarke	Total Bid
ECI	\$1,084,852.00	\$49,000	\$176,017.95	\$89,228.50	\$1,399,098.45
FWW	\$1,153,925.20	\$46,500	\$173,390.60	\$91,662.40	\$1,465,478.20
SDI	\$1,408,452.00	\$38,450	\$184,939.00	\$86,875.50	\$1,718,716.50

Based on the bids received, DPW Staff recommends awarding the CY23 Paving contract to ECI. The contract to be awarded to ECI is the total base bid with Add Alternate #1 – Riverside Ave and Add Alternate #2 – Clarke St for a contract amount of \$1,399,098.45. We are also requesting authorization to use an additional \$139,909.85 (~10%) contingency funds for unanticipated expenses during construction. Additionally, DPW Staff are seeking \$170,000 for street patching work. The total approved amount for this contract is \$1,709,008.30.

Street Patching

Burlington experienced significant freeze/thaw cycles this winter which most likely caused rapid deterioration on roads not originally on the CY'23 paving schedule. In response, staff will need the flexibility to quantify and prioritize supplemental large patch sections to be completed as part of this contract. The Contractor has agreed to take on this additional work, which will be managed

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via Change Order. Accordingly, DPW Staff have secured Board of Finance approval, and subsequently are seeking City Council approval to utilize \$170,000 for this work which includes contingency funds.

Attachments

1. CY23 Paving project budget.

Questions

Thank you for your consideration of these requests. If you have any questions, please feel free to contact:

Phillip Peterson: ppeterson@burlingtonvt.gov, (802) 598-8356

Dora Bean: dbean@burlingtonvt.gov, (802)829-6046

Corey Mims: cmims@burlingtonvt.gov, (802) 922-5001

Motions

City Council:

1. The City Council authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY23 paving project budget, as needed to a total of \$1,709,008.30 for the projected construction costs to complete the CY23 Paving project.
2. The City Council authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY23 Paving project in the amount of \$1,399,098.45, with an additional \$139,909.85 in contingency funds, and to further execute a change order authorizing an additional expenditure of \$170,000 for street patching work, equaling a total authorized expenditure of \$1,709,008.30, subject to the final review and approval by the Office of the City Attorney.

Project:	842 Street Reconstruction, Annual Paving Contract, CY23					
Project Manager:	Phillip Peterson					
Last Updated:	13-Mar-23					
N/W Account Code:						
Description:	CY23 Paving					
				Budget Amendment		
FUNDING SOURCES:				Total	FY23	FY24
842-19-700-770.4990_840	Street Capital FY 24	\$ 585,108.30		\$ 585,108.30		\$ 585,108.30
842-19-700-770.4875_130	TH Grant (for work on Pearl Street)	\$ 200,000.00		\$ 200,000.00		\$ 200,000.00
	Water Resources Work w contingency	\$ 53,900.00		\$ 53,900.00	\$ 53,900.00	
842-19-700-770.4990_840	Street Patching	\$ 170,000.00		\$ 170,000.00		\$ 170,000.00
842-19-700-770.4990_800	\$23M Bond FY24	\$ 700,000.00		\$ 700,000.00		\$ 700,000.00
	Total Project Funding Sources:	\$ 1,709,008.30		\$ 1,709,008.30	\$ 53,900.00	\$ 1,655,108.30
Project Budget Expenses:	Line Item		Per Change Order	Total		
842-19-700-770.9500_840	Street Capital - CY23 Street Reconstruction	\$ 450,098.45		\$ 450,098.45		
842-19-700-770.9500_800	\$23M Bond FY24 - CY23 Street Reconstruction	\$ 700,000.00		\$ 700,000.00		
842-19-700-770.9500_100	TH Grant	\$ 200,000.00		\$ 200,000.00		
842-19-700-770.9500_840	Street Reconstruction 10% Contingency	\$ 135,009.85		\$ 135,009.85		
842-19-700-770.9500_840	Street Patching	\$ 170,000.00		\$ 170,000.00		
245-19-000.6300_182	Stormwater repair	\$ 19,600.00		\$ 19,600.00		
245-19-000.9500_110	Stormwater capital	\$ 24,400.00		\$ 24,400.00		
480-19-425-000.6300_152	Wastewater repair	\$ 5,000.00		\$ 5,000.00		
Fund 245 or 480 as needed	Water resources contingency	\$ 4,900.00		\$ 4,900.00		
	Current Project Expenses:	\$ 1,709,008.30	\$ -	\$ 1,709,008.30		

Board of Finance and City Council Submission ChecklistDepartment: Public Works Submitter: Phillip PetersonTitle/Subject: CY23 Paving Contract

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/14/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	3/15/2023	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/10/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	3/14/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	No	
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

MEMO

Date: March 15, 2023

To: Board of Finance / City Council

From: Jon Adams-Kollitz, Parks Project Coordinator; Sophie Sauvé, Parks Comprehensive Planner;
Cindi Wight, Director, Department of Parks, Recreation & Waterfront

Re: Oakledge Universally Accessible Playground Construction, Contract Amendments

I. Purpose

The Department of Parks, Recreation & Waterfront (BPRW) seeks approval and authorization to amend its contract agreement with Engineers Construction, Inc. (ECI) for an additional \$298,950, for a maximum limiting amount of \$1,004,388, for the construction of the Oakledge Universally Accessible Playground (OUAP) project. BPRW also seeks approval and authorization to amend its contract agreement with EIV Technical Services for an additional \$17,330, for a maximum limiting amount of \$98,248, for resident engineer services to oversee the construction of the OUAP.

II. Background

The scope of work in these contracts includes resident engineer services and the construction of the Oakledge Universally Accessible Playground (OUAP). For the playground to be universally accessible, significant earthwork was undertaken to eliminate the need for stairs or ladders on features such as an in-ground carousel. The project includes stormwater management to meet permitting requirements and the addition of new Americans with Disabilities Act (ADA)-compliant parking spaces. Paved paths will be added to/from the new parking area and from the lower pavilion to the playground and connecting the playground to the newly rehabilitated Greenway in Oakledge.

III. Process

When BPRW received the selected proposal bid from Engineers Construction Inc., it was beyond the project budget. BPRW, along with the project's designers at GroundView, with support from EIV and ECI, worked together to reduce the scope, without compromising the integrity of the project, nor the viability to add some components at a later date, such as the in-ground slide, should additional funding become available. More than three rounds of design revisions ensued, and construction started in earnest in the fall. During this time, BPRW successfully secured two additional grants (leveraging an additional \$50,000 of external funds) as well as requested and was granted permission by the Capital Committee, Board of Finance, and City Council, to use \$200,000 in bond funds towards the project. BPRW is also in active conversation with the State of Vermont's Land and Water Conservation Fund (LWCF) project administrator about securing additional funds for the project, given the increased costs of materials and labor since BPRW secured the grant for the playground at the end of 2020.

With the secured additional funds and with a spring construction restart imminent, BPRW has been working with both EIV and ECI on identifying elements that can be re-introduced into the project. The elements, which were value-engineered out of the project contract in the fall, were part of the overall original design that was thoroughly vetted with community partners at Oakledge for All throughout the 10 years of work on this project. Timing is optimal as crews will re-mobilize in the



coming weeks and are available to add essential elements that were removed early in the process to keep the project on schedule. Some of these elements include: adding in the family slide, installing the play equipment, and adding additional accessible parking and EV parking along the edge of the park. It also includes adding in additional connective paths to and from the playground to the restrooms and to the parking area. All these elements were part of the original plan and were removed due to funding constraints.

IV. Project Funding Sources, Budget, and Estimates

The OUAP Construction project funding sources are: Penny for Parks (PFP) and Park Impact Fees (PIF), bond funds, a grant from the State's LWCF, a grant from the Christopher and Dana Reeve Foundation, a grant from the State of Vermont Building and General Services, and donations raised by Oakledge for All (with the Parks Foundation acting as fiduciary representative).

BPRW is awaiting the sub-award from the State of Vermont for LWCF to seek BOF/CC approval to accept the grant for the project. The \$471,160 in grant funding is a reimbursable grant awarded by Vermont Forests, Parks and Recreation which will pay 50% of the awarded project costs. We have also requested additional funds from the State of Vermont in response to rising project costs since the grant was written in late 2020. If we receive additional grant funds, items that were removed from the scope of work will continue to be reconsidered as the budget allows. The LWCF grant also includes the renovation of the Lower Pavilion restrooms at Oakledge; a project that is in final design stages and which we aim to bid out this spring. The following chart details the project budget and anticipated costs in support of anticipated OUAP construction expenditures.

Oakledge Universally Accessible Playground Project	
Sources of Funds	
FY22 Penny for Parks	\$200,000
FY23 Park Impact Fee Funds	\$100,000
FY22 Bond	\$200,000
FY22 Bond – Playground Surfacing	\$80,000
OFA Fundraising – Donations	\$130,000
LWCF Grant (forthcoming- also a match for restroom renovations to be universally accessible at Oakledge)	\$471,160
Dana and Christopher Reeve Foundation – Quality of Life Grant	\$25,000
State of Vermont – Buildings and General Services Building Communities Grant	\$25,000
Total	\$1,231,160
Use of Funds - Phase 2 OUAP Construction Costs	
Contractor - Engineers Construction, Inc.	\$1,004,388
Resident Engineer - EIV Technical Services	\$98,918
Contingency – 5% (on above items)	\$55,165
Playground Equipment – Goric (already purchased and paid)	\$70,175



Total	\$1,228,645
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The contingency on the contract amounts listed above are intended to cover any unanticipated costs that may come up as part of the OUAP project.

V. SCHEDULE

The updated Construction schedule is as follows:

- April 2023: Construction resumes
- June 2023: Construction completed + Playground Opening

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council authorize the execution of a contract amendment with Engineers Construction, Inc. for a price not to exceed \$1,004,388 for the Oakledge Universally Accessible Playground Project, and the execution of a contract amendment with EIV Technical Services for a price not to exceed \$98,918, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract amendment and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

City Council Motion:

To approve and authorize the execution of a contract amendment with Engineers Construction, Inc. for a price not to exceed \$1,004,388 for the Oakledge Universally Accessible Playground Project, and the execution of a contract amendment with EIV Technical Services for a price not to exceed \$98,918, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

Board of Finance and City Council Submission ChecklistDepartment: Parks, Recreation and Waterfront Submitter: Sophie SauvéTitle/Subject: Oakledge Universally Accessible Playground Project Construction – Contract Amendments

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/14/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/14/2023	Click or tap here to enter text.
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Kyle Clauss
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.



To: Board of Finance
City Council

From: Megan Moir, Division Director - Water Resources

Cc: Chapin Spencer, DPW Director
Tony Berry, Human Resources Manager

Date: March 27, 2023

Subject: 1. Creation of 3 new Water Resources positions
2. Reclassification of 3 Water Resources positions
3. Reorganization of Water Resources Engineers, Asset Manager, Stormwater Manager, Distribution Staff and Water Resources GIS and Field Specialist.

EXECUTIVE SUMMARY

The Water Resources Division (WRD) of the Department of Public Works (DPW) requests Board of Finance and City Council approval for:

1. Creation of a Water Resources Risk and Resiliency Special Projects Engineer (Non-Union, Grade 23); and
2. Creation of a Director of Engineering and Operations (Non-Union, Grade 25); and
3. Creation of a Wastewater Plant Mechanic (AFSCME, Grade 17); and
4. The reclassification of the Senior Water Resources Engineer (Non-Union, Grade 22) to the Water Resources Engineering Manager (Non-Union, Grade 23);
5. The reclassification of the Water Resources Policy and Programs Manager (Non-Union, Grade 22) to the Water Resources Policy and Programs Advisor (Non-Union, Grade 21);
6. The reclassification of the Stormwater Program Coordinator (Non-Union, Grade 19) to the Stormwater Program Coordinator (Non-Union, Grade 21) and authorization of retroactive compensation;
7. The reorganization in reporting structure for the Water Resources GIS and Field Specialist, the Engineering/Asset Management, Stormwater and Distribution Teams.

Additional details are provided below in the background.

Funds for the reclassifications and for the creation of the Water Resources Risk and Resiliency Special Projects Engineer were included in the approved FY23 Water Resources budgets. There are sufficient funds from FY23 vacancy savings to fund the creation of the Director of Engineering and Operations position and the Wastewater Mechanic position in FY23. Furthermore, the impact of those positions will be budget neutral for the near term (FY24 and FY25) based on use of funds generated from a credit correction for the overcharge of the Water Resources Payment in Lieu of Taxes (PILOT) in FY22. Beyond FY25, the impact of the Director position is anticipated to be budget neutral due to an anticipated retirement in FY25 and subsequent dissolution of the Risk and Resiliency Special Projects position. The budget impact of the Wastewater Mechanic position beyond FY25 is not currently known given the shifting needs of the Wastewater organization.

BACKGROUND

When WRD last requested approval for staffing changes, we shared a number of details regarding the trajectory of the staffing of the Water Resources organization. In that November 14 and November 21 memo we touched upon the following:

- WRD represents three different public utilities - drinking water, wastewater and stormwater, each of which have their own infrastructure (including complex treatment plants which are industrial in nature) and which must be administered according to three different state and federal regulations. There have been additional regulatory burdens since 2016 in all three sectors.
- Compared the City's other public utility, Burlington Electric, Water Resources has consistently had much lower staffing levels (WRD FTEs < 50% of the # BED FTEs staff). Despite this, WRD has continued to meet regulatory obligations and provide critical 24-7 services of drinking water and wastewater.
- However, the increasing impacts of deferred maintenance and capital reinvestment, new regulatory burdens and a changing workforce have kept WRD staff in a fairly consistent state of overload.
- More staffing resources are needed in order to perform at the level that Burlington's residents and businesses deserve.
- Water Resources leadership's bandwidth is significantly overwhelmed and this impacts our ability to build a resilient and sustainable organization, let alone deal with the daily challenges at hand.
- The WRD last completed a staffing study in 2019 and has since implemented many (but not all) of the recommendations of Raftelis, the organizational consultant who performed the work. Even in the short time since 2019, workload has increased due to changing regulatory obligations, the increasing clarity around the magnitude of capital investments needed and numerous projects across the City which require WRD engagement.

To this end, Director of DPW Chapin Spencer and the Water Resources Division Director, with the support of the Mayor, have been evaluating possible staffing changes, including reorganization, reclassification and where prudent, addition of staff to meet WRD's growing challenges. The requests within this memo represent the next step in the shoring up of the Water Resources team and are focused on several of the technical and policy oriented needs of the Division as well as increasing capacity for the repair and maintenance needs of our aging Wastewater Plants and pump stations.

From staff's perspective, additional needs still remain, particularly related to operations and the continued ramp up to meet our capital investment needs. Before pursuing additional full time equivalents (FTEs) or other organizational changes, WRD is currently working with our original staffing consultant from 2019, Raftelis, to perform a review of those remaining needs given current City operational and capital investment needs. WRD has also asked Raftelis to complete a compensation study for several positions throughout WRD given on-going concerns about recruitment and retention of trained personnel in today's water resources labor market. We expect this work to be completed this spring. If warranted, the updated staffing review would inform potential additional positions in FY24 and 25. As part of the FY24 budget development, Director Spencer has indicated he

will be working with Human Resources reviewing the job descriptions and classification of DPW leadership overall as well as the Technical Services engineering team to maintain general parity among divisions.

Position job descriptions are in Attachment A and current and proposed organizational charts, reflecting the changes in reporting structure, are in Attachment B.

Changes impacting AFSCME members, including the creation of an additional AFSCME position and the reorganization of the Water Distribution work group to report to the Water Resources Director of Engineering and Operations were discussed with AFSCME.

SUMMARY OF ORGANIZATIONAL CHANGES

Creation of the Water Resources Risk and Resiliency Special Projects Engineer

This is a succession planning position related to the upcoming retirement (within 2.5 years) of the Senior Water Resources Engineer. This position will allow WRD and the City to benefit from the incumbent's decades of operational experience and excellent mentoring in all aspects of Water Resources. This position will allow the current employee to spend their remaining career guiding the next phase of generational drinking water capital improvements and ensuring that their knowledge is passed down to the rest of the WRD through improved documentation and operations training programs. It is expected that this unique transitional position will end when the current employee retires in FY25.

The HR Grading committee graded this position at a Non-Union, Grade 23.

Creation of the Director of Engineering and Operations and Reorganization of Workgroups

This position is paramount to improving the available bandwidth of the WR Division Director by 1) consolidating the number of directly reporting teams 2) formalizing coordination and support between the Engineering/Asset Management work group and the Water Distribution work group and the Engineering/Asset Management work group and the Stormwater Program and 3) increasing capacity for big picture technical decision making and process improvement within the organization. This position, together with the Director of Finance and Administration that was reclassified in November, forms the inner core of the Water Resources leadership team. Instead of reporting directly to the Division Director, the Engineering/Asset Management and the Distribution workgroup will report to the Director of Operations and Engineering, as will the Stormwater Program, which used to report to the Policy and Programs Manager. See Attachment B Current and Proposed Organizational Charts.

The HR Grading committee graded this position at a Non-Union Grade 25.

Creation of a Wastewater Plant Mechanic

There are currently two Wastewater Plant Mechanics for 3 Wastewater Treatment Plants and 25 Pump Stations. Given the last comprehensive upgrade to the plants was 30 years ago and much of the equipment is reaching end of life, the rate of failure of equipment continues to increase. This additional staff resource was identified in the Raftelis 2019 Staffing Study but was not implemented yet. Given the increasing rate of failure of equipment and the impending retirement of one of the two mechanics, addition of this position cannot be delayed any longer. Overall Wastewater Plant staffing will be reviewed by Raftelis. Long-term staffing needs will be

informed by anticipated increases in complexity of Main Plant's operation (due to the addition of tertiary treatment within the next 3 years) and the potential consolidation of East Plant's flow into Main Plant's system. Funding has been identified to support this position for the next 2 years, but longer term funding will depend on the ultimate level of staffing for Wastewater. This position is currently graded as an AFSCME Grade 17.

Upward Reclassification of the Senior Engineer to Engineering Manager

This position needs to place more emphasis on personnel management of the assigned work group and coordination with and support of other workgroups in Water Resources as well as more clear technical responsibilities related to review of subordinates design work and preliminary selection of engineering alternatives. As part of this reclassification and the large reorganization, the Water Resources GIS and Field Specialist will report to the Engineering Manager instead of the Policy and Programs Manager. As a result of these various changes in responsibility, the position was reclassified from a Non-Union Grade 22 to a Grade 23. As was mentioned above, DPW and Human Resources will be evaluating comparable positions in the DPW Technical Services Division as part of the FY24 budgeting process to determine whether adjustments are needed to maintain relative parity between the divisions.

Downward Reclassification of the Policy and Programs Manager to Policy and Programs Advisor

After this position became vacant in October 2022, WRD took some time to debrief on the success and challenges that this role experienced. It was quickly noted that 1) the larger Water Resources Policy and Program needs prevented the role from giving the City's Stormwater Utility the dedicated focus needed 2) the Policy and Programs role generally has to be supported by a technical or subject matter expert in order to be successful and 3) the position organically served a much larger outreach role and role on the WRD affordability programs than previously planned.

As a result of this review, the position was re-described to capture the above, including removing the oversight of the Stormwater Program and its Coordinator and the Water Resources GIS and Field Specialist from the role (See Reclassification of the Stormwater Program Coordinator). As a result, the position was reclassified from a Non-Union Grade 22 to a Grade 21.

Upward Reclassification of the Stormwater Program Coordinator to the Stormwater Program Manager

Based on the changes made to the Policy and Programs Manager (now Advisor) position, this position now brings back oversight of the Stormwater Program under one position. The Stormwater Program Manager position (Grade 21) existed until 2019 until its duties were split between the Policy and Programs Manager (Grade 22) and the current Stormwater Program Coordinator (Grade 19) position. The re-described position (largely the same as the pre-2019 version) was reclassified from the Non-Union Grade 18 to a Grade 21.

The current Stormwater Program Coordinator has been serving as the acting Stormwater Program Manager (expanded duties) since the departure of the Policy and Programs Manager. The employee has been working in this capacity since October 17, 2022.

Reorganization (Changes to Reporting Structure)

Please see the Current and Proposed Organization Charts in Attachment B for changes to the organizational reporting structure of the Water Resources Division.

BUDGET IMPACT

The City's Human Resources Department has reviewed the position descriptions, and determined the recommended pay scale for these positions as:

Table 1:

Position	Grade	Salary Impact ¹
Risk and Resiliency Special Projects Engineer (new, but will be filled internally)	Non-Union, Grade 23	\$100,594 ²
Director of Engineering and Operations (new)	Non-Union, Grade 25	\$90,423 to \$100,967
Wastewater Plant Mechanic (new)	AFSCME, Grade 17	\$60,792 to \$67,777
Senior Engineer to Engineering Manager (reclass, will be vacant)	Non-Union, Grade 23	-\$3,418 ³
Policy and Programs Manager to Advisor (reclass – currently vacant)	Non-Union, Grade 21	-\$5,766 ⁴
Stormwater Programs Coordinator to Manager (reclass, currently filled)	Non-Union, Grade 21	\$5,104 ⁵
Retroactive Pay for Stormwater Coordinator serving as Acting Stormwater Manager	Grade 19-9 acting as Grade 21-4	\$2,356 ⁶

The maximum impact of the above is \$267,974. The exact impact depends upon salaries of new hires.

Notes

- 1) Unless otherwise noted, salary shown is Step 1-7 within the grade.
- 2) Based on the grade of the employee who is transitioning to retirement (Grade 22-15) the step placement will be at Grade 23-15.
- 3) In FY23 budget as Grade 22, Step 15. Impact calculated based on maximum step placement of a new hire (whether internal or external) at Grade 23-7, which is actually a decrease in budget impact.
- 4) Vacant position. In FY23 budget as Grade 22 – 11. Impact calculated based on maximum step placement of Grade 21-7.
- 5) Incumbent at Grade 19 – 9. Impact calculated based on minimum 5% promotion rule (5.4.c of the Personnel Policy), placement at Grade 21-4.
- 6) 24 weeks of Stormwater Coordinator employee (Grade 19-9, pay rate = \$37.8948/hour) serving as acting Stormwater Program Manager (Grade 21-4, pay rate \$40.3487).

Funding for the Risk and Resiliency Special Projects Engineer and the maximum two months of a filled Director of Engineering and Operations position (assuming a potential internal hire) was included with the Division's approved FY23 Water, Wastewater and Stormwater budgets and has been incorporated into our future budget modeling, including benefits. There are sufficient unspent funds in the FY23 budget to fund the Wastewater Mechanic position if it is filled before FY24. The budget impact of the reclassifications, including retroactive payment, represents a small cost savings.

Funding for the Director of Engineering and Operations and the Wastewater Plant Mechanic are funded through FY25 through a combination of vacancy savings from FY23 (\$274,797) and through \$532,714 in funding available from a credit due to Water and Wastewater to correct the overpayment of Payment in Lieu of Taxes (PILOT) in FY22. The funding plan for FY26 and beyond will depend on the retirement date for the Risk and Resiliency

position (anticipated in fiscal year 2025) and on overall staffing levels in Wastewater which may fluctuate depending on the consolidation of Wastewater Plants. The funding plan for those two positions through FY25 is shown below.

Table 2:

<i>Costs</i>	<i>Amount</i>
2 years of Director of Engineering and Operations	\$307,731
2 years of Wastewater Plant Mechanic	\$221,902
Total	\$529,633

Costs above include salary placement at maximum step 7, medical, dental and life insurance (at Family rate, escalated 4% each year over FY23), retirement, COLA + Step increases for FY24 and FY25 and FICA.

Table 3:

<i>Funding</i>	<i>Amount</i>
Vacancy savings Risk and Resiliency position (FY23, 9 months)	\$97,982
Vacancy savings Policy and Programs Manager (FY23, 7 months, minus retroactive pay for the acting Manager)	\$75,895
Vacancy savings Accounting and Admin position (FY23, 9 months)	\$42,706
Vacancy savings Senior Financial and Admin Analyst (FY23, 9 months)	\$58,214
Total PILOT Credit due to overcharge in FY22	\$532,714
TOTAL Funding available	\$807,511

Vacancy savings includes savings due to salary, benefits and FICA. Vacancy savings for Accounting and Financial position is Water Resources portion (25% funded by Traffic and Parking).

Motions

Board of Finance Motion:

To recommend that City Council approve the:

- Creation of a Water Resources Risk and Resiliency Special Projects Engineer, a Regular, Full-time, Exempt, Non Union, Grade 23, position in the Department of Public Works
- Creation of an Director of Engineering and Operations , a Regular, Full-time, Exempt, Non Union, Grade 25, position in the Department of Public Works
- Creation of an Wastewater Plant Mechanic, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Department of Public Works
- Reclassification and retitling of the Senior Water Resources Engineer, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Engineering Manager, a Regular, Full-time, Exempt, Non Union, Grade 23 position in the Department of Public Works.
- Reclassification and retitling of the Water Resources Policy and Programs Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Policy and Programs Advisor, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works.

- Reclassification and retitling of the Stormwater Program Coordinator, a Regular, Full-time, Exempt, Non Union, Grade 19, to the Stormwater Program Manager, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works, retroactive to October 17, 2022; and, to authorize back wages to the incumbent in the amount of \$2355.73 in retroactive compensation.
- Reorganization of reporting structure for the Water Resources GIS and Field Specialist, a Regular, Full-time, Exempt, Non-Union, Grade 18 position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Engineering Manager, as further detailed in Attachment B.
- Reorganization of the reporting structure for the Engineering Manager, a Regular, Full-time, Exempt, Non-Union, Grade 23, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.
- Reorganization of the reporting structure for the Stormwater Program Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.
- Reorganization of the reporting structure for the Distribution Field Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.

City Council Motion:

To authorize and approve the:

- Creation of a Water Resources Risk and Resiliency Special Projects Engineer, a Regular, Full-time, Exempt, Non Union, Grade 23, position in the Department of Public Works
- Creation of an Director of Engineering and Operations , a Regular, Full-time, Exempt, Non Union, Grade 25, position in the Department of Public Works
- Creation of an Wastewater Plant Mechanic, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Department of Public Works
- Reclassification and retitling of the Senior Water Resources Engineer, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Engineering Manager, a Regular, Full-time, Exempt, Non Union, Grade 23 position in the Department of Public Works.
- Reclassification and retitling of the Water Resources Policy and Programs Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Policy and Programs Advisor, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works.
- Reclassification and retitling of the Stormwater Program Coordinator, a Regular, Full-time, Exempt, Non Union, Grade 19, to the Stormwater Program Manager, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works, retroactive to October 17, 2022; and, to authorize back wages to the incumbent in the amount of \$2355.73 in retroactive compensation.
- Reorganization of reporting structure for the Water Resources GIS and Field Specialist, a Regular, Full-time, Exempt, Non-Union, Grade 18 position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Engineering Manager, as further detailed in Attachment B.
- Reorganization of the reporting structure for the Engineering Manager, a Regular, Full-time, Exempt, Non-Union, Grade 23, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.

- Reorganization of the reporting structure for the Stormwater Program Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.
- Reorganization of the reporting structure for the Distribution Field Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.

Attachments:

- A. Job Descriptions
- B. Organizational Chart

Risk and Resiliency Special Projects Engineer
Page 1 of 4

NEW

City of Burlington Job Description

Position Title: Risk and Resiliency Special Projects Engineer

Department: Department of Public Works

Reports to: Division Director – Water Resources

Pay Grade: 23

Job Code: #####

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: This position is responsible for providing advanced operational and technical mentorship, training and documentation for the activities of the Water Resources Division and leading efforts and projects in support of minimizing risk and improving resiliency of the Drinking Water and Wastewater Treatment Systems. This is a succession planning position and will be eliminated once the incumbent retires.

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

- Mentorship and advanced troubleshooting - providing:
 - Direct support, as necessary, to the Water Resources Engineering Manager, the Director of Engineering and Operations and the Water and Wastewater Facilities Managers
 - Field-based and Water and Wastewater Plant Operations engineering knowledge to engineers and other technical staff
 - Advanced support and troubleshooting for Water, Wastewater and Stormwater Operations and Engineering
- Capital Projects
 - Provide project management for Water System risk and resiliency planning and capital projects
 - Emergency Response and Contingency Plans and Supporting Capital Projects
 - Reservoir Pump House
 - Clearwell Resiliency Project
 - Other high-priority projects as necessary to minimize risk and improve resiliency of the drinking water system such as enhanced real-time monitoring and plant automation.

Risk and Resiliency Special Projects Engineer

Page 2 of 4

- Provide guidance to the to the Burlington Wastewater Plant Comprehensive Upgrade project
- Training and Proficiency Program Development – collaborating with Wastewater and Drinking Water Facilities Managers:
 - Lead the development and implementation of training programs and materials for Water and Wastewater Operators and Mechanics, with an emphasis on operational troubleshooting and scenario exercises
 - Lead the development and implementation of a Water and Wastewater Operator and Mechanic proficiency training program
 - Lead the development and implementation of training programs and materials for Water Distribution and Meter shop personnel
- Standards, Procedures and Institutional Knowledge documentation
 - Lead update of Water Plant Operations and Maintenance Manual and Standard Operating Procedures
 - Lead update of Wastewater Plants Operations and Maintenance Manual and Standard Operating Procedures
 - Provide significant input in the update of Water Resources standard construction details and specifications.
 - Gather, organize, and electronically file historical technical documents, photos and plans previously generated
- Research
 - Investigate and document emerging research regarding advanced detection and treatment of Cyanobacteria
 - Investigate and document other topics as necessary to minimize risk and improve resiliency of the drinking water system to emerging threats
- Inquiry Management
 - Redirect inquiries and tasks not associated with the above tasks to the appropriate staff member, unless otherwise assigned

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in Civil Engineering with demonstrated experience in at least 2 of the following fields (Water supply, Wastewater Treatment/Collection, Stormwater Management).
- Vermont PE license
- Minimum 10 years of water resources engineering and operational experience working in Water Resources.
- Current Vermont State Water Operator License, Class 4C
- Current or previous holder of Grade 5 Wastewater Operator License

- Experience with municipal water resources (water, wastewater, stormwater) infrastructure planning, design, construction, operations preferred.
- Must have strong computer skills; demonstrated ability to effectively use computer equipment and related software; competent in use of Microsoft Office (Excel, Word, Powerpoint) and GIS (ArcGIS); demonstrated ability to use GPS hardware and software.
- Must have skill in public speaking with the ability to present public education programs.
- Must have the ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Must have the ability to exercise independent judgment within the limits of the position;
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Must be able to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to read, and analyze specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid Vermont State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Must be able to operate and have a general working knowledge of personal computers, tablet computers, smartphones, and other standard office devices.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 45 pounds)
x	hearing/listening	x	carrying (specify 10 pounds)
x	clear speech	x	climbing
x	touching	x	driving
	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic		pushing/pulling
x	reading – complex		shift work

Risk and Resiliency Special Projects Engineer

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

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created January 2023.

City of Burlington Job Description

Position Title: Director of Engineering and Operations– Water Resources

Department: Department of Public Works

Reports to: Division Director - Water Resources

Pay Grade: 25

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Under the general direction of the Division Director, plans, directs, manages and oversees the personnel, functions, priorities, programs and operations of the Engineering and Asset Management, Stormwater and Water Distribution Field Services teams. This includes providing technical leadership to the operations and capital planning and construction associated with Water Supply treatment/distribution, Wastewater treatment/collection and Stormwater management/collection. Ensures that the work of the assigned workgroups is being performed in compliance with State and Federal regulations, AWWA and City policies and standards. Acts as the Division Director in the absence of the Division Director.

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

Supervisory Duties

- Assumes management responsibility for all Engineering and Asset Management, Stormwater and Distribution functions, programs, operations, including planning, design, maintenance and construction of all infrastructure assigned to those teams.
 - Plans, directs and coordinates through team managers, the work plans and priorities of the Engineering and Asset Management, Stormwater and Distribution teams
 - Monitors workload and assigns projects and programmatic areas of responsibility
 - Integrates the work of the assigned teams
 - Reviews and evaluates work methods and procedures
 - Monitors and recommends solutions for addressing the training, equipment and staff resources needs of the assigned workgroups.
 - Meets with key staff to identify and resolve problems
 - Ensures adherence to the AFSCME contract for relevant personnel

- o Hires and supervises staff, provides development opportunities, ensures work is performed effectively and evaluates performance of the team managers in an objective and positive manner.
- Coordinates and ensures technical support of operations and capital planning and projects for the Wastewater and Drinking Water Treatment and Pumping Facilities through the assignment of Engineering and Planning team members
- Responsible for the technical coordination of assigned workgroups' activities with the DPW Technical Services Division and other City department construction activities.
- Responsible for monitoring and making recommendations regarding elements of Water Resources Division (WRD) work assigned to the Street Maintenance Division
- In collaboration with the Director of Finance and Administration, ensures assigned workgroups' activities are implemented in an efficient, effective and equitable manner for our Water Resource customers.
- Ensures timely completion of projects and work plans and adherence to project budgets for the assigned work groups.
- Ensures the compilation and maintenance of detailed records of WRD activities, plans, technical decisions, project outcomes and metrics and after-action reports.
- Provides day to day leadership and works with staff to ensure a high performance, customer service oriented, growth and learning focused work environment which supports the Department's mission.
- Ensures staff observe and comply with all City and OSHA mandated safety rules, regulations and protocols.
- Provides regular reports to the Division Director on the status of assigned workgroups' progress on work plans and project development and implementation.

Technical Analysis, Planning and Implementation

- Oversees the development and on-going maintenance of the Water, Wastewater and Stormwater collection system 5, 10 and 20 year capital plans, including system wide comprehensive "master" plans; planning for the drinking water and wastewater treatment facilities will be conducted in collaboration with the Drinking Water and Wastewater Facilities managers.
- Assists with developing proposals for revenue bonds to fund larger capital efforts.
- In collaboration with the Engineering Manager, Stormwater Program Manager and the Drinking Water and Wastewater Facility managers, recommends and directs the implementation of annual capital work plan for the Water, Wastewater and Stormwater systems.
- Oversees the development and implementation of annual preventative maintenance work plans for water distribution and the wastewater and stormwater collection systems.
- Exercises significant autonomous judgment on details of work and in making preliminary selections and adaptations of engineering alternatives.
- Oversees the procurement and use of on-call contractor contracts that support the operations of water, wastewater and stormwater functions

- Coordinates the technical activities of the Engineering and Asset Management and Stormwater Program workgroups related to implementation of the City's Combined Sewer Long Term Control and Integrated Water Quality Management Plans.

Policy, Procedures and Continuous Improvement

In support of achieving the DPW Mission of stewarding Burlington's infrastructure and environment by delivering efficient, effective and equitable public services:

- With the support of the Policy and Program Advisor, manages and directs the development, implementation and evaluation of short and long-term plans, policies, systems, business workflows and standard operating procedures related to the assigned workgroups to achieve annual goals, objectives and work standards. This includes activities related to:
 - Proper engineering design and construction of infrastructure
 - Long term asset management
 - Implementation of a comprehensive water resources project review for both public and private projects.
 - Protection of the environment and public health
 - Compliance with State and Federal Regulations and permits
- Support the Division Director in developing and advancing continuous improvement efforts towards the effective utility management principles of operational optimization, financial viability, customer satisfaction/stakeholder understanding and support, and employee leadership and development for the Engineering and Asset Management, Stormwater and Distribution workgroups. This includes, but is not limited to:
 - the development, measurement and tracking of appropriate key performance indicators (KPIs) for assigned functions
 - monitoring of industry trends and reporting on innovative ways to elevate the effectiveness of the Water Resources Utilities
- Recommends updates to the City's Chapter 26 and 31 code of ordinances as necessary and collaborates with the Policy and Programs Advisor to ensure the City's regulatory authority enables adherence to State and Federal regulations, AWWA and other engineering standards, Water Resource Division policies and Standard Operating Procedures.

Other duties:

- Provide support and/or management of special projects as assigned by the Division Director.
- Oversees compliance with City Procurement policy, contracting and risk management for all purchases and contracts related to assigned work groups
- Prepares written technical reports.
- Represents the city at various public forums.
- Prepares, submits and presents reports to the Mayor, City Council, Public Works Commission and other committees regarding assigned activities.
- Maintains accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in Civil Engineering or related field with demonstrated experience in at least 2 of the following fields (Water treatment/distribution, Wastewater Treatment/Collection, Stormwater Management). Additional experience may be substituted for a degree requirement on a two-for-one year basis.
- Vermont PE license strongly preferred.
- Minimum 10 years' progressive experience in the Water Resources Operations or Engineering field.
- Minimum 5 years in a supervisory role.
- Experience supervising Union staff preferred.
- Must have experience in project management, including developing and maintaining project budgets, schedules, procurement and project controls.
- Must have experience in water/wastewater/stormwater (or, at a minimum some combination of at least 2 of those areas, i.e. water/wastewater, wastewater/stormwater or water/stormwater) operations, design and/or construction administration/oversight project as a task manager or design/technical lead on a variety of projects.
- Preferred experience with municipal public works infrastructure planning, design, construction, operations.
- Preferred experience with Vermont State Revolving Fund loans
- Preferred functional understanding and experience with ArcGIS.
- Experience with interpreting the results of hydraulic and hydrologic models; preferred experience building, calibrating, operating KYPipe 2000 and PCSWMM models.
- Must have knowledge of methods, materials, procedures, and standard practices of construction, including public works projects; contract negotiation and administration;
- Must have strong computer skills; demonstrated ability to effectively use computer equipment and related software; competent in use of Microsoft Office Suite (Excel, Word, Powerpoint).
- Must have skill in public speaking with the ability to present public education programs
- Must have the ability to occasionally work beyond normal hours, at night or weekends, including ability to respond to emergencies and to travel to various seminars and conferences for the benefit of the Department.
- Must have the ability to exercise independent judgment within the limits of the position.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Must be able to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid Vermont State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Must be able to operate and have a general working knowledge of personal computers, telephone communications equipment and other standard office devices.

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

☒ seeing	☒ ability to move distances	☒ lifting (specify)
☒ color perception (red, green, amber)	within and between warehouses/offices	45__ pounds
☒ hearing/listening	☐ climbing	☒ carrying (specify)
☒ clear speech	☐ ability to mount and	45__ pounds
☒ touching	dismount forklift/truck	☒ driving (local/over the
☒ dexterity	☐ pushing/pulling	road) VTDL required
☒ hand		
☒ finger		
☐ reading - basic	☐ math skills - basic	☒ analysis/comprehension
☒ reading - complex	☒ math skills - complex	☒ judgment/decision-
☐ writing - basic	☒ clerical	making
☒ writing - complex		
☐ shift work	☒ outside	☐ pressurized equipment
☒ works alone	☒ extreme heat	☐ moving objects
☒ works with others	☒ extreme cold	☐ high places
☒ verbal contact w/others	☒ noise	☒ fumes/odors
☒ face-to-face contact	☒ mechanical equipment	☐ hazardous materials
☒ inside	☒ electrical equipment	☒ dirt/dust

Supervision:

Directly Supervises: 3 Indirectly Supervises: 13

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

City of Burlington Job Description

Position Title: Plant Mechanic - Wastewater

Department: Department of Public Works

Reports to: Senior Wastewater Mechanic

Pay Grade: 17

Job Code: 420

Exempt/Non-Exempt: Non- Exempt

Union: AFSCME

General Purpose: This position is responsible for performing preventative and corrective maintenance at any of the three wastewater treatment plants and pump stations. Also responsible for performing all general tasks involved in maintaining division operations and property.

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

- Assist Chief Operator in maintaining wastewater treatment plant, conventional activated sludge, anaerobic digesters, and chemical precipitation, biological nutrient removal, and storm water treatment.
- Maintain onsite stormwater treatment facility.
- Monitor and record data from wastewater equipment.
- Operate and perform light maintenance on sludge disposal tankers, as well as snow blowers, lawn mowers and other similar equipment.
- Operate pumps, valves, gates, engines and other machinery and equipment while performing maintenance.
- Perform preventative and corrective maintenance on all plant equipment including pump rebuilding, motor maintenance, lubrication, use of inspection equipment, cleaning equipment, and calibration of chemical feed pumps and controls.
- Ability to diagnose abnormalities in complex controls, including programmable logic controllers (PLCs) interface and interlocked control schemes.
- Fill out daily operating sheets, preventative maintenance logs, safety and training logs, and inspection logs.
- Follow written safety compliance procedures including but not limited to Lockout/Tagout and Permit Confined Space entry.
- Compliance with NFPA 70E.
- Observe, report and assist with maintenance or other correction of abnormal conditions within mechanical processes, including safe working conditions.
- Perform building and grounds custodial duties.

- Participate in formalized training courses for fulfillment of state, federal or job requirements.
- Response to emergencies on weekends/evenings expected.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- High school diploma or equivalent required.
- Completion of mechanical or electrical program at a two (2) year technical college and 1 year experience in a wastewater plant performing preventative and corrective maintenance preferred OR three (3) years working in a wastewater plant or similar industrial or production setting, performing preventative and corrective maintenance or a combination of relevant education and experience preferred. Equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position is required.
- Ability to obtain a Grade 1 DM Wastewater certification for the State of Vermont within eighteen (18) months from date of hire required. Higher Grade DM Wastewater certifications are strongly encouraged.
- Previous experience with programmable logic controllers (PLCs) and variable frequency drives (VFDs) preferred.
- Journeyman or Master Electrician preferred.
- Ability to obtain Forklift Operator certification required.
- Demonstrated ability to perform physical aspects of position.
- Valid Vermont State Driver's license.
- Ability to maintain and evaluate simple records and to interpret blueprints and electrical diagrams.
- Ability to maintain effective work relationships with other staff members.
- Ability to perform electrical and mechanical maintenance.
- Ability to comprehend and carry out written, oral and diagrammatic instructions.
- Ability to diagnose complex abnormalities in mechanical and electrical systems, including chemical dosing pumps and controls.
- Ability to perform ordinary arithmetic calculations involving decimals and fractions.
- Satisfactory completion of training courses in mechanical/electrical maintenance fields required.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

☒ seeing	☒ ability to move distances	☒ lifting (specify)
☒ color perception (red, green, amber)	within and between warehouses/offices	☒ 50-75 pounds
☒ hearing/listening	☒ climbing	☒ carrying (specify)
☒ clear speech	☒ ability to mount and	☒ 50-75 pounds
☒ touching	dismount forklift/truck	☒ driving (local/over the road)
☒ dexterity	☒ pushing/pulling	
☒ hand		
☒ finger		
☐ reading - basic	☐ math skills - basic	☒ analysis/comprehension
☒ reading - complex	☒ math skills - complex	☒ judgment/decision
☐ writing - basic	☒ clerical	making
☒ writing - complex		
☐ shift work	☒ outside	☒ pressurized equipment
☒ works alone	☒ extreme heat	☒ moving objects
☒ works with others	☒ extreme cold	☒ high places
☒ verbal contact w/others	☒ noise	☒ fumes/odors
☒ face-to-face contact	☒ mechanical equipment	☒ hazardous materials
☒ inside	☒ electrical equipment	☒ dirt/dust

Supervision:Directly Supervises: 0Indirectly Supervises: 0**Disclaimer:**

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

(revised 12/2003; final draft and sent to union 2/26/04; final 3/12/04. Revised October 2015.
Revised January 2016, Revised May 2016)

City of Burlington Job Description

Position Title: ~~Senior Public Works~~ Engineering Manager – Water Resources

Department: Department of Public Works

CLEAN version follows

Reports to: ~~Assistant Director DPW Water Resources~~ Director of Engineering and Operations

Pay Grade: ~~22-23~~

Job Code: 1271

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Provides technical leadership, ~~and~~ engineering oversight, ~~and personnel management~~ to the ~~engineering and asset management personnel supporting the~~ operations and capital planning and improvements associated with Water Supply treatment/distribution, Wastewater treatment/collection and Stormwater management/collection.

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

- ~~Selects and supervises Engineering and Asset Management workgroup staff, provides development opportunities, ensures work is performed effectively and evaluates performance of staff in an objective and positive manner.~~
- ~~Responsible for the assignment and coordination of water resources technical support within the Engineering and Asset Management team; ensures proper resourcing of projects and adherence to project schedules based on priorities established in consultation with the Director of Operations and Engineering and the Division Director.~~
- ~~Responsible for the development and maintenance of Water Resources standard construction details and specifications and collaborates with others in the Department of Public Works~~
- ~~Oversees the preparation of and reviews and approves plans, specifications, specifications, cost estimates, requests for proposals and other contract documents for Works on~~ large, complex Water / Wastewater / Stormwater design engineering and construction projects
- ~~Responsible for the final QA/QC review of production of~~ design calculations, technical reports, permitting, detailed design and engineering plans and specifications for Water / Wastewater / Stormwater projects including; plant upgrades, storage facilities, pipelines, pump stations, distribution / collection systems, water/wastewater treatment systems, and stormwater management practices including green infrastructure practices.
- ~~With the support of the assigned personnel, provides significant input into the Responsible for~~ Capital Improvement Planning for Water supply treatment/distribution, Wastewater treatment/collection and Stormwater management/collection systems.

- Will exercise judgement on details of work and in making preliminary selections and adaptations of engineering alternatives; makes recommendations to the Director of Operations and Engineering and the Division Director.
- Ensures the accurate and timely completion of comprehensive engineering review of all public and private development projects
- Coordinates the selection of consulting engineers; negotiates the scope of services and fees with consultants and suppliers; supports the engineers in the coordination and technical oversight coordination of consultants engaged in the engineering design and resident engineering inspection of water, wastewater, stormwater treatment and conveyance
- Works with developers, contractors, engineers and others regarding unusual design and construction challenges.
- ~~Develops plans, specifications, requests for proposals, and other contract documents for large, complex Water/Wastewater/Stormwater projects.~~
- Coordinates the Provides technical support to the Stormwater Program in the identification, design and construction of large/complex green infrastructure stormwater practices to improve water quality and reduce water quantity discharge to the collection system.
- Coordinates technical support for support for Water Distribution, Water Production, Wastewater Treatment and Pumping as assigned by the Director of Operations and Engineering.
- In collaboration with the Director of Finance and Administration, ensures accurate and detailed project financial management of workgroups' assigned projects in compliance with established workflows.
- ~~_____~~
- ~~Serves as task manager on large/complex projects to manage task related budgets and schedules, lead task deliverables, and assists with the development and management of plans, permit checklists and scopes of work.~~
- ~~Manages the production of engineering and construction drawings, specifications, bid packages, and cost estimates for large, complex projects.~~
- Seeks consultation from City Engineer as indicated by project complexity or implications for other City infrastructure or slope stability.
- ~~Meets periodically or as needed with~~ Together with the Director of Operations, Ensures the consistent and efficient coordination of Water Resources projects within the assigned workgroup with DPW Technical Services right of way/streetscape projects. City Engineer to review Water Resource Division projects.
- Oversees and provides QA/QC for Conducts computer modeling (PCSWMM, KYPipe2000) related to water resources.
- Prepares written technical reports.
- ~~Will exercise their own judgment on details of work and in making preliminary selections and adaptations of engineering alternatives.~~
- Provides support to Water Resources asset management plan compliance.
- May be required, as necessary, to perform the duties of Engineering and Asset Management subordinates.

- Represents the city at various public forums.
- Prepares, submits and presents reports to the Mayor, City Council, Public Works Commission and other committees regarding assigned activities.
- ~~• Provides technical and management oversight to Water Resources Public Works Engineer.~~
- Ensures staff observe and comply with all City and OSHA safety rules, regulations and protocols.
- Maintains accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in Civil Engineering with demonstrated experience in at least 2 of the following fields (Water supply, Wastewater Treatment/Collection, Stormwater Management). Additional experience may be substituted for a degree requirement on a two-for-one year basis.
- Vermont PE license or other State license with ability to obtain Vermont PE within 6 months of hire.
- ~~• Minimum 10 years of~~ experience in the Water Resources Engineering field.
- Minimum 3 years of experience in a supervisory or team lead role, including experience leading small teams strongly preferred.
- Functional understanding and experience with AutoCad.
- Must have experience in project management, including developing and maintaining project budgets, schedules, procurement and project controls.
- Must have experience in water/wastewater/stormwater (or, at a minimum some combination of at least 2 of those areas, i.e. water/wastewater, wastewater/stormwater or water/stormwater) design and construction administration/oversight project as a task manager or design/technical lead on a variety of projects.
- Preferred experience with municipal public works infrastructure planning, design, construction, operations.
- Preferred functional understanding and experience with ArcGIS.
- Must have experience operating hydraulic and hydrologic models; preferred experience building, calibrating, operating KYPipe 2000 and PCSWMM models.
- Must have knowledge of methods, materials, procedures, and standard practices of construction, including public works projects; contract negotiation and administration;
- ~~• Must have strong computer skills; demonstrated ability to effectively use computer equipment and related software; competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher).~~
- Excellent written and verbal communication skills, including experience with ~~Must have skill in~~ public speaking ~~with the~~ and the ability to present public education programs
- Must have the ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.

- Must have the ability to exercise independent judgment within the limits of the position.
- Ability to delegate, direct and review the work of subordinate staff and the ability to train staff in engineering and construction principles and City workflows and procedures.
- Ability to communicate professionally and diplomatically with other DPW Divisions, City Departments, contractors and the public regarding the various projects under development and construction.
- ~~Must be able to handle various projects at the same time, work effectively under pressure and keep schedule on track.~~
- Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid Vermont State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Strong problem solving and organizational skills required.
- Ability to be flexible and able to handle multiple tasks concurrently.
- Ability to meet schedules and deadlines.
- Ability to work independently and in a team environment.
- Must be able to operate and have a general working knowledge of personal computers, telephone communications equipment and other standard office devices.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- Must have strong computer skills; demonstrated ability to effectively use computer equipment and related software; competent in use of Microsoft Office Suite (Excel, Word, Powerpoint., Publisher).
-

Physical & Mental/Reasoning Requirements; Work Environment:

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

<u> x </u> seeing	<u> </u> ability to move distances	<u> X </u> lifting (specify)
<u> x </u> color perception (red, green, amber)	within and between warehouses/offices	45 <u> </u> pounds
<u> x </u> hearing/listening	<u> </u> climbing	<u> X </u> carrying (specify)
<u> x </u> clear speech	<u> </u> ability to mount and	45 <u> </u> pounds
<u> x </u> touching	dismount forklift/truck	<u> x </u> driving (local/over the
<u> </u> <u> x </u> dexterity	<u> </u> pushing/pulling	road) VTDL required
<u> </u> <u> x </u> hand		

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

Supervision:

Directly Supervises: ~~4~~5 Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created June 2015. Revised March 2023.

City of Burlington Job Description

Position Title: Engineering Manager – Water Resources

Department: Department of Public Works

Reports to: Director of Engineering and Operations

Pay Grade: 23

Job Code: 1271

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Provides technical leadership, engineering oversight, and personnel management to the engineering and asset management personnel supporting the operations and capital planning and improvements associated with Water Supply treatment/distribution, Wastewater treatment/collection and Stormwater management/collection.

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

- Selects and supervises Engineering and Asset Management workgroup staff, provides development opportunities, ensures work is performed effectively and evaluates performance of staff in an objective and positive manner.
- Responsible for the assignment and coordination of water resources technical support within the Engineering and Asset Management team; ensures proper resourcing of projects and adherence to project schedules based on priorities established in consultation with the Director of Operations and Engineering and the Division Director.
- Responsible for the development and maintenance of Water Resources standard construction details and specifications and collaborates with others in the Department of Public Works
- Oversees the preparation of and reviews and approves plans, specifications, cost estimates, requests for proposals and other contract documents for large, complex Water / Wastewater / Stormwater design engineering and construction projects
- Responsible for the final QA/QC review of design calculations, technical reports, permitting, detailed design and engineering plans and specifications for Water / Wastewater / Stormwater projects including; plant upgrades, storage facilities, pipelines, pump stations, distribution / collection systems, water/wastewater treatment systems, and stormwater management practices including green infrastructure practices.
- With the support of the assigned personnel, provides significant input into the Capital Improvement Planning for Water supply treatment/distribution, Wastewater treatment/collection and Stormwater management/collection systems.

- Will exercise judgement on details of work and in making preliminary selections and adaptations of engineering alternatives; makes recommendations to the Director of Operations and Engineering and the Division Director.
- Ensures the accurate and timely completion of comprehensive engineering review of all public and private development projects
- Coordinates the selection of consulting engineers; negotiates the scope of services and fees with consultants and suppliers; supports the engineers in the coordination and technical oversight coordination of consultants engaged in the engineering design and resident engineering inspection of water, wastewater, stormwater treatment and conveyance
- Works with developers, contractors, engineers and others regarding unusual design and construction challenges.
- Coordinates the technical support to the Stormwater Program in the identification, design and construction of large/complex green infrastructure stormwater practices to improve water quality and reduce water quantity discharge to the collection system.
- Coordinates technical support for support for Water Distribution, Water Production, Wastewater Treatment and Pumping as assigned by the Director of Operations and Engineering.
- In collaboration with the Director of Finance and Administration, ensures accurate and detailed project financial management of workgroup's assigned projects in compliance with established workflows.
- Seeks consultation from City Engineer as indicated by project complexity or implications for other City infrastructure or slope stability.
- Together with the Director of Operations, Ensures the consistent and efficient coordination of Water Resources projects within the assigned workgroup with DPW Technical Services right of way/streetscape projects. Oversees and provides QA/QC for computer modeling (PCSWMM, KYPipe2000) related to water resources.
- Prepares written technical reports.
- Provides support to Water Resources asset management plan compliance.
- May be required, as necessary, to perform the duties of Engineering and Asset Management subordinates.
- Represents the city at various public forums.
- Prepares, submits and presents reports to the Mayor, City Council, Public Works Commission and other committees regarding assigned activities.
- Ensures staff observe and comply with all City and OSHA safety rules, regulations and protocols.
- Maintains accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in Civil Engineering with demonstrated experience in at least 2 of the following fields (Water supply, Wastewater Treatment/Collection, Stormwater

Management). Additional experience may be substituted for a degree requirement on a two-for-one year basis.

- Vermont PE license or other State license with ability to obtain Vermont PE within 6 months of hire.
- Minimum 10 years of experience in the Water Resources Engineering field.
- Minimum 3 years of experience in a supervisory or team lead role, including experience leading small teams strongly preferred.
- Functional understanding and experience with AutoCad.
- Must have experience in project management, including developing and maintaining project budgets, schedules, procurement and project controls.
- Must have experience in water/wastewater/stormwater (or, at a minimum some combination of at least 2 of those areas, i.e. water/wastewater, wastewater/stormwater or water/stormwater) design and construction administration/oversight project as a task manager or design/technical lead on a variety of projects.
- Preferred experience with municipal public works infrastructure planning, design, construction, operations.
- Preferred functional understanding and experience with ArcGIS.
- Must have experience operating hydraulic and hydrologic models; preferred experience building, calibrating, operating KYPipe 2000 and PCSWMM models.
- Must have knowledge of methods, materials, procedures, and standard practices of construction, including public works projects; contract negotiation and administration;
- Excellent written and verbal communication skills, including experience with public speaking and the ability to present public education programs
- Must have the ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Must have the ability to exercise independent judgment within the limits of the position.
- Ability to delegate, direct and review the work of subordinate staff and the ability to train staff in engineering and construction principles and City workflows and procedures.
- Ability to communicate professionally and diplomatically with other DPW Divisions, City Departments, contractors and the public regarding the various projects under development and construction.
- Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid Vermont State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Strong problem solving and organizational skills required.
- Ability to be flexible and able to handle multiple tasks concurrently.
- Ability to meet schedules and deadlines.
- Ability to work independently and in a team environment.
- Must be able to operate and have a general working knowledge of personal computers, telephone communications equipment and other standard office devices.

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- Must have strong computer skills; demonstrated ability to effectively use computer equipment and related software; competent in use of Microsoft Office Suite (Excel, Word, Powerpoint.).

Physical & Mental/Reasoning Requirements; Work Environment:

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

☒ seeing	☐ ability to move distances	☒ lifting (specify)
☒ color perception (red, green, amber)	☐ within and between warehouses/offices	45__ pounds
☒ hearing/listening	☐ climbing	☒ carrying (specify)
☒ clear speech	☐ ability to mount and	45__ pounds
☒ touching	☐ dismount forklift/truck	☒ driving (local/over the road) VTDL required
☒ dexterity	☐ pushing/pulling	
☒ hand		
☒ finger		
☐ reading - basic	☐ math skills - basic	☒ analysis/comprehension
☒ reading - complex	☒ math skills - complex	☒ judgment/decision-
☐ writing - basic	☒ clerical	making
☒ writing - complex		
☐ shift work	☒ outside	☐ pressurized equipment
☒ works alone	☒ extreme heat	☐ moving objects
☒ works with others	☒ extreme cold	☐ high places
☒ verbal contact w/others	☒ noise	☐ fumes/odors
☒ face-to-face contact	☒ mechanical equipment	☐ hazardous materials
☒ inside	☒ electrical equipment	☐ dirt/dust

Supervision:

Directly Supervises: 5

Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created June 2015. Revised March 2023.

City of Burlington Job Description

Position Title: Water Resources Policy and Programs ~~Manager~~ Advisor

Department: Department of Public Works

CLEAN Version follows

Reports to: Division Director -- Water Resources

Pay Grade: 2221

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: This position leads the implementation of Water Resources Outreach and Affordability programs and develops business processes, and regulatory frameworks and innovative approaches to support Provides leadership to the City's Stormwater Program and develops and implements of Water Resources Regulatory Compliance program. Additionally, the position is responsible for monitoring Water Resource related state and federal legislative or policy evolution and for and Innovation Programs, identifying related risks and opportunities p for the Water Resources Division. Supervises the Stormwater Coordinator. As a member of the water resources senior leadership team, this position will advise the Division Director of Water Resources regarding continuous improvement strategies around the regulatory and technically oriented programmatic aspects of the Water Resources utilities.

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

- ~~Supervisory~~

- ~~Plan, direct and monitor the work of the Stormwater Program Coordinator and oversee the work of the water resources interns.~~
- ~~Provide employee technical training, employee engagement and leadership development opportunities, mentoring, assistance with problem resolution, and regular performance evaluations to the positions. Implement personnel actions as necessary in collaboration with Division Director and Human Resources.~~
- ~~Ensure adherence to Departmental Safety procedures, protocols and training schedules at all times.~~

- ~~Stormwater Program Oversight~~

- ~~Prepare and recommend annual and long term capital planning Stormwater budgets to the Division Director. Monitor annual budget expenses and propose budget amendments as necessary.~~
- ~~Responsible for annual and long term stormwater and wet weather capital plans, with input from the Stormwater Coordinator and Water Resources Engineering~~
- ~~Oversee the annual Stormwater maintenance/repair work plan and assist in~~

- ~~programming internal construction forces and procuring external construction forces.~~
- ~~○ Provide Chapter 26 Stormwater regulatory review for large, complex projects as necessary.~~
- ~~○ Oversee compliance and reporting related to the City's Municipal Separate Storm Sewer System (MS4) permit.~~
- ~~○ Responsible for overseeing compliance and reporting related to Long Term Control Plan (LTCP) development required by the 1272 Order issued by the Agency of Natural Resources and the Vermont Combined Sewer Overflow Policy.~~
- ~~○ In collaboration with the Division Director and the DPW Public Information Manager, prepare press releases and other communication related to stormwater or wet weather related projects, grant funding or incidents.~~

- **Water Resources Policy and Regulatory ~~and~~ Innovation Programs**

- ~~○ Promote equitable access to Water Resources utility services through the management, promotion and enhancement of the Water Resources Affordability and Rebate Programs and other affordability programs available at the local, State and Federal levels. Local Affordability and Rebate Programs currently include:~~
 - ~~▪ Low Income Discount~~
 - ~~▪ Senior Discount~~
 - ~~▪ Non-profit low income or senior housing discount~~
 - ~~▪ Sewer videoing rebate~~
 - ~~▪ Water Sense fixture rebate~~
 - ~~▪ Blue BTV – Residential property assessment and rebate program~~
- ~~○ Track water resources related State and Federal legislativeion and and Vermont and federal policy updates and communicates potential opportunities and risks to the Division Director. Participate in the development of feedback and testimony.~~
- Lead the development and~~Develop and oversee~~ implementation of effective, efficient and customer care oriented operations and business processes, including record keeping, for thefor the following technical programs throughout Water, Wastewater and Stormwater:
 - ~~▪ All aspects of the State mandated Stormwater Program~~
 - Backflow prevention
 - Industrial pollution prevention
 - ~~▪ Commercial and Residential Stormwater retrofit grant programs~~
 - Fats, Rags, Oils, and Grease (FROG) Program
 - Comprehensive Water Resources (Water, Wastewater and Stormwater) review of public and private projects, with goal of achieving ~~(including receiving~~ delegated authority from the State for Water, Wastewater and Stormwater permitting
- 
 - ~~▪ Develop the strategy and ensures service delivery through the Stormwater Coordinator program and other divisions or City departments where appropriate for non structural stormwater management programs including: residential leaf pickup, street sweeping, and all other programs established under the City's Integrated Water Quality Plan~~
- Develop and standardize procedures (SOPs) and methods to clearly communicate

- o programmatic business processes to Water Resources employees and the public, to track implementation efforts and where necessary, pursue enforcement.
 - o Continuously monitor the efficiency and effectiveness of water resources regulatory, outreach and affordability and innovation programs, service delivery methods, and procedures; identifies opportunities for improvement and recommends to the Division Director.
 - o Identify and develop additional innovations and programs necessary to meet Water Resources regulatory requirements and water quality protection goals.
 - o After consultation with the ~~Coordinate with the~~ Division Director, ~~Director of Operations, and~~ Director of Finance, Customer Care and Administration, and the Stormwater Program Manager, then leads updates related to regulatory or programmatic authority to the City's Chapter 26 and Chapter 31 Ordinances as necessary.
 - o Responsible for tracking, compliance and reporting on the City's Combined Sewer Overflow Long Term Control Plan and Integrated Water Quality Plan, with support for technical needs from the Director of Operations and Engineering.
- ~~o Develop, implement and maintain business processes related to comprehensive private project development review for water, wastewater, and stormwater.~~
 - ~~o Develop and oversee water quality sampling and reporting programs as necessary to ensure ongoing compliance with permits and other regulatory requirements.~~
- **Outreach Program**
 - o Leads educational outreach efforts for the Water Resources Division including quarterly newsletter, FAQs, informational one pagers, technical assistance guides, and visuals for public meetings and outreach.
 - o Maintains Water Resources presence on the web and in social media in coordination with DPW's Public Information Manager, including collaborating with project managers on project summaries and updates.
 - o Collaborates with the Drinking Water Facilities, Wastewater Facilities and Stormwater Program Managers and then organizes and promotes public tours and other opportunities to engage the public in the importance of the Water Resources Division work.
- **Continuous Improvement**
 - o ~~Coordinate with the Division Director and then lead in the tracking and reporting of:~~
 - ~~▪ Operational metrics~~
 - ~~▪ Implementation of Integrated Water Quality Planning progress~~
 - ~~▪ Implementation of the Long Term Control Plan (LTCP) for combined sewer overflows, including oversight and coordination with water program staff following CSO events, to ensure quality, timely data collection and analysis.~~
 - ~~Support the Division Director in developing and advancing continuous improvement efforts towards effective utility management principles including product quality, operational optimization, customer satisfaction/stakeholder understanding and support, employee leadership and development, infrastructure strategy and performance, community sustainability and water resource sustainability.~~

- **Other Duties:**

- o ~~Supports the Director of Operations and other Water Resources staff with Track water resources related legislative and Vermont and federal policy updates and communicates potential opportunities and risks to Division Director. Participate in the development of feedback and testimony creation of Memorandums of Understanding and other legal documents to codify ownership, roles and responsibilities between the City and private properties or for other special situations.~~
- o ~~Identifies relevant grant opportunities, submits grant applications and manages grant funded projects for the Division.~~
- o ~~Develops and implements internship program(s), ensuring on-going supervision and engagement of the interns(s)~~
- o Provide support and/or management of special projects as assigned by the Division Director.
- o Represent the City at various public forums including Board of Finance and City Council, as well as stakeholder outreach and engagement or education events.
- o Prepare, submit and present reports to the Mayor, City Council, Public Works Commission and other committees regarding assigned activities.
- o —
- o ~~Ensure compliance of expenditures related to assigned activities with City purchasing policy, ordinances and risk management/contracting procedures.~~

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree from an accredited educational institution with applicable coursework/degrees in Hydrology, ~~Geography~~, Environmental Engineering, Civil Engineering, Environmental Science, Environmental Policy, Environmental Law and/or Public Administration. Masters strongly preferred. ~~and/or GIS.~~
- Minimum of ~~four~~ three (34) years of experience ~~in a in municipal environment implementation of implementing municipal in~~ stormwater and/or combined sewer wet-weather management, industrial pollution prevention, backflow prevention and/or other water resource/water quality compliance programs or equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position.
- Experience across multiple water resources systems, Drinking Water, Wastewater and Stormwater, is preferred.
- Experience in the municipal environment is preferred.
- ~~Minimum one (1) year's supervisory experience.~~
- Ability to understand and apply knowledge of the environmental regulations associated with Drinking Water, Wastewater, and Stormwater in the State of Vermont.

- Demonstrated experience with policy, procedure and programmatic development and implementation work flow or business process mapping required. Experience with workflow optimization models such as LEAN preferred.
- Demonstrated experience with collaborating on continuous improvement opportunities with multiple, diverse work groups.
- ~~Demonstrated experience in developing and implementing watershed planning that includes implementation of both grey and green stormwater infrastructure and use of structural and non-structural best management practices required.~~
- Ability to monitor and guide internship improve employee experience, including performance through coaching, employee development/training and performance evaluations.
- Experience in project budget preparation and maintenance is preferred.
- ~~Experience with project management, including the development of project scopes, budgets, schedules, procurement and project construction oversight preferred.~~
- ~~Strong knowledge of and experience with erosion prevention and sediment control operations and post-construction stormwater management and with an emphasis on green stormwater infrastructure techniques, including the preparation and/or review of plans and the performance of field inspections to ensure compliance with plans preferred.~~
~~Experience with combined sewer systems and wet weather mitigation strategies preferred.~~
- ~~Knowledge of the working principles of Asset Management and experience with formal asset management planning and implementation (levels of service, asset inventories, condition assessments, inspections, risk assessments, life cycle costing and budgeting) for stormwater infrastructure preferred.~~
- ~~Experience with utilities/roadway infrastructure in the public or private sector is preferred.~~
- Ability to speak publicly to present public education programs.
- Demonstrated ability to effectively use computer equipment and related software including, but not limited to, competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher), and GIS (ArcGIS Online, graphic design/publishing platforms, and familiarity with or ability to learn web page content/design.)
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to exercise independent judgment and problem solving within the limits of the position.
- ~~Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.~~
- Ability to prepare and administer contracts.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Ability to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to establish and maintain good relations with their/his/her co-workers.
- Ability to obtain and maintain a valid State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.

- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 20 pounds)
x	hearing/listening	x	carrying (specify 20 pounds)
x	clear speech		climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic		pushing/pulling
x	reading – complex		shift work
	math skills – basic	x	moving objects
x	math skills – complex		pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension		high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 1-03

Indirectly Supervises: 30

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created March 2019. [Revised January 2023.](#)

City of Burlington Job Description

Position Title: Water Resources Policy and Programs Advisor

Department: Department of Public Works

Reports to: Division Director - Water Resources

Pay Grade: 21

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: This position leads the implementation of Water Resources Outreach and Affordability programs and develops business processes, regulatory frameworks and innovative approaches to support Water Resources Regulatory Compliance program. Additionally, the position is responsible for monitoring Water Resource related state and federal legislative or policy evolution and for identifying related risks and opportunities for the Water Resources Division.

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

- **Water Resources Policy and Regulatory Programs**
 - Promote equitable access to Water Resources utility services through the management, promotion and enhancement of the Water Resources Affordability and Rebate Programs and other affordability programs available at the local, State and Federal levels. Local Affordability and Rebate Programs currently include:
 - Low Income Discount
 - Senior Discount
 - Non-profit low income or senior housing discount
 - Sewer videoing rebate
 - Water Sense fixture rebate
 - Blue BTV – Residential property assessment and rebate program
 - Track water resources related State and Federal legislation and policy and communicates potential opportunities and risks to the Division Director. Participate in the development of feedback and testimony.
 - Lead the development and implementation of effective, efficient and customer care oriented operations and business processes, including record keeping, for the following technical programs throughout Water, Wastewater and Stormwater:
 - Backflow prevention
 - Industrial pollution prevention
 - Fats, Rags, Oils, and Grease (FROG) Program

- Comprehensive Water Resources (Water, Wastewater and Stormwater) review of public and private projects, with goal of achieving delegated authority from the State for Water, Wastewater and Stormwater permitting
 - Develop and standardize procedures (SOPs) and methods to clearly communicate programmatic business processes to Water Resources employees and the public, to track implementation efforts and where necessary, pursue enforcement.
 - Continuously monitor the efficiency and effectiveness of water resources regulatory, outreach and affordability programs, service delivery methods, and procedures; identifies opportunities for improvement and recommends to the Division Director.
 - Identify and develop additional innovations and programs necessary to meet Water Resources regulatory requirements and water quality protection goals.
 - After consultation with the Division Director, Director of Operations, Director of Finance, Customer Care and Administration, and the Stormwater Program Manager, leads updates related to regulatory or programmatic authority to the City's Chapter 26 and Chapter 31 Ordinances as necessary.
 - Responsible for tracking, compliance and reporting on the City's Combined Sewer Overflow Long Term Control Plan and Integrated Water Quality Plan, with support for technical needs from the Director of Operations and Engineering.
- **Outreach Program**
 - Leads educational outreach efforts for the Water Resources Division including quarterly newsletter, FAQs, informational one pagers, technical assistance guides, and visuals for public meetings and outreach.
 - Maintains Water Resources presence on the web and in social media in coordination with DPW's Public Information Manager, including collaborating with project managers on project summaries and updates.
 - Collaborates with the Drinking Water Facilities, Wastewater Facilities and Stormwater Program Managers and then organizes and promotes public tours and other opportunities to engage the public in the importance of the Water Resources Division work.
- **Other Duties:**
 - Supports the Director of Operations and other Water Resources staff with creation of Memorandums of Understanding and other legal documents to codify ownership, roles and responsibilities between the City and private properties or for other special situations.
 - Identifies relevant grant opportunities, submits grant applications and manages grant funded projects for the Division.
 - Develops and implements internship program(s), ensuring on-going supervision and engagement of the interns(s)
 - Provide support and/or management of special projects as assigned by the Division Director.
 - Represent the City at various public forums including Board of Finance and City Council, as well as stakeholder outreach and engagement or education events.
 - Prepare, submit and present reports to the Mayor, City Council, Public Works Commission and other committees regarding assigned activities.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree from an accredited educational institution with applicable coursework/degrees in Hydrology, Environmental Engineering, Civil Engineering, Environmental Science, Environmental Policy, Environmental Law and/or Public Administration. Masters strongly preferred.
- Minimum of three (3) years of experience in stormwater and/or combined sewer wet-weather management, industrial pollution prevention, backflow prevention and/or other water resource/water quality compliance programs or equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position.
- Experience across multiple water resources systems, Drinking Water, Wastewater and Stormwater, is preferred.
- Experience in the municipal environment is preferred.
- Ability to understand and apply knowledge of the environmental regulations associated with Drinking Water, Wastewater, and Stormwater in the State of Vermont.
- Demonstrated experience with policy, procedure and programmatic development and implementation work flow or business process mapping required. Experience with workflow optimization models such as LEAN preferred.
- Demonstrated experience with collaborating on continuous improvement opportunities with multiple, diverse work groups.
- Ability to monitor and guide internship experience, including development/training and evaluations.
- Experience in project budget preparation and maintenance is preferred.
- Ability to speak publicly to present public education programs.
- Demonstrated ability to effectively use computer equipment and related software including, but not limited to, competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher), ArcGIS Online, graphic design/publishing platforms, and familiarity with or ability to learn web page content/design.
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to exercise independent judgment and problem solving within the limits of the position.
- Ability to prepare and administer contracts.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Ability to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to establish and maintain good relations with their co-workers.
- Ability to obtain and maintain a valid State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.

- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 20 pounds)
x	hearing/listening	x	carrying (specify 20 pounds)
x	clear speech		climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic		pushing/pulling
x	reading – complex		shift work
	math skills – basic	x	moving objects
x	math skills – complex		pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension		high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 0

Indirectly Supervises: 3

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created March 2019. Revised January 2023.

City of Burlington Job Description

RECLASS

Position Title: Stormwater Program ~~Coordinator~~ Manager

Clean version follows

Department: Department of Public Works

Reports to: ~~Water Resources Policy and Programs Manager~~ Director of Engineering and Operations

Pay Grade: ~~19-21~~

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: non-Union

General Purpose: Provides administrative, regulatory and technical leadership, regulatory oversight and guidance for stormwater and combined sewer wet-weather management in the City with a focus on reductions of stormwater quantity and overall improvements in water quality.

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

- Plans, organizes, oversees and directs ~~Assist the Water Resources Policy and Programs Manager with the~~ all aspects of the Stormwater program; coordinate with the public, private businesses, and local, state and federal governmental agencies regarding the program as needed.
- Plan, direct and monitor the work of the Stormwater Field Specialist Hires and oversees stormwater program staff.
- Responsible for compliance with the 6 minimum measures of the Phase II MS4 permit; ~~coordinate with and then lead~~ preparation and submission of -Phase II annual and other reports and permit application.
- Assist the Water Resources Policy and Programs Manager with the implementation and administration ~~Implements and administers of the~~ Chapter 26 ordinance and associated compliance mechanisms, including creation and revision of necessary forms and outreach materials, ~~and~~ record keeping in City database.
- ~~, as well as suggest~~ In collaboration with the Policy and Programs Advisor, recommends and makes revisions to the ordinance as necessary for program and policy improvements.
- Responsible for the timely review and issuance of ~~Review, plan and issue~~ approval documents for stormwater management (construction and post-construction), coordination ion and timely performances of inspections, and investigations of compliance violations under the Chapter 26 ordinance.
- In collaboration with Code Enforcement, is responsible for the enforcement of Chapter 26 Ordinances relating to Stormwater Management and Erosion Prevention and Sediment

Control. EPSC compliance.

- Meet with design engineers, contractors, landscapers and residents regarding administration of the Chapter 26 ordinance.
- ~~Provide technical guidance and coordination with other Public Works programs in response to customer service requests related to drainage issues.~~
- ~~Participate in the development, and administration of the program budget. Administers and oversees the Stormwater Enterprise Fund annual budget; collaborates with the Division Director and the Director of Operations on recommendations for annual budget and stormwater user fee rate setting.~~
- ~~—~~
- ~~Review and make determinations regarding stormwater fee appeals and stormwater credit applications.~~
- ~~In collaboration with the Director of Finance and Customer Care, make updates to the stormwater billing database.~~
- ~~Assist the Water Resources Policy and Programs Manager and Water Resources Engineering Team in developing capital stormwater retrofit plans and programs to address stormwater quality/quantity improvement and combined sewer wet-weather mitigation goals or other regulatory requirements. Identifies and prioritizes stormwater retrofits opportunities then collaborates with the Water Resources Engineering Team, to develop projects which address stormwater quality/quantity improvement and combined sewer wet-weather mitigation goals or other regulatory requirements.~~
- Responsible for the inspection and maintenance management of stormwater assets related to quality and quantity best management, including but not limited to:
infrastructure-related activities, including:
 - catch basins;
 - storage tanks
 - infiltration systems
 - stormwater treatment systems (ponds, gravel wetlands, bioretention etc.)
 - pervious pavement systems
 - ~~scheduling inspections;~~
 - ~~prioritizing maintenance or repairs;~~
 - ~~reporting on the condition of stormwater assets;~~
 - ~~Collaborate with other Water Resources team members on:~~
 - ~~developing capital plans for existing system, and~~
 - ~~coordination and management of capital construction activities related to stormwater infrastructure.~~
- Responsible for coordinating regular stormwater outfall inspection and monitoring, including fulfilling illicit discharge detection and elimination requirements. Inspect State-permitted stormwater systems; files necessary reports.
- Train or schedule training for city departments, contractors and landscapers who work in Burlington.
- Oversees Burlington's Adopt-A-Drain program and supports the Blue BTV programs.
- In collaboration with the Policy and Programs Advisor, ensures the development and maintenance of ~~Develop~~ outreach materials and outreach/public involvement programs and ensures the maintenance of a website and social media presence in coordination with

the Public Information Manager and the Water Resources ~~and~~ Customer Care team.

- Coordinate with other divisions and City departments, as appropriate, on execution of non-structural stormwater management programs including residential leaf pick up, street sweeping and other programs recommended under the City's Integrated Quality Plan.
- Develops and standardizes procedures and methods to improve and continuously monitor the efficiency and effectiveness of assigned program, service delivery methods, and procedures; identifies opportunities for improvement and recommends to the Director of Operations and Division Director. This includes developing and tracking metrics for assigned functions.
- Provide technical guidance and coordination with other Public Works programs in response to customer service requests related to drainage issues.
- ~~Administer stormwater retrofit grant programs.~~
- ~~In collaboration with the Policy and Programs Advisor, provides significant input into the application for and technical management of grants for stormwater programs and capital improvements. Depending on volume, may be required to directly administer grant funded projects/Apply for and manage grants for stormwater programs and capital improvements.~~
- Represent the City at various public forums.
- Maintain accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree or higher from an accredited educational institution with applicable coursework/degrees in Hydrology, Geography, Environmental Engineering, Civil Engineering, Environmental Science, Environmental Policy and/or GIS with a minimum ~~one-three~~ (3+) year of experience in implementation of a stormwater and/or combined sewer wet-weather management program and ecosystem improvements or equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position.
- Supervisory experience preferred.
- Strong knowledge of and experience with erosion prevention and sediment control operations and post-construction stormwater management and with an emphasis on green stormwater infrastructure techniques, including the preparation and/or review of plans and the performance of field inspections to ensure compliance with plans preferred.
- Experience with project management, including the development of project scopes, budgets, schedules, procurement and project construction oversight preferred.
- Knowledge and applied experience in stormwater design and watershed modeling with the use of appropriate computer software such as HydroCad or PCSWMM preferred
- Working knowledge in the use and application of GIS, including asset inventories and asset management in an ArcGIS environment preferred.
- Experience with combined sewer systems and wet-weather mitigation strategies preferred.

- Experience in developing and implementing watershed planning that includes implementation of both grey and green stormwater infrastructure and use of structural and non-structural best management practices preferred.
- Knowledge of the working principles of Asset Management and experience with formal asset management planning and implementation (levels of service, asset inventories, condition assessments, inspections, risk assessments, life cycle costing and budgeting) for stormwater infrastructure preferred.
- Experience with utilities/roadway infrastructure in the public or private sector is preferred.
- Knowledge of methods, materials, procedures, and standard practices of construction, and experience in stormwater drainage and roadway maintenance operations preferred.
- Ability to present public education programs.
- Demonstrated ability to effectively use computer equipment and related software including, but not limited to, competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher) and GIS (ArcGIS).
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to exercise independent judgment within the limits of the position.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Ability to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid State Driver's license required.
- Must be able to receive constructive criticism and react appropriately.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 20 <u>45</u> pounds)
x	hearing/listening	x	carrying (specify 45 <u>20</u> pounds)
x	clear speech		climbing

x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex		shift work
	math skills – basic	x	moving objects
x	math skills – complex		pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension		high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:Directly Supervises: 10Indirectly Supervises: 0**Disclaimer:**

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised June 2015. Revised January 2016. Revised August 2016. Revised March 2019. Revised October, 2022. Revised March, 2023

City of Burlington Job Description

Position Title: Stormwater Program Manager

Department: Department of Public Works

Reports to: Director of Engineering and Operations

Pay Grade: 21

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: non-Union

General Purpose: Provides administrative, regulatory and technical leadership, regulatory oversight and guidance for stormwater and combined sewer wet-weather management in the City with a focus on reductions of stormwater quantity and overall improvements in water quality.

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

- Plans, organizes, oversees and directs all aspects of the Stormwater program; coordinate with the public, private businesses, and local, state and federal governmental agencies regarding the program as needed.
- Hires and oversees stormwater program staff.
- Responsible for compliance with the 6 minimum measures of the Phase II MS4 permit; preparation and submission of Phase II annual and other reports and permit application.
- Implements and administers Chapter 26 ordinance and associated compliance mechanisms, including creation and revision of necessary forms and outreach materials, and record keeping in City database.
- In collaboration with the Policy and Programs Advisor, recommends and makes revisions to the ordinance as necessary for program and policy improvements.
- Responsible for the timely review and issuance of approval documents for stormwater management (construction and post-construction), coordination and timely performance of inspections, and investigations of compliance violations under the Chapter 26 ordinance.
- In collaboration with Code Enforcement, is responsible for the enforcement of Chapter 26 Ordinances relating to Stormwater Management and Erosion Prevention and Sediment Control.
- Meet with design engineers, contractors, landscapers and residents regarding administration of the Chapter 26 ordinance.
- Administers and oversees the Stormwater Enterprise Fund annual budget; collaborates with the Division Director and the Director of Operations on recommendations for annual budget and stormwater user fee rate setting.
- Review and make determinations regarding stormwater fee appeals and stormwater credit

applications.

- In collaboration with the Director of Finance and Customer Care, make updates to the stormwater billing database.
- Identifies and prioritizes stormwater retrofits opportunities then collaborates with the Water Resources Engineering Team to develop projects which address stormwater quality/quantity improvement and combined sewer wet-weather mitigation goals or other regulatory requirements.
- Responsible for the inspection and maintenance of stormwater assets related to quality and quantity best management, including but not limited to:
 - catch basins;
 - storage tanks
 - infiltration systems
 - stormwater treatment systems (ponds, gravel wetlands, bioretention etc.)
 - pervious pavement systems
- Responsible for coordinating regular stormwater outfall inspection and monitoring, including fulfilling illicit discharge detection and elimination requirements.
- Train or schedule training for city departments, contractors and landscapers who work in Burlington.
- Oversees Burlington's Adopt-A-Drain program supports the Blue BTV program
- In collaboration with the Policy and Programs Advisor, ensures the development and maintenance of outreach materials and outreach/public involvement programs and ensures the maintenance of a website and social media presence in coordination with the Public Information Manager and the Water Resources Customer Care team.
- Coordinate with other divisions and City departments, as appropriate, on execution of non-structural stormwater management programs including residential leaf pick up, street sweeping and other programs recommended under the City's Integrated Quality Plan.
- Develops and standardizes procedures and methods to improve and continuously monitor the efficiency and effectiveness of assigned program, service delivery methods, and procedures; identifies opportunities for improvement and recommends to the Director of Operations and Division Director. This includes developing and tracking metrics for assigned functions.
- Provide technical guidance and coordination with other Public Works programs in response to customer service requests related to drainage issues.
- In collaboration with the Policy and Programs Advisor, provides significant input into the application for and technical management of grants for stormwater programs and capital improvements. Depending on volume, may be required to directly administer grant funded projects/Represent the City at various public forums.
- Maintain accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree or higher from an accredited educational institution with applicable coursework/degrees in Hydrology, Geography, Environmental Engineering, Civil

Engineering, Environmental Science, Environmental Policy and/or GIS with a minimum three (3) year of experience in implementation of a stormwater and/or combined sewer wet-weather management program and ecosystem improvements or equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position.

- Supervisory experience preferred.
- Strong knowledge of and experience with erosion prevention and sediment control operations and post-construction stormwater management and with an emphasis on green stormwater infrastructure techniques, including the preparation and/or review of plans and the performance of field inspections to ensure compliance with plans preferred.
- Experience with project management, including the development of project scopes, budgets, schedules, procurement and project construction oversight preferred.
- Knowledge and applied experience in stormwater design and watershed modeling with the use of appropriate computer software such as HydroCad or PCSWMM preferred
- Working knowledge in the use and application of GIS, including asset inventories and asset management in an ArcGIS environment preferred.
- Experience with combined sewer systems and wet-weather mitigation strategies preferred.
- Experience in developing and implementing watershed planning that includes implementation of both grey and green stormwater infrastructure and use of structural and non-structural best management practices preferred.
- Knowledge of the working principles of Asset Management and experience with formal asset management planning and implementation (levels of service, asset inventories, condition assessments, inspections, risk assessments, life cycle costing and budgeting) for stormwater infrastructure preferred.
- Experience with utilities/roadway infrastructure in the public or private sector is preferred.
- Knowledge of methods, materials, procedures, and standard practices of construction, and experience in stormwater drainage and roadway maintenance operations preferred.
- Ability to present public education programs.
- Demonstrated ability to effectively use computer equipment and related software including, but not limited to, competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher) and GIS (ArcGIS).
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to exercise independent judgment within the limits of the position.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Ability to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to read, analyze and modify specifications and blueprints to ensure work complies with all contract specifications.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid State Driver's license required.
- Must be able to receive constructive criticism and react appropriately.

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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x	hearing/listening	x	carrying (specify 45 pounds)
x	clear speech		climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic	x	pushing/pulling
x	reading – complex		shift work
	math skills – basic	x	moving objects
x	math skills – complex		pressurized equipment
	writing – basic	x	extreme heat
x	writing – complex	x	extreme cold
x	analysis/comprehension		high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside		hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact		
x	verbal contact w/others		

Supervision:

Directly Supervises: 1

Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Revised June 2015. Revised January 2016. Revised August 2016. Revised March 2019. Revised
October, 2022. Revised March, 2023

City of Burlington Job Description

Please ignore DRAFT
WATERMARK,
could not remove; this
version is final proposed

Position Title: Water Distribution Field- Manager

Department: Department of Public Works

Reports to: ~~Water Resources Division Director~~ Director of Engineering and Operations

Pay Grade: 20

Job Code: 407

Exempt/Non-Exempt: Exempt

Union: Non Union

General Purpose: This position is responsible for providing overall leadership direction and technical expertise to programs and work crews associated with the distribution systems. This includes repairing leaks, water main, service and fire protection installation.

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

- In conjunction with the ~~Division~~ Director of Engineering and Operations, plan and monitor the progress of day to day operations and long term programs.
- Determine priority levels of work such as but not limited; input to the development and implementation of capital improvement plan, leaks, main & service installation, fire protection installation and annual hydrant flushing program.
- Assist the ~~Division~~ Director of Engineering and Operations with programs and evaluation of programs.
- Develop bid specifications, for a variety of specialized equipment and purchases, as well as bid out yearly contracts.
- Provide estimates for new or repairs of water mains, services and their appurtenances.
- Initiate purchase orders in the current computerized system as needed.
- Compile cost projections to maintain needed inventory and submit informational reports as required for compliance with budgetary mandates.
- Maintain, train and ensure current technologies industry standards are directed to staff.
- Oversee contractual and internal crew ensuring all City and American Water Works Standards, policies and procedures are met, including but not limited confirming pipe depth, proper materials, proper backfill procedures, maintenance of sanitary conditions and ensuring the highest worksite safety standards.-
- Review construction blue prints that confirm to the water resources requirements on types of materials, location of lines, pressure testing and disinfecting.
- Coordinate and ensure water sample Bacterial Test.
- Schedule work for Working Foreman to cover a full work week. Ensure materials and equipment is available in advance. Reschedule work as needed as emergencies arise.

Maintain other task list to fill in for work that may be cancelled for any number of reasons.

- Plan job sites and identify city departments not limited to Fire Department, Police Department, CCTA and emergency dig safe as needed.
- Perform recordkeeping, administrative functions, and extensive involvement with users and /or the public in day-to-day operations.
- Participate in the hiring process through interviews and evaluate performance during probationary period.
- Responsible for employee development and investment including recommended training.
- Complete discipline as necessary as outlined in the AFSCME contract.
- Complete annual performance reviews.
- Select and assign qualified employees and supervise and coordinate these employees in the completion of these tasks.
- Negotiate and resolve conflicts between crews and management.
- Maintain accurate, up-to-date knowledge of division and department goals from briefings with the department director; solicit feedback from crews, initiate communications with and offer feedback to management.
- Facilitate daily safety meeting and ensure the City Safety Manual is followed. Review up- dates VOSHA and DOT Traffic Standards.
- Act as “Ambassador “for DPW, carrying out work in a manner consistent with Department Mission and Vision.
- Ensure Division adherence to quality standards established by department procedures, City regulations and state and industry standards.
- Identify and coordinate truck servicing with Fleet Manager.
- Oversee the completion of work order including billing functions and solve related problems as required.
- Schedule and coordinate maintenance crews; review time cards, vacation time and on-call list.
- Solve problems related to field conflicts and participate in fieldwork, including but not limited to monitoring of daily job progression.
- Coordinate with the Street Maintenance Manager and Assistant Director DPW Maintenance Division to ensure snow plowing volunteers as required by AFSCME Contract.
- Operate all Division equipment as needed.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- High school diploma or equivalent. Five (5) years of related experience with leaks, main installation, water service estimates with at least three (3) years in a supervisory role.
- A Vermont State Operator Classification, Class D, or equivalent, is required within one (1) year of date of hire.
- Demonstrated knowledge of current technologies of Water Distribution System.

- Ability to communicate via email and utilize Customer Service Request System
- A valid Vermont CDL Class A license required.
- Ability to research, cost estimates and purchasing of specialized equipment required.
- Knowledge of departmental, divisional, City and state policies, procedures and regulations affecting area of assignment.
- Ability to inspect work projects for adherence to specifications, divisional procedures and other pertinent regulations and codes.
- Ability to negotiate and resolve conflicts between crews and management.
- Knowledge of supervisory practices and the ability to accomplish work through others.
- Knowledge of administrative practices and the ability to provide required written reports and documentation.
- Ability to communicate effectively orally and in writing with supervisors, staff, subordinates, governmental and industrial representatives, and the general public.
- Demonstrated ability to forecast and plan long range division maintenance and repair projects and the ability to recommend long range construction and improvements projects in area of assignment.
- Ability to create and maintain an environment that embraces the 6 operating principles: Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to work effectively and in a professional manner with crew members and leaders, other divisions and the general public.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular and timely attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies and Chapter 31 of the City ordinance.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (specify 60 pounds)
x	hearing/listening	x	carrying (specify 60 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift

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

Supervision:

Directly Supervises: 8 plus temporary staff as needed

Indirectly Supervises:

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

City of Burlington Job Description

Position Title: Water Resources GIS and Field Specialist

Department: Department of Public Works

Reports to: ~~Water Resources Policy and Programs Manager~~Water Resources Engineering Manager

Pay Grade: 18

Exempt/Non-Exempt: Exempt

Please ignore DRAFT
WATERMARK,
could not remove; this
version is final proposed

Job Code: TBD

Union: Non-Union

General Purpose: This position is responsible for providing technical, GIS, and field based support to the City's Water Resources Division, and assists with compliance and enforcement of City ordinances and policies. Works closely with the Stormwater Program Coordinator and the Water Resources Infrastructure Asset Manager to support Water Resource technical needs.

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

- Manages the day to day GIS and implements asset management framework for water resources infrastructure in consultation with the Infrastructure Asset Manager. This includes, but is not limited to,
 - mapping of new features, inventory and attribute updates to existing features, maintaining GIS based service records
 - performing complex GIS procedures and data analysis
 - creating maps and other visual tools
 - implementation and maintenance of a computerized maintenance management system (CMMS)/enterprise asset management (EAM) system
 - coordinating map records digitizing efforts including training and overseeing water resources field staff or interns and overseeing GIS contractors
- Conduct inspections, sampling (as needed), and compliance / enforcement activities, under supervision of the ~~Water Resources Policy and Programs~~Water Resources Engineering Manager related to the following programs:
 - Stormwater Program (under the direction of the Stormwater Program Coordinator)
 - Pre-storm, storm, and post-storm EPSC inspections
 - Construction and Post-Construction Stormwater ordinance requirements
 - Illicit Discharge Detection and Elimination
 - Public stormwater retrofits
 - Backflow prevention

- o Other compliance activities related to water, wastewater and stormwater regulatory requirements
- Provide field support to all Water Resources staff, including but not limited to:
 - o Site data collection, including but not limited to surveying and soil borings
 - o Inspection of Water Resources assets (pipes, manholes, catch basins, outfalls etc.)
 - o Maintenance / installation of stormwater and wastewater flow metering equipment
 - o Response to customer service requests related to water resource infrastructure issues
 - o Water quality sampling of surface water and wastewater
 - o GIS and asset management technology support
- Implement the CCTV sewer assessment program, under the guidance of the Infrastructure Asset Manager.
 - o Coordinate pre-cleaning (as needed) with internal/external forces
 - o Plan and conduct CCTV videoing, review videos and scores pipe condition using Pipeline Assessment Certification Program (PACP) methodology or works with internal or external forces or to do the same.
- Provide initial reconnaissance response to customer service requests related to stormwater management, drainage issues or other water resources related issues; manage requests from the SeeClickFix or asset management platform as appropriate and coordinates with appropriate water resource personnel.
- Support Stormwater Program ~~Coordinator~~ Manager in the implementation of non-structural stormwater management programs such as Adopt-a-Drain, downspout disconnection and residential stormwater management including the Residential Stormwater Incentive Effort.
- Maintain organized, current data related to:
 - o Operational performance metrics (catch basin cleaning, outfall inspections, pipe condition etc.)
 - o Combined Sewer Overflow and other discharge events
 - o Rain gauge data
- Develop public outreach material.
- Prepare technical memos to document findings of various activities listed above.
- Maintain accurate records and files.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in Environmental Science, Engineering, or other water quality related field and minimum one (1) year of experience in stormwater management, engineering or related fields or any equivalent combination of the education and experience which provides the requisite knowledge, skills and abilities for the position.
- Minimum three (3) year of experience with GIS.
- Experience with ArcGIS Enterprise preferred.

- Demonstrated knowledge and experience with compliance and enforcement of environmental regulations.
- Demonstrated knowledge of water testing and analysis methods.
- Ability to speak publicly to present public education programs.
- Demonstrated ability to effectively use computer equipment and related software including, but not limited to, competent in use of Microsoft Office Suite (Excel, Word, Powerpoint, Publisher) and GIS (ArcGIS).
- Experience with Enterprise Asset Management software preferred.
- Experience with utilities/roadway infrastructure in the public or private sector is preferred.
- Ability to read site plans and maps.
- Ability to occasionally work beyond normal hours, at night or weekends and to travel to various seminars and conferences for the benefit of the Department.
- Ability to exercise independent judgment within the limits of the position.
- Ability to communicate professionally and diplomatically with contractors and the public regarding the various projects under development and construction.
- Ability to handle various projects at the same time, work effectively under pressure and keep schedule on track.
- Ability to establish and maintain good relations with his/her co-workers.
- Ability to obtain and maintain a valid State Driver's license required.
- Ability to receive constructive criticism and react appropriately.
- Ability to operate and have a general working knowledge of personal computers, telephone communications equipment and other standard office devices.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

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x	color perception (red, green, amber)	x	lifting (specify 60 pounds)
x	hearing/listening	x	carrying (specify 60 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
	reading – basic	X	pushing/pulling
x	reading – complex		shift work

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

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Updated August 2021. Updated March 2023.

Department of Public Works
Water Resources Division
City of Burlington
March 2023
CURRENT

Megan Moir
Division Director
Water Resources
Mkt Factor

Edin Delahmetovic
Water Distribution
Field Manager
Grade 20

Matt Dow
Wastewater Facilities
Manager
Grade 22

Nathan Lavallee
Chief Operator
Wastewater (North,
East and Pump)
Grade 20

William Glen
Drinking Water
Facilities Manager
Grade 22

Steve Roy
Senior Public Works
Engineer - Water
Resources
Grade 22

Open
Water Policy and
Program Manager
Grade 22

Jessica Lavalette
Director of Finance
Grade 24

Jesse Greeno
Distribution Working
Foreman
Grade 16

Anson Gordon
Distribution Working
Foreman
Grade 16

Andre Fontaine
Distribution Field
Technician
Grade 15

Zachary LaRose
Distribution Field
Technician
Grade 15

Ron Blow
Distribution Field
Technician
Grade 15

Nathan Dike
Distribution Field
Technician
Grade 15

Wyatt Shaw
Distribution Field
Technician
Grade 15

Cole Heyman
Distribution Field
Technician
Grade 15

Water Distribution Field Services

Cale Whitcomb
Senior Plant Operator
Grade 18

Amelia McClure
Plant Operator
Grade 17

James Fitzpatrick
Plant Operator
Grade 17

Steve Groelinger
Plant Operator
Grade 17

Hannah Yates
Operator Assistant
Grade 15/16

Main Plant and Bio
Solids Operators

Steve Perron
Senior Plant
Mechanic-
Wastewater
Grade 18

Gary Hayden
Plant Mechanic
Grade 17

Wastewater Plant
Mechanics

Larry Hammond
Plant Operator
Grade 17

Terry E Goodrich
Plant Operator
Grade 17

Derek Moody
Plant Operator
Grade 17

William Sanderson
Plant Operator
Grade 17

Peter Arnold
Plant Operator
Grade 17

North, East Plants
and Pump Station
Operators

Open
Senior Plant
Mechanic-Water
Grade 18

Jackson Dandridge
Plant Mechanic
Grade 17

David Booska
Plant Mechanic
Grade 17

Bruce Campbell
Plant Mechanic
Grade 17

Drinking Water Production and Storage

Rory Cummings
Plant Operator
Grade 17

Richard Benjamin
Plant Operator
Grade 17

Robert Barclay
Plant Operator
Grade 17

Colin DeBernardo
Plant Operator
Grade 17

Tyler Booska
Plant Operator
Grade 17

Martin Lee
Public Works
Engineer - Water
Resources
Grade 21

Ashley Walenty
Public Works
Engineer - Water
Resources
Grade 21

Kate Komorowski
Public Works
Engineer - Water
Resources
Grade 21

Rocky Vogler
Water Resources
Infrastructure Asset
Manager
Grade 20

Water Resources
Services/Engineering

James Sherrard
Stormwater
Coordinator
Grade 19

Emily Piersiak
Water Resources GIS
& Field Specialist
Grade 18

Water Resources
Policy and Programs

Bruce Hines
Meter Working
Foreman
Grade 16

David Codling
Meter Field
Technician
Grade 15

Kyle Southwell
Meter Field
Technician
Grade 15

Meter Field Services

Open
Sr. Customer Care
Associate
Grade 16

Christina Nichols
Customer Care
Associate I
Grade 14

Open
Customer Care
Associate I
Grade 14

Customer Care

Open
Sr. Financial and
Administrative
Analyst
NU Grade 19

Lori LeBlanc-
DellAmore
Financial and
Administrative
Assistant
Grade 16

Accounting and
Admin

Department of Public Works
Water Resources Division
City of Burlington
Proposed March 2023

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Mkt Factor

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Resources
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and Administration
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Christina Nichols
Customer Care
Associate I
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Open
Customer Care
Associate I
Grade 14

Open
Sr. Financial and
Administrative
Analyst
NU Grade 19

Lori LeBlanc-
DellAmore
Financial and
Administrative
Assistant
Grade 16

NEW POSITION

RECLASSIFIED

Change in
Reporting
Structure

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter: Megan Moir
 Title/Subject: Water Resources Division Staffing Additions, Reclassifications and Reorganization

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	3/27/2023

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/13/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	3/9/2023	Tony Berry
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



**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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: City of Burlington, City Council

FROM: Madeline Suender, Associate Public Works Engineer
Laura Wheelock, PE, Senior Public Works Engineer

DATE: March 27, 2023

CC: Chapin Spencer, Director of Public Works
Norman Baldwin, P.E. Assistant Director of Public Works/City Engineer

RE: Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract

Request

The Department of Public Works (DPW) seeks approval and authorization from the Board of Finance and City Council to execute a contract with S.D. Ireland Brothers Corporation (SDI) for the Calendar Year 2023 Sidewalk Reconstruction Program for a contract of up to \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58.

Background

In 2016, the City of Burlington proposed the Sustainable Infrastructure Plan (SIP) – overwhelmingly approved by voters – which sought to rebuild core assets, including neighborhood infrastructure. Under the SIP nearly 18 miles of Burlington's sidewalk network has been reconstructed, resulting in an average of 3 miles of sidewalk replaced annually. The original SIP bond funding for sidewalk work concluded with FY21 but a smaller additional General Obligation Bond of \$23.8M was approved by voters at March 2022 Town Meeting Day to address many municipal capital needs including augmenting sidewalk work in CY23, CY24 and CY25.

To continue enhanced sidewalk production for FY24, DPW seeks to move forward with a contract with SDI. DPW issued an Invitation for Bids in February 2023, and opened competitive bids for the construction of this project on March 8, 2023. Two bids were received in response to the Invitation for Bids, SDI and Dirt Tech, with SDI as the low bidder. After a Bid Analysis, SDI's unit prices were found to be generally in line with that of the Engineer's Estimate prepared by the City and found to be fair and reasonable with market prices for this work and current inflation rates.

If approved, SDI is anticipated to begin their work no sooner than July 1, 2023 to replace ~3,375 linear feet (~.64 miles) of sidewalk throughout our sidewalk network and complete the contract by November 2023. This contract combined with sidewalk replacement through DPW's in-house work (~5,185LF/.98 miles) achieves a total of 1.62 miles. Including other standalone capital

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projects that have sidewalk components (~3,560LF/1.1 miles) gives the City an annual production total of ~2.7 miles. This is just under the Administration's 3 mile goal and almost triple the 1 mile/yr pre-2016 average. Do note that inflationary impacts coupled with the smaller 2022 voter-approved bond are constraining production this year and will most likely constrain production in future years. If we exclude the standalone capital projects that include sidewalk work, we are only able to fund 1.62 miles of reconstructed sidewalk in the coming year.

CY23 sidewalk work will also include construction of Americans with Disability Act (ADA) accessible ramps and driveway apron reconstruction within the project area. These sections of sidewalk are in poor condition and may not fully meet ADA requirements. Improving these sections and associated crosswalks will better accommodate pedestrians and provide improved pedestrian connectivity throughout the City. This work will also include a raingarden bump out on the corner of Grant Street and North Union Street as part of the Old North End Greenway hardscape efforts. This will add stormwater and bike facility benefits. This will be paid for with Stormwater and Transportation funds.

Opportunities for new crosswalks and configuration changes are evaluated and will be implemented where applicable to meet current standards. This project will improve safety and user experience, encourage and improve accessibility of alternative transportation, and enhance the connectivity throughout the City's sidewalk network, complying with the PlanBTV Walk-Bike Masterplan. Table 1 lists the sidewalk segments to be reconstructed as part of this contract.

Table 1 - CY23 Contracted Sidewalk List

Street Name	Limits of Work	Total LF of Sidewalk
East Ave	All	1460
North Union St	Pearl – Grant and Raingarden	1015
Cliff St	Union – Willard	900

This work plan was generated as a result of consulting our updated 2021 City wide sidewalk inventory which prioritizes improvements based on utilization, location, and condition of the sidewalk. The utilization of the sidewalk refers to the propensity of use as well as the type of users. Equity and diversity metrics, such as race, age, and income, as well as proximity to pedestrian generators, such as schools, neighborhood activity centers, and employment centers, all inform this prioritization. In addition to the inventory, staff inspection, coordination with other projects, and resident concerns informed this work plan. This work plan will be supplemented with our short run repair list to address safety concerns and ensure work is distributed equitably throughout the City. Our complete CY23 sidewalk reconstruction program will be posted on the City's Construction Portal in the coming weeks.

Construction impacts are expected to be limited to the sidewalk area, with limited impacts to on-street parking and driveway access, and will not substantially impact vehicular traffic flow. More project information can be found at: <https://www.burlingtonvt.gov/dpw/transportation/pedestrians>

Funding for Project

The funding for this work is proposed to come from the \$23.8 million 2022 Town Meeting Day voter approved general obligation bond. Within that approval is \$2.7 million over 3 years towards sidewalk replacement work. A portion of those funds are being reserved to cover the local match for future Great Streets work on Cherry Street. The amount being held towards this local match

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is equal to the estimated cost of replacing sidewalks on Cherry Street. Should the funds not be needed as a local match, they will be available under the CY24 Sidewalk Contract.

DPW seeks to use \$554,247.80 of the voter-approved funding in FY24 to support this project budget. This proposed budget (see attached) will be used to execute a contract with SDI to the maximum limiting amount of \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58. Because the funds requested are FY24, they will be shown within the FY24 annual budget request for DPW.

Thank you for your consideration of these requests. If you have any questions, please feel free to contact Madeline Suender (msuender@burlingtonvt.gov, 802-735-5324), or Laura Wheelock (Lwheelock@burlingtonvt.gov, 802-338-2125).

Attachments

1. Proposed Budget

Motions

Board of Finance:

1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$609,672.58 for the projected construction costs to complete the CY23 Sidewalk Reconstruction Program.
2. To approve and recommend that the City Council authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58, subject to the final review and approval by the Office of the City Attorney.

City Council:

1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$609,672.58 for the projected construction costs to complete the CY23 Sidewalk Reconstruction Program.
2. To authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58, subject to the final review and approval by the Office of the City Attorney.

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Attachment 1: Proposed Budget
CITY OF BURLINGTON, VT
PROJECT BUDGET AMENDMENT REQUEST

Department: DPW Requested by: Madeline Suender/Laura Wheelock Date: DRAFT for BOF/CC

Briefly explain the reason for the amendment:
Create project budget per the City Council Approval, and Create new Project Name: 842 Sidewalk Reconstruction, Annual Sidewalk Contract, CY23. This will be finalized under the FY24 annual budget request.

Dept. Head Approval (up to 10k)

Chief Administrative Officer Date (10k to 25K)

Mayor Date (25K - 50K)

BUDGET AMENDMENT DETAILS

Org Set	GL Account	Account Name	Project/Sub/Detail Name	Increase/ (Decrease)
842-19-700-771	4990_800	Streets & Sidewalks, Public Works, Capital Projects, Sidewalk Reconstruction.Interfund Transfer Proceeds - Bond Proceeds Tsf	Annual Sidewalk Contract CY23	\$ 580,254.00
842-19-700-771	9500_800	Streets & Sidewalks, Public Works, Capital Projects, Sidewalk Reconstruction.Capital Outlay - Bond Tsf Expenditures	Annual Sidewalk Contract CY23	\$ 580,254.00
841-19-700	4990_800	Transportation Projects, Public Works, Capital Projects.Interfund Transfer Proceeds - Bond Proceeds Tsf	Transportation Capital Planning	\$ 24,525.00
841-19-700	9500_800	Transportation Projects, Public Works, Capital Projects.Capital Outlay - Bond Tsf Expenditures	Transportation Capital Planning	\$ 24,525.00
245-19-000	4525	Stormwater, Public Works, Admin.Water/Wastewater and Stormwater Charges - Retail		\$ 4,894.00
245-19-000	9500_110	Stormwater, Public Works, Admin.Capital Outlay - Capital Expenditures		\$ 4,894.00

Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Madeline Suender/Laura Wheelock
Authorization of Project Budget and Construction Contract for Sidewalk Reconstruction
Title/Subject: Program

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	

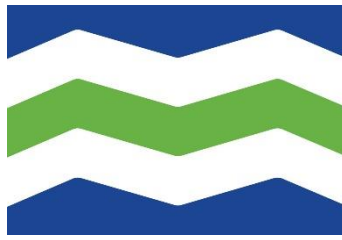
This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/13/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	3/15/2023	Jordan Redell
Board/Commission, if required	N/A	3/20/2023	Board of Finance
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Project Budget
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Board of Finance



PROCLAMATION

WHEREAS, the Federal Fair Housing Act was passed in April 1968 in order to take steps toward eliminating discrimination in housing opportunities based on race, color, national origin, religion, and, as amended, sex, family status, and disability; and to further housing choices for all Americans; and

WHEREAS, Vermont's Fair Housing Act strengthened the protections of the Federal Fair Housing Act to include age, marital status, sexual orientation, gender identity, receipt of public assistance, and people who have experienced abuse, sexual assault, or stalking, as well as the income of prospective residents in land use decisions; and

WHEREAS, the month of April is now celebrated as Fair Housing Month both nationally and locally; and

WHEREAS, the ongoing struggle for dignity and opportunity for all in housing is not the exclusive province of the federal or state governments and vigorous local efforts to combat discrimination and expand housing opportunities can be extremely effective; and

WHEREAS, Burlingtonians need safe, decent, affordable, and inclusive housing, and illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; and

WHEREAS, the City of Burlington supports the efforts of fair housing organizations, advocates, community members, and the housing industry to create broader housing choice in Burlington and Chittenden County and to promote understanding of fair housing; and

WHEREAS, inclusive, welcoming, and affordable communities promote diversity and a climate conducive to equitable and vibrant development; and

WHEREAS, Burlington submitted to the U.S. Department of Housing and Urban Development an Assessment of Fair Housing, which was subsequently approved by the Department in December 2017; and

WHEREAS, in my “2021 Action Plan to Fulfill the Promise of Housing as a Human Right in Burlington,” I propose opening new housing opportunities through the creation of a mixed-use Enterprise Innovation District in a portion of the South End and opening new housing opportunities City-wide through “missing middle” zoning reforms, which will expand opportunities for new homes to be created in every neighborhood in ways that reflect the character of these parts of the City.

WHEREAS, Burlington continues to work to expand housing opportunities and the availability and affordability of housing in Burlington through policy reform, including the development of new policies to implement energy efficiency standards in rental housing, eliminate requirements around parking standards in order to reduce a major driver of the cost of housing and align the City’s land use policies with its climate goals, and restore and increase the dedicated funding for the City’s Housing Trust Fund, among others; and

WHEREAS, the COVID-19 crisis put additional strain on the City’s housing and support services and exacerbated existing inequities for people whom fair housing laws seek to protect from discrimination, particularly for people of color;

NOW THEREFORE, be it resolved that I, Miro Weinberger, Mayor of the City of Burlington, do hereby proclaim the month of April 2023 to be

FAIR HOUSING MONTH

in Burlington, and I do hereby urge all individuals, agencies, and institutions – public and private – to contribute to the observance by continuing our efforts to eliminate housing discrimination in our communities and increase housing opportunities for all.

A handwritten signature in black ink, appearing to read 'M. Weinberger', with a stylized, flowing script.

Miro Weinberger
Mayor



**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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

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

FROM: Corey Mims, PE, Senior Public Works Engineer
Norman Baldwin, PE Assistant Director of Public Works/City Engineer

DATE: March 20, 2023 BOF
March 27, 2023 City Council

CC: Chapin Spencer, Director of Public Works
Laura Wheelock, P.E., Senior Public Works Engineer
Ashley Parker, Capital Program Director

RE: FY23 Expense Authorization Champlain Parkway Project

Request:

The Department of Public Works ("DPW") is requesting the Board of Finance approve and recommend that the City Council authorize an increase to the Champlain Parkway FY23 Expense Authorization from \$16,777,998.03 to \$23,092,317.91 to continue approved project activities in FY23, and further approve and authorize the Chief Administrative Officer to execute a budget adjustment and transfer for the usage of an additional \$119,729.97 of Street Capital for local match in furtherance of the Expense Authorization increase, as further detailed in Attachment A.

Background:

On September 13, 2021 DPW staff presented to the Board of Finance and City Council the South End Construction Coordination Plan which introduced the idea of a two-phase construction of the Champlain Parkway Project – as part of an overall sequencing plan for South End capital projects, to minimize community impacts. With Council support, the Champlain Parkway Project team split the project's construction into two separate construction phases, the "Initial" and "Final" phases.

On April 25, 2022 the City of Burlington approved the authorization to execute the Champlain Parkway Initial Construction Contract with SD Ireland Kubricky JV LLC in an amount of \$40,980,143.40 with an additional \$4,098,014 (10%) in contingency funds, totaling up to \$45,078,157.40.

This memo and related motions seek to increase the FY'23 expenses for the Champlain Parkway's Initial Construction Contract due to:

- A faster pace of construction than was originally projected
- The need to accurately reflect FY'23 projected budgeted expenses after past budgeted amounts for the multi-year project have been reconciled

The proposed increase in FY'23 project expenses remain well within the overall maximum limiting amount for the Initial Construction Contract.

At the time the council approved the FY22 City Budget we estimated that construction expenses would be steady through the life of the project with a decrease during winter shutdowns.

The progress on the initial construction contract is ahead of the anticipated construction schedule on which the current FY23 budget is based. With the work completed to date, approved construction change orders, and ongoing legal work, we are close to exhausting our authorized FY23 expense budget.

Given the pace of the project the City will need to increase the FY23 expense authorization. It is anticipated that the remaining Initial Construction contract expense would be incurred in FY24. The FY24 Project Budget is still being updated based on the current work schedule and will be presented to council later this Spring.

There remains one legal challenge to the project. The Pine Street Coalition and Fortieth Burlington are challenging the Federal environmental review process for the project. A ruling is expected in June 2023.

For the public, project information can always be found on the project's website: www.champlainparkway.com. There is also a mailing list sign up on the website so stakeholders can stay up to date on construction and other news. Councilors are welcome to reach out to the project team with specific questions:

- Norm Baldwin, nbaldwin@burlingtonvt.gov
- Corey Mims, cmims@burlingtonvt.gov

Financials:

The funding for this would continue to be under the city's Cooperative Agreement with VTrans. The funding breakdown for this grant is 95% Federal, 3% State, and 2% Local Match.

This additional FY'23 local match component is still well within the projected overall local match for the Initial Construction Contract.

Clarification:

The amount shown in the [FY22 Capital Budget](#) does not reflect the additional actual funds that were received by the project at the start of FY22. The approved FY22 [Capital Budget](#) showed the entire amount of expenses the Project Team projected that year, rather than the additional budgetary need for that year. The additional FY22 City contribution for the project was \$2,203,735; while the project's projected expenses were \$10,788,110.00. The total budget is a compilation of Federal and State grant funding, with a local match comprised of Capital bond and Street Capital dollars.

The Project Team is highlighting this issue to clarify the project's overall budget to-date to make sure that there is no confusion. Below is a table that details the approved budgets for this project by year.

FY21	FY22		FY23	
Total Project Budget	New Budget Request	Total Project Budget	New Budget Request	Total Project Budget
\$ 9,900,000.00	\$ 2,203,735.00	\$ 12,103,735.00	\$ 9,359,356.00	\$ 21,463,091.00

Attachments

A. FY23 Champlain Parkway Expense Authorization Request 3.14.23

Motions

Actions for Board of Finance:

1. To approve and recommend that the City Council authorize an increase to the Champlain Parkway FY23 Expense Authorization from \$16,777,998.03 to \$23,092,317.91 to continue approved project activities in FY23, and further approve and authorize the Chief Administrative Officer to execute a budget adjustment and transfer for the usage of an additional \$119,729.97 of Street Capital for local match in furtherance of the Expense Authorization increase, as further detailed in Attachment A.

Actions for City Council:

1. To authorize an increase to the Champlain Parkway FY23 Expense Authorization from \$16,777,998.03 to \$23,092,317.91 to continue approved project activities in FY23, and further approve and authorize the Chief Administrative Officer to execute a budget adjustment and transfer for the usage of an additional \$119,729.97 of Street Capital for local match in furtherance of the Expense Authorization increase, as further detailed in Attachment A.

ATTACHMENT A: FY23 CHAMPLAIN PARKWAY EXPENSE AUTHORIZATION REQUEST

	FY23 (July 1 2022 - June 30, 2023)						FY24 (July 1 2023 - June 30, 2024)				
	FY23 Expenses to Date 3.6.23	Construction	Construction Engineering	Anticipated Total	GF Non_Part	2% Local Match	Construction	Construction Engineering	Total	GF Non_Part	2% Local Match
Deloitte		\$ 208,335.08		\$ 208,335.08		\$ 4,166.70			\$ -		\$ -
Dunkiel Saunders/Saunders Hand	\$ 154,114.98	\$ 179,526.00		\$ 333,640.98		\$ 6,672.82	\$ 334,000.00		\$ 334,000.00		\$ 6,680.00
CHA-Contract Admin	\$ 324,587.48	\$ 300,000.00		\$ 624,587.48		\$ 12,491.75	\$ 600,000.00		\$ 600,000.00		\$ 12,000.00
City Personnel	\$ 62,275.19	\$ 178,073.41		\$ 240,348.60		\$ 4,806.97	\$ 254,769.52		\$ 254,769.52		\$ 5,095.39
MPM (D&K)	\$ 71,190.00	\$ 63,135.60		\$ 134,325.60		\$ 2,686.51	\$ 126,745.89		\$ 126,745.89		\$ 2,534.92
State of Vermont (Local Share Only)		\$ 60,000.00		\$ 60,000.00		\$ 1,200.00	\$ 60,000.00		\$ 60,000.00		\$ 1,200.00
Resident Engineering & QEP (WSP)	\$ 969,854.66	\$ 690,817.30		\$ 1,660,671.96		\$ 33,213.44	\$ 1,625,000.00		\$ 1,625,000.00		\$ 32,500.00
DPW Share of BED Utility Work		\$ 208,823.00		\$ 208,823.00		\$ 4,176.46			\$ -		\$ -
Construction Contractor (Participating)	\$ 11,934,886.11	\$ 6,076,766.10		\$ 18,011,652.21		\$ 360,233.04	\$ 16,026,686.00		\$ 16,026,686.00		\$ 320,533.72
Construction Contractor (Non-Part.)	\$ 696,277.20	\$ 913,655.80		\$ 1,609,933.00	\$ 1,609,933.00		\$ 1,609,933.00		\$ 1,609,933.00	\$ 1,609,933.00	
	\$ 14,213,185.62	\$ 8,879,132.29		\$ 23,092,317.91	\$ 1,609,933.00	\$ 429,647.70	\$ 20,637,134.41		\$ 20,637,134.41	\$ 1,609,933.00	\$ 380,544.03

	Local Match
FY23 Budgeted	\$ 309,917.73
Street Capital Additional	\$ 119,729.97

Board of Finance and City Council Submission ChecklistDepartment: Public Works Department Submitter: Corey MimsTitle/Subject: FY23 Expense Authorization Champlain Parkway Project

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/14/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	3/15/2023	Jordan Redell
Board/Commission, if required	Yes	3/20/2023	BOF
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Kathrine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



City of Burlington
Department of Public Works
Division of Parking and Traffic
645 Pine Street, Suite A
Burlington, VT 05402
802.863.9094 P
802.863.0466 F
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Jeffrey A. Padgett, MBA
DIVISION DIRECTOR for PARKING & TRAFFIC

Date: 3/20/2023
3/27/2023

To: Board of Finance
City Council

From: Jeffrey A. Padgett
Division Director for Parking and Traffic

C.C.: Chapin Spencer, Director of Public Works

Subject: Traffic Signal Modernization
Burlington NH PC22(1) – FM0421 : VTrans Class 1 Paving

REQUEST

The Department of Public Works (DPW) seeks Board of Finance approval to pay the Vermont Agency of Transportation non-participating expenses for upgraded traffic control systems at 5 intersections along Shelburne Street and South Winooski as part of the state-funded paving project Burlington NH PC22(1); at an additional cost of \$107,955.10 and implement ancillary improvements at a cost of \$53,580 for a total expenditure of \$161,535.10; to be paid for with a repurposed existing lease and Impact Fees.

BACKGROUND

DPW received approval from BOF/CC on January 10, 2022 to execute a finance and maintenance agreement with the State of Vermont (Burlington NH PC22(1) - FM0421) for the State's highway paving project of US Route 7. During the summer of 2022 work was completed on Riverside Avenue, during the summer of 2023 work will continue on Shelburne Street and South Winooski Avenue. As part of the construction of this project the induction loops controlling the signals will be damaged. The current plans call for replacement and reconfiguration of these damaged loops, which results in the prolonged use of a severely outdated signal control system.

Under the initial contract, no non-participating City expenses were anticipated. However, after review of the successful implementation of similar signal detection improvements at Riverside Avenue in 2022 (reduced service calls, remote detection adjustment functionality, traffic data collection), it became clear that the 2023 paving work on Shelburne

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Street/South Winooski Avenue was a logical opportunity to continue the modernization of the City’s signal control system. So, now again in 2023, state paving project funds are being leveraged to improve the performance and capacity of a critical corridor in and out of the City. Both of these projects involve the expenditure of City funds for non-participating costs to be paid to VTrans for features not originally included in under the Class 1 paving project.

Although loops are well established detection technology for vehicular traffic signal control, they have two critical weaknesses 1) they only provide trigger control (on/off) to the signal and 2) are static, providing no location flexibility as demands on the intersection change over time. Additionally, they provide no ability to detect or count bicycles and/or pedestrians. The proposed camera system is an expansion of the single fisheye lens system and captures the entire intersection providing much better control and access to traffic data for all transportation modes. Additionally, signal configuration and timing, and thus performance and capacity of the intersection, are all controlled remotely by a desktop computer-based control interface. Saving valuable labor hours and avoiding safety issues related to “in the road” repairs.

Additionally, to support these cameras, new, modern computer controllers will be installed. This will replace the current 30-year-old technology (that is unique to Burlington in Vermont) and support the full remote control and performance monitoring capacity of detection system. Moving to this platform will also continue the effort to bring Burlington in line with our neighboring communities and the State of Vermont, all of whom are currently on this controller platform.

The combination of the modern controllers and the fisheye cameras significantly improves not only the day-to-day operation, efficiency and safety of the signal for vehicles, bicycles and pedestrians, but also provide critical, real-time count data. As this system operates the signal, it also continuously counts the movements in the intersection. Importantly, it’s able to not just count cars, but also bike and pedestrian movements. Collecting this type of data provides a vastly improved source of information to support ongoing planning and design of right-sized, modern, sustainable infrastructure. The Riverside Avenue camera system already provided useful traffic data to the Tech Services group that will be used to support city-wide transportation planning efforts. These cameras are not intended for, nor can be used for traffic violation enforcement. If that capability becomes possible, for example with a software upgrade, that functionality will be disabled.

FUNDING

The Parking and Traffic Division has been laying the groundwork for a comprehensive “Signal Modernization Plan” over the past year. This envisions the replacement of all traffic control signals with the same computer/fisheye setup proposed here. The Parking and Traffic Division partnered with the CT team to submit a grant application for over \$2M last fall that would cover the cost to further roll out this technology.

As with the Riverside Paving Project from last summer, the cost of the cameras will be funded in part by reallocating the cost the State would have otherwise spent on loops, as follows:

Total Cost of Camera System	\$141,625.00
Budgeted Participating Cost of loops in the project	- \$ 33,669.90
Non-Participating Cost of Camera System (paid to VTrans)	\$ 107,955.10
Ancillary Cost related to installation (non-VTrans)	\$ 53,580.00
Total Cost to City	\$ 161,535.10

This project costs will be covered by an existing, repurposed lease and Impact Fees. The following summarizes the Project Financing:

Contribution From Repurposed Lease	\$ 46,000.00
Contribution from Impact Fees	<u>\$115,635.10</u>
	\$161,635.10

Traffic Impact Fees Balance Summary:

Available Balance:

FY22 Balance Forward	\$176,704.40
FY23 Impact Fee Contributions (to date)	\$ 45,089.00
Total Available Balance:	\$221,793.40

Costs:

FY23 Eligible Installed Costs (yet to be requested)	-\$ 94,691.50
FY23 Eligible Inventory Costs (yet to be installed or requested)	-\$ 11,398.36
FY24 Eligible Costs to Support US7 Paving (2023 work)	-\$115,535.10
<i>Contribution to Non-Participating Costs in VTrans Contract</i>	<i>\$ 61,955.10</i>
<i>Ancillary Costs (non-VTrans)</i>	<i><u>\$ 53,680.00</u></i>
	<i><u>\$115,535.10</u></i>

Impact Fee Resulting Balance: \$ 168.44

It is recognized that this work will deplete the Traffic Impact Fee account. The Traffic team has reviewed this expenditure and believes it will not adversely impact future impact fee needs. In fact, this type of systemic project that has impact on the future network capacity of the City's traffic grid is precisely the type of project envisioned for use by Impact Fees. Also, efficient and timely use of these fees will ensure that they are used within the 6-year time horizon required for Impact Fee usage.

MOTION

The Department of Public Works respectfully requests that the Board of Finance approve the following motion:

Board of Finance Motion:

To recommend that the City Council approve and authorize the Director of the Department of Public Works to accept a change order to the January 2022 finance and maintenance agreement with the State of Vermont and to expend \$107,955.10 in non-participating costs pursuant to such order to fund the installation of a modern traffic control system at Shelburne Street and Shopping Center, Shelburne Street and Home Avenue, Shelburne Street and Flynn Avenue, Shelburne Street and Prospect Avenue, and Winooski Avenue and Bank Street as part of the otherwise State-funded Burlington NH PC22(1) - FM0421 project paving project; and, to further approve and authorize an expenditure not to exceed \$53,580 for ancillary improvements, as further detailed in Attachment A, for a total expenditure of \$161,535.10; to be paid for with a repurposed existing lease and Impact Fees; subject to review and approval by the Chief Administrative Officer and City Attorney's Office.

City Council Motion:

To approve and authorize the Director of the Department of Public Works to accept a change order to the January 2022 finance and maintenance agreement with the State of Vermont and to expend \$107,955.10 in non-participating costs pursuant to such order to fund the installation of a modern traffic control system at Shelburne Street and Shopping Center, Shelburne Street and Home Avenue, Shelburne Street and Flynn Avenue, Shelburne Street and Prospect Avenue, and Winooski Avenue and Bank Street as part of the otherwise State-funded Burlington NH PC22(1) - FM0421 project paving project; and to further approve and authorized expenditure not to exceed \$53,580 for ancillary improvements, as further detailed in Attachment A, for a total expenditure of \$161,535.10; to be paid for with a repurposed existing lease and Impact Fees; subject to review and approval by the Chief Administrative Officer and City Attorney's Office.

Attachments

Attachment A: Cost Breakdown

US 7 Corridor Signal Upgrades

2023

	Pending Purchase	Inventory
Class 1 Paving Project		
Budgeted Participating Cost	\$33,669.90	
Cost of Cameras	\$141,625.00	
Resulting Non-Participating Costs		\$107,955.10

Ancillary Upgrades

Shelburne & Shopping Center

Larger Cabinet with disconnect breaker		\$7,000.00
Disconnect Breaker	\$400.00	
Guard Rail	\$1,000.00	
Concrete Base		\$550.00
ECS Support Labor	\$3,000.00	

Shelburne & Home

336 Cabinet		\$7,000.00
Concrete Base		\$550.00
ECS Install NTOR Signals	\$3,000.00	
NTOR Signal		\$4,680.00

Shelburne/ Flynn

\$0.00

Shelburne/ Prospect

\$0.00

Winooski/ Bank

Disconnect Breaker	\$400.00
332 Cabinet	\$10,000.00
New Cable	\$3,000.00
BED Install Labor	\$9,000.00
ECS Install Labor	\$4,000.00

Total Ancillary Upgrades	\$33,800.00	\$19,780.00	\$53,580.00
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Grand Total Cost \$161,535.10

Existing Lease Contribution	\$46,000.00
-----------------------------	-------------

Total Impact Fee Contribution	\$115,535.10
-------------------------------	--------------

Impact Fee - Ancillary Cost Support	\$53,580.00
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Impact Fee - Non-Participating Cost Support	\$61,955.10
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Total Funding \$161,535.10

Board of Finance and City Council Submission ChecklistDepartment: Public Works Submitter: Jeff PadgettTitle/Subject: US7 Signal Modernization

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/15/23	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/16/23	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/23	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	3/15/23	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Board of Finance



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Acting Chief of Police Jon Murad
DATE: March 27, 2023
RE: CORRECTED MEMO - Reclassification and Retitle Network Administrator to Senior Network Administrator

EXECUTIVE SUMMARY:

The Network Administrator is one of two technology positions that are currently vacant at the Burlington Police Department. This is a key position in supporting the Police network infrastructure and the agency's diverse and unique services. The Department seeks to update the Network Administrator job description to acknowledge the increased demand on attention to network security, particularly with regard to compliance with federal laws governing criminal justice information (CJIS), and to acknowledge that the position will now supervise the Application & Technology Support Specialist. This reclassification is expected to attract qualified candidates and thereby fill the position as soon as possible.

SPECIFIC RECLASSIFICATION AND RETITLING REQUESTS:

Retitle the Network Administrator, a Regular, Non-Exempt, Non-Union, Grade 18 (\$64,755 to \$77,194) position to Senior Network Administrator, a Regular, Non-Exempt, Non-union, Grade 19 (\$70,147 to \$83,664) position.

ROLE DESCRIPTIONS:

Network Administrator

This position is the primary network technician for the Burlington Police Department, and is the end user support specialist handling all help desk requests. The position assists with the deployment of new technologies as public safety technologies change, from mobile computers in police cruisers to portable radio technology and much more. This position is responsible for management of all aspects of police headquarters' Local Area Network (LAN) and Wide-Area Network (WAN) operations and the administration of all related hardware, software, and peripherals. This position is responsible for technical and administrative work of considerable difficulty and is involved in the planning, analysis, design, operation, maintenance, security, and support of the City's public safety technology infrastructure. For example, during the COVID emergency, when the City opened and operated an emergency command center at police headquarters, from which most city administrative functions were run during the early days of the pandemic, the network administrator facilitated the technology support for that endeavor. This position reported to the Business Manager.

Senior Network Administrator

In addition to the duties above, the position now requires supervisory responsibilities: this position will also supervise the HelpDesk staff and IT support for the Burlington Police Department. Additionally, and more than ever, the position also requires a high degree of understanding and delivery of network security protocol in the modern cybersecurity environment. The Senior Network Administrator is responsible for identifying areas of security risks and implementing protection processes; educating users; and monitoring systems to protect the agency and network integrity. This retitled and reclassified position will report to the Deputy Chief of Administration.

FINANCIAL IMPACT:

This reclassification will not require any changes to the approved FY23 budget because savings have been realized through the vacancy of both the Network Administrator position and the Application & Technology Support Specialist (i.e., HelpDesk) position. These two positions have been and are currently vacant (through March 2023). The temporary employee hours and vendor contracts that have replaced some of this work are less than the expected salaries and benefits of both positions if or when they are filled. These savings will more than make up for the increase through this proposed reclassification. The Grade increase provides the position with \$5,392 to \$6,473 more annually.

MOTION FOR BOARD OF FINANCE

To approve and recommend that the City Council approve the following:

- The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 19 position.

MOTION FOR CITY COUNCIL

To accept the Board of Finance recommendation and approve the following:

- The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 19 position.

Respectfully and sincerely,


Jon Murad
Acting Chief of Police



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Acting Chief of Police Jon Murad
DATE: March 15, 2023
RE: Reclassification and Retitle Network Administrator to Senior Network Administrator

EXECUTIVE SUMMARY:

The Network Administrator is one of two technology positions that are currently vacant at the Burlington Police Department. This is a key position in supporting the Police network infrastructure and the agency's diverse and unique services. The Department seeks to update the Network Administrator job description to acknowledge the increased demand on attention to network security, particularly with regard to compliance with federal laws governing criminal justice information (CJIS), and to acknowledge that the position will now supervise the Application & Technology Support Specialist. This reclassification is expected to attract qualified candidates and thereby fill the position as soon as possible.

SPECIFIC RECLASSIFICATION AND RETITLING REQUESTS:

Retitle the Network Administrator, a Regular, Exempt, Non-Union, Grade 18 (\$64,755 to \$77,194) position to Senior Network Administrator, a Regular, Exempt, Non-union, Grade 19 (\$70,147 to \$83,664) position.

ROLE DESCRIPTIONS:

Network Administrator

This position is the primary network technician for the Burlington Police Department, and is the end user support specialist handling all help desk requests. The position assists with the deployment of new technologies as public safety technologies change, from mobile computers in police cruisers to portable radio technology and much more. This position is responsible for management of all aspects of police headquarters' Local Area Network (LAN) and Wide-Area Network (WAN) operations and the administration of all related hardware, software, and peripherals. This position is responsible for technical and administrative work of considerable difficulty and is involved in the planning, analysis, design, operation, maintenance, security, and support of the City's public safety technology infrastructure. For example, during the COVID emergency, when the City opened and operated an emergency command center at police headquarters, from which most city administrative functions were run during the early days of the pandemic, the network administrator facilitated the technology support for that endeavor. This position reported to the Business Manager.

Senior Network Administrator

In addition to the duties above, the position now requires supervisory responsibilities: this position will also supervise the HelpDesk staff and IT support for the Burlington Police Department. Additionally, and more than ever, the position also requires a high degree of understanding and delivery of network security protocol in the modern cybersecurity environment. The Senior Network Administrator is responsible for identifying areas of security risks and implementing protection processes; educating users; and monitoring systems to protect the agency and network integrity. This retitled and reclassified position will report to the Deputy Chief of Administration.

FINANCIAL IMPACT:

This reclassification will not require any changes to the approved FY23 budget because savings have been realized through the vacancy of both the Network Administrator position and the Application & Technology Support Specialist (i.e., HelpDesk) position. These two positions have been and are currently vacant (through March 2023). The temporary employee hours and vendor contracts that have replaced some of this work are less than the expected salaries and benefits of both positions if or when they are filled. These savings will more than make up for the increase through this proposed reclassification. The Grade increase provides the position with \$5,392 to \$6,473 more annually.

MOTION FOR BOARD OF FINANCE

To approve and recommend that the City Council approve the following:

- The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19 position.

MOTION FOR CITY COUNCIL

To accept the Board of Finance recommendation and approve the following:

- The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19 position.

Respectfully and sincerely,


Jon Murad
Acting Chief of Police

City of Burlington Job Description

Position Title: Senior Network Administrator

Department: Police

Reports to: Deputy Chief Administration

Pay Grade: 19

Job Code: 349

Exempt/Non-Exempt: Non-Exempt

Union: Non-Union

General Purpose:

This position is the primary network technician for the Burlington Police Department, and is the end-user support specialist overseeing all HelpDesk requests, and leading the deployment of new technologies as public safety technologies change. This work must all be carried out in the unique physical security and cybersecurity environment of the police department, including the need to adhere to federal laws around Criminal Justice Information Systems (CJIS). This position is responsible for management of all aspects of department or building Local Area Network (LAN) and Wide-Area Network (WAN) operations and administration of all related hardware, software, and peripherals. This position is responsible for technical and administrative work of considerable difficulty and is involved in the planning, analysis, design, operation, maintenance, security, and support of the Burlington Police Department's public safety technology infrastructure. The position requires expert understanding of network security protocols and the ability to achieve and maintain a modern cybersecurity environment. In addition, the position works in coordination with the City of Burlington's IT team, technology consultants, State of Vermont technology vendors/departments, and various technology support vendors. This position supervises the HelpDesk staff and IT support for the Burlington Police Department.

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

- Manages the operations of the Police Department's IT, including supervising IT staff.
- Manages the planning, design, installation, operation, maintenance, and repair of the City's public safety technology infrastructure including but not limited to mission-critical radio communications networks, Automatic Vehicle Location (AVL) units, fingerprint readers, body camera technology, new technologies as approved and adopted, city-wide access control, and city-wide video security cameras systems and associated components and applications, in order to maintain and consistently improve security, reliability, performance, and capacity.

- Identify security risks and implement protection processes; educate users; and monitor systems to protect the agency and network integrity.
- Participate in CISA (Cybersecurity and Infrastructure Security Agency) and NIST (National Institute of Standards and Technology) trainings to remain current with best practices.
- Responsible for delivery of end-user support activities, and supervises all technology support staff.
- Maintains reliable connectivity to an ISP (Internet Service Provider) for Internet access including but not limited to maintaining contracts, quality of service, and planning disaster-recovery access.
- Proactively troubleshoots and solves complex issues relating to computer and information technology systems.
- Develops, in association with management and risk management, the Police Department's information security policies and procedures.
- Develops, implements, and maintains initiatives to ensure system availability, performance, design and support.
- Troubleshoots and solves technical issues related to local and wide area network.
- Monitors LAN performance including but not limited to, server, backup control systems, workstation, and other devices (firewall, backup system) maintenance, modifications, upgrades, and repairs which embrace industry best practices.
- Reviews and make recommendations on LAN and WAN upgrades, modifications and related purchases.
- Provides support for mobile hardware, e.g., Mobile Data Terminals, iOS/Android devices, etc.
- Responsible for computers and tablets including but not limited to evaluating and recommending hardware and operating system software requirements, setting up access, security and availability.
- Maintains up-to-date knowledge of IS operating procedures and standards as well as changing technologies and IP-based telephony and maintaining CJIS/FBI compliance to stay current with public safety demands.
- Act as a liaison for the Police Department with other technical support staff/vendors and employees as needed, includes support regarding software problems, updates, fixes, new releases, and change requests.
- Supervises the Application Technology Support Specialist (i.e., HelpDesk staff).
- Maintain, monitor and ensure the integrity of applications and server infrastructure, including but not limited to: conducting end-user set up; adding and deleting users; issuing, renewing, and maintaining passwords; carrying out routine system virus scans and virus file updates; etc.
- Manages the Police desktop services and business applications teams in the monitoring, organizing, coordinating, and response to repair and problem requests and alerts.

- Installs, configures, and maintains all Microsoft Active Directory domain, DHCP (Dynamic Host Configuration Protocol), DNS (Domain Name System), Certificate Authorities, file, print, email, and VoIP (Voice Over Internet Protocol), as well as all applicable operating systems, licensing, and support applications.
- Creates and maintains complete documentation and drawings for all domain and LAN infrastructure.
- Develops, implements, and enforces policies, procedures, and standards for the server and LAN environment.
- Maintains licensing for all server operating systems, software and network license applications.
- Assists in preparing annual operating and capital budgets for area of responsibility.
- Initiates, facilitates, and promotes activities to foster information security awareness within the organization. Provides direct information security training to the workforce.
- Monitors internal control systems to ensure that appropriate information access levels and security clearances are maintained.
- Keeps abreast of emerging security risks and best practices. Performs information security risk analysis and periodic information system activity reviews for information security processes. Proactively addresses server issues, various technology issues, and application issues, and takes appropriate actions to ensure maximum operational efficiency. This is critical to a 24/7/365 public safety operation.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- Ability to learn and effectively operate within all departmental, City regulations and program standards.
- Ability to improve service to internal and external customers is required as is a high level of personal creativity, initiative and enthusiasm to work within a constantly changing organization.
- Demonstrates working knowledge of the Police Department's digital and IP-based telephony systems.
- Maintains positive and supportive relationships with coworkers and clients.
- Provides adequate and timely responses to requests for services. Documents requests for services as directed.
- Provides reports on services rendered and projects/plans for future needs/demands.
- Must be able to understand and manage competing needs for technology support services in a dynamic working environment.
- Adapts to changing technologies to meet demand of prioritized initiatives.
- Assists with the developing and maintenance of Information Systems procedures.

- Leads design and implementation of technology solutions; soliciting input and direction from the Chief of Police or his/her designee(s).
- Makes policy recommendations on information systems use and service.
- Provides “on call” support as needed for the department’s 24/7 emergency operations.
- Provides backup, support and guidance for other information systems staff.
- Ensures and maintains reliable Internet connectivity, system security, data recovery, and uptime.
- Position may require the operation of City vehicles and/or personal vehicles in order to conduct City business.
- Installs and maintains Data Storage Area Network.
- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Proof of COVID-19 vaccination required, reasonable accommodations will be considered.
- Bachelor of Science degree in Computer Science, or related field, five (5) years related work experience can be substituted for the education requirement; and a minimum of three (3) years’ experience supporting LANs, WANs is required.
- Microsoft Certified Systems Administrator (MCSA) or Engineer (MCSE) preferred.
- Experience working in a Public Safety environment preferred.
- Ability to prioritize and multi-task multiple information system related requests and projects continually.
- Ability to obtain and maintain certifications in multiple proprietary software and hardware applications.
- Ability to learn and effectively operate within all Departmental, City, State and Federal regulations and program standards.
- Must have strong analytical skills with experience resolving information systems’ problems in a diverse hardware and software environment.
- Ability to establish and maintain positive working relationships with co-workers and the public in a team environment.
- Must be able to listen to and appropriately react to supervisor's constructive criticism to improve employee performance.
- Ability to organize and prioritize workflow.
- Must possess strong interpersonal communication skills.
- A strong desire to improve service to internal and external customers is required.

- Possess a high level of personal creativity, initiative and enthusiasm to work within a constantly changing organization.
- Demonstrated ability to complete assignments with intermittent direction and supervision.
- Must complete a Personal History Information packet and pass a criminal background check.
- Ability to identify and implement industry best-practices.
- Ability to travel to and from various work sites within the City of Burlington.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to obtain a valid driver's license within 45 days of hire and the continued maintenance of a valid driver's license. Operation of a City vehicle or personal vehicle to conduct City business without providing proof of a valid driver's license to Human Resources will not be permitted. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to operation of any City vehicles or non-City vehicles for City business.
- Ability to work nights, weekends and holidays as required.

Physical Mental/Reasoning Requirements; Work Environment:

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

x seeing	x ability to move distances	x lifting(specify)
x color perception	within and between	30 pounds
(red, green, amber)	warehouses/offices	___ carrying (specify)
x hearing/listening	___ climbing	___ pounds
x clear speech	___ ability to mount and	___ driving (local/over
x touching	dismount forklift/truck	the road)
x dexterity	x pushing/pulling	
x hand		
x finger		
___ reading - basic	___ math skills – basic	x analysis/comprehension
x reading – complex	x math skills – complex	x judgment/decision making
___ writing – basic	x clerical	
x writing - complex		
___ shiftwork	___ outside	___ pressurized equipment
x works alone	___ extreme heat	___ moving objects
x works with others	___ extreme cold	___ high places

x verbal contact w/others	☐ noise	☐ fumes/odors
x face-to-face contact	☐ mechanical equipment	☐ hazardous materials
x inside	x electrical equipment	x dirt/dust

Supervision:

Directly Supervises: 1

Indirectly Supervises: 0

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

02/25/2023

#

Board of Finance and City Council Submission ChecklistDepartment: POLICE Submitter: Jon Murad, acting Chief of PoliceTitle/Subject: Reclassification and Title Change – POLICE Senior Network Administrator

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/15/2023	Chief Murad
Mayor's Office informed and approved memo	Yes	1/31/2023	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/1/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	1/31/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	3/15/2023	Lynn Reagan
CIO, if an IT-related investment/purchase	N/A	2/3/2023	Scot Barker made aware

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	No	Click or tap here to enter text.



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Acting Chief of Police Jon Murad
Kerin Durfee, Director of Human Resources
DATE: March 15, 2023
RE: Reclassification of Fire/Police Accountant position

Executive Summary:

The Burlington Police Department seeks to reclassify and regrade the Fire/Police Accountant. We propose the following:

- Reclassification of the Fire/Police Accountant, from a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position to a Regular, Full-time, Non-Exempt, AFSCME, Grade 18 position.

Role Description:

We respectfully request your approval of the reclassification of the regular, full-time, AFSCME, non-exempt, Grade 17 Fire/Police Accountant to regular, full-time, AFSCME, non-exempt, Grade 18.

The Fire/Police Accounting position has not been reclassified in seventeen (17) years. The position is responsible for monitoring and maintaining the police department budget, including programs as varied as educational incentives and reimbursement, ongoing contracts with animal-care facilities, and staying on top of the current churn of employees, with a change-of-status volume that the BPD has never seen, driven not only by departures but also by several new roles and intra-departmental movement (e.g., CSOs transitioning to police officers).

Furthermore, the position's grade is currently out-of-step with other City positions that have been more recently reviewed. To foster the City's general goals around fairness, the police department seeks to address this grade discrepancy, and, after discussion with H/R, the position has been regraded to ensure those goals are now met.

Financial Impact:

Position	Current Grade / Step	FY23 Salary	Proposed Grade / Step	FY23 Reclassified Salary	FY23 impact
Fire / Police Accountant	17 / 15	\$72,434.96	18 / 15	\$77,503.40	> \$5,068.440 (actual FY23 impact will be ≈ \$1,270)

The position will not result in any additional staff. It will remain a full-time, AFSCME position.

Board of Finance Motion

To approve and recommend that the City Council approves and authorizes the reclassification of the Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position to a Regular, Full-time, Non- Exempt, AFSCME, Grade 18 position.

City Council Motion

To approve and authorize the reclassification of the Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position to Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, position.

Respectfully and sincerely,



Jon Murad
Acting Chief of Police

Board of Finance and City Council Submission ChecklistDepartment: Police Submitter: Acting Chief of Police Jon MuradTitle/Subject: Personnel changes: Reclassification for Fire / Police Accountant

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/14/2023	Click or tap here to enter text.
Mayor's Office informed	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	3/15/2023	Kerin Durfee Lynn Reagan
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

CITY COUNCIL ACCOUNTABILITY LIST

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

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

23-Mar-23

Meeting Date	Type of Document	Action Requested	Updated Next Steps in the Process
17/12/2021	Resolution: Parks Arts And Culture Committee To Create A Dog Task Force	report due back to the City Council from the task force	4/29/2022; This timeline was amended to year end 2022; UPDATE as of 1/30/2023: The Task Force will present a report to PACC at its next meetingUPDATE: Task Force will be presenting their report to the Council on March 27, 2023
210/18/2021	Resolution: Raising The Authorized Sworn Headcount Of The Burlington Police Department Per The Recommendation Of The Full Operational And Functional Assessment By CNA And A Plan For Reviewing All Recommendations In The Report	initial report back to the full Council	CNA interim report to the Council was done in January 2022, work was completed by the PSC by March 31, 2022. Full report is in draft, expected to come to Council in late 2022.
310/18/2021	Resolution: Police Oversight And Accountability Authorities To Police Commission To Alter The Police Disciplinary System	CA office to draft ordinance with language as per the resolution, with the ordinance to be referred to the Ordinance Committee, amendment to FY22 to include legal counsel for the Police Commission, referral to Charter Change to hold meetings with community and stakeholder input on moving disciplinary authority from the Chief of Police to a body independent from BPD that may include the Commission with the possibility of a Charter change for consideration.	**NOTE: This item was never added to this Accountability List in October 2021.** It is being added as of February 10, 2023. Draft ordinance was done by then-CA Richardson in March 2022, presented to the Police Commission in April 2022 and the PC responded with comments to the draft. By May 2022, CA Richardson and other staff left. This draft and PC comments must be followed up on and then referred to the Ordinance Committee. Question on resolved clause lines 103 to 105 to be followed up on. Charter Change Committee was to hold meetings with community and stakeholders with referral of language back to the Council.
412/5/2022	Communication: Pike Porter, re: Fw: Greenhouse Gas, CAP resolution draft for your consideration	referred to TEUC	not-specified; UPDATE as of 1/30/2023, Airport to present emissions information at the TEUC meeting in March
51/23/2023	Council Rules	referred to Charter Change with report back by March	Scheduled to come back to the Council on March 27
62/6/2023	Ordinance: Comprehensive Development Ordinance ZA-23-01 South End Innovation District Overlay	referred to Ordinance Committee	
72/6/2023	Resolution: Supporting More Public Input On Police Oversight And Accountability Upon Defeat Of The Ballot Initiative On A Community Control Board	upon defeat of the ballot item on Community Control of Police, that proposed Charter language of Control Board, mayor's December 2020 Charter amendment, October 18, 2021 resolution, related ordinance language from City Attorney in April 2022 be referred to Ordinance and Charter Change Committees for review, robust public input on disciplinary authority of Chief, oversight role of the police commission with referral back to full council by June 1, 2023	3/9/2023 - chairs of Ordinance and Charter Change to meet with Council President to discuss joint meetings, stakeholder and robust public input, beginning early April.
82/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Ward 2/3 NPA Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	Refer the communication to TEUC and CDNR Committees respectively for further review and engagement	



MEMORANDUM

TO: Board of Finance and City Council

FROM: Megan Moir, DPW Division Director of Water Resources
Corey Mims, Senior Public Works Engineer

DATE: March 20, 2023

CC: Norm Baldwin, DPW Division Director of Technical Services/City Engineer
Chapin Spencer, DPW Director

RE: CY22 Street Reconstruction Program Contract Amendment for Additional Water Resources Infrastructure Work on Birchcliff Parkway

REQUEST:

The Department of Public Works ("DPW") and its Water Resources Division seeks approval and authorization to execute an increase in maximum limiting authorization for the S.D. Ireland Brothers to the Calendar Year 2022 Street Reconstruction Program contract in the amount of \$68,179.13 and for a total authorized expenditure amount of \$2,979,535.11. This is to allow for wastewater and stormwater infrastructure work on Birchcliff Parkway to be coordinated with completed as part of the paving project.

BACKGROUND:

The paving work on Birchcliff Parkway is part of the Calendar Year 2022 paving program list. To allow the contractor more time and provide the City more favorable bids, the CY22 Street Reconstruction Program Contract completion date was extended until June 30, 2023 (end of fiscal year 2023). The work is anticipated to be completed within the limits of the current contract term.

Previous Contract Authorizations:

On April 11, 2022 the DPW received approval and authorization from the Board of Finance and City Council to execute a construction contract and Change Order #1 with S.D. Ireland Brothers Corporation for the Calendar Year 2022 Street Reconstruction Program in the amount of \$2,482,297.50 with an additional \$248,229.75 (~10%) in contingency funds, totaling \$2,730,527.25. A portion of the work and funding (\$88,440) for that initial contract was for Water Resources infrastructure work at Franklin Square, which was closely coordinated with the paving work. Coordinating subsurface utility work with paving ensures that the paving investment is maximized by reducing the risk of future utility failures that require excavations.

On September 19, 2022 DPW received approval and authorization to execute an amendment to the previously executed contract and Change Order with S.D. Ireland Brothers Corporation for the Calendar Year 2022 Street Reconstruction Program for an additional \$155,828.73 in base contract value and increasing the contingency by \$25,000, resulting in a total contract base value of \$2,710,424.79 and a total remaining contingency of \$200,931.19, for a total authorized contract expenditure in the amount of \$2,911,355.98. This was to accommodate additional Water Resources work that was identified on North Avenue. In that request, staff indicated that

additional review was being performed on the remaining CY22 Paving Contract streets (Allen Street, Flynn Ave and Birchcliff Parkway).

Reason for Current Authorization Increase Request:

While no additional high priority infrastructure needs were identified on Flynn Avenue or Allen Street, the review identified a significant number of Wastewater and Stormwater collection system infrastructure needs on Birchcliff Parkway including pipe, manhole and catch basin replacement. Based on contractor pricing the cost of the additional Birchcliff Parkway work is \$85,880, with a recommended 10% contingency of \$8,588. Note that Birchcliff Parkway does also have drinking water infrastructure investment needs, however, there is not sufficient funding available within the FY23 Drinking Water Budget to pursue these capital improvements given that our 2016 Water Bond authorization has been fully drawn down.

Following completion of the previously authorized water resources work, there is \$26,288.87 of unspent water resources funds (\$20,336.90 of contract authorization and \$5,951.97 contingency) to be repurposed in support of the Birchcliff additional water resources work. The remaining cost of this additional work after those funds are applied (\$59,591.13) and additional contingency (\$8,588) will require an increase to the current maximum limiting (\$2,911,355.98) amount by \$68,179.13 for a resulting new maximum limiting amount of \$2,979,535.11.

<u>Increase to Maximum Limiting Amount Calculation</u>	
Change Order Value for Birchcliff	\$85,880.00
Apply remaining unspent contract funds	-\$20,336.90
Use remaining previous contingency	-\$5,951.97
Additional contingency authorization	\$8,588.00
Increase to Maximum Limiting Amount Calculation	\$68,179.13

FUNDING:

In addition to the remaining unused contract funds for water resources work (\$20,336.90) and use of remaining previously authorized water resources contingency (\$5,951.97), funding for the remaining costs (\$59,591.97) and new contingency (\$8,588) for the proposed improvements is available in the Repair and Maintenance and Capital expense lines of the Stormwater and Wastewater FY23 budgets.

MOTIONS:

The Department of Public Works' Water Resources Division respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance Actions:

1. To approve and recommend that the City Council authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$68,179.13 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,911,355.98, for a total authorized maximum contract expenditure of \$2,979,535.11, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.

City Council Actions:

1. To approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$68,179.13 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,911,355.98, for a total authorized maximum contract expenditure of \$2,979,535.11, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.

Thank you for your consideration of this request.

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter: Megan Moir
 Calendar Year 2022 Street Reconstruction Program Contract Amendment for
 Title/Subject: Water Resources Infrastructure Work on Birchcliff Parkway

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/14/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/15/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

TECHNICAL SERVICES
645 PINE STREET, SUITE A
BURLINGTON, VT 05402
802.863.9094 P
802.863.0466 F
802.863.0450 TTY
WWW.BURLINGTONVT.GOV

CHAPIN SPENCER
DIRECTOR OF PUBLIC WORKS

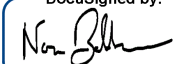
NORMAN J. BALDWIN, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

Date: 3/17/2023

To: Burlington City Council

C.C. Chapin Spencer, Director of Public Works
Corey Mims, Senior Public Works Engineer
Hayley McClenahan, Assistant City Attorney

From: Norman J. Baldwin, P.E.
City Engineer/Ass't Director of Public Works

DocuSigned by:

414D2192F71B488...

Subject: Request Authorization to Re-Establish Quiet Zone

Request:

1. Request Authorization from Burlington City Council to Re-Establish the existing Quiet Zone.
2. Request Authorization from Burlington City Council to establish the Mayor to serve as signature for current and future Quiet Zone Amendments

Overview:

Under Federal Rail Administration (FRA) Rules municipalities are allowed to petition the Federal Rail Administration to establish a Quiet Zone.

In a Quiet Zone, railroads have been directed to cease the routine sounding their horns when approaching public highway-rail grade crossings. Train horns may still be used in emergency situations or to comply with other Federal regulations or railroad operating rules.

Both the City of South Burlington and Burlington in 2006 petitioned the Federal Rail Administration and were successful in establishing a Quiet Zone with a series of rail crossing, at the following locations:

Existing Crossings Locations			
USDOT Inventory Number	Street or Highway	Municipality	Public/Private
851-415G	Holmes Road	South Burlington	Public
851-416N	Inn Road	South Burlington	Private

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

851-414A	Bartlett Bay Road	South Burlington	Public
851-418C	Home Avenue	Burlington	Public
851-419J	Flynn Avenue	Burlington	Public
837-098V	Sears Lane	Burlington	Private

The municipalities are required to propose crossings improvements that are supplemental to a normal rail crossing where a train whistle is blown. These Supplemental Safety Measures (SSM) include additional pavement markings, advance sign packages, etc.

Specifics:

As part of the Champlain Parkway Project, we are proposing rail crossing improvements to two(2) of the six(6) rail crossings that are within the existing Quiet Zone, Flynn Avenue and Home Avenue. These improvements triggered the need under a Federal Rail Administration process for Burlington-South Burlington to issue a NOI (Notice of Intent), followed by a NOE (Notice of Establishment)

A jointly issued NOI (Notice of Intent) was issued on March 14, 2023 for the Burlington-South Burlington Quiet Zone.

The issuance of the NOI (Notice of Intent) begins the 60 day period comment period for the Rail Operator (Vermont Rail Systems), Vermont Agency of Transportation-Aviation and Rail Bureau, and Vermont Agency of Transportation-Highway Safety Representative. Once comments are received, they will need to be incorporated into any changes that may need to be made.

Subsequent to the NOI comment period. The municipality will be required to issue a NOE(Notice of Establishment) to the three parties. The NOE starts the 21 day period of public notice followed by the start of the suspension of whistle blowing and having the Quiet Zone in effect.

The NOE requires the Mayor's signature as the authorized representative for Burlington as a local municipality.

In consultation with the City Attorney's Office, I have been instructed to:

- Request Burlington City Council the authority to re-establish the Quiet Zone,
- In addition authorize the Mayor to serve as the signatory of the NOE (Notice of Establishment).

If there are any follow up questions please feel free to give me a call at 802.316.6254. Thank you.

Motion:

To approve and authorize the proposal to the Federal Rail Administration for re-establishing railroad Quiet Zones in the areas of Flynn Avenue and Home Avenue in order to facilitate rail crossing improvements in these areas and to further authorize the Mayor to sign all necessary documents in furtherance of such establishment, including but not limited to, Notice of Intent and Notice of Establishment.

Board of Finance and City Council Submission ChecklistDepartment: Public Works Department Submitter: Norman BaldwinTitle/Subject: Authorization to Re-Establish Rail Crossing Quiet Zone South End

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/17/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/22/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/20/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/21/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Karen Paul, Council President, Co-Sponsor Ben Traverse, Ward 5 Council Member



OFFICE OF THE CLERK/TREASURER

City of Burlington

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

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Lisa Roach, Purchasing & Financial Assistant

DATE: March 20 and 27, 2023

RE: Approval for four-year agreement with National Business Technologies for the lease of copiers and Papercut Payment Systems

Overview

The City of Burlington currently has a 4-year lease with National Business Technologies to provide the City with copiers and printers, which expired December 31, 2022. In preparation for the renewal, the City explored the contracts that the State has in place for print and copy services, and initiated discussions with both SymQuest and National Business Technologies (NBT) to evaluate which vendor would provide the best terms and service for the City.

In an effort to maximize the savings the City could realize, as well as the service provided to City departments, we asked both entities to do a walkthrough and have conversations with the end users in each department (BED not included). We asked that each entity provide solutions where we can improve security, efficiencies, and capabilities, while saving the City money.

While both proposals are a cost savings to the City compared to current costs, NBT was able to provide significantly higher cost savings under their negotiated contract, then the prior 4 years the City has been with NBT. NBT also is able to provide 47 licenses for the City of Burlington to use Papercut. Based upon those proposals as well as past experiences with National, we recommend that NBT be awarded the contract and lease based upon the overall cost savings to the City over the life of the contract.

After multiple walkthroughs and conversations with the end users, NBT found solutions to meet the challenges identified by each department and made strong recommendations on how to reduce both equipment lease and everyday copying costs throughout the city. While onsite, they trained users on how to take better advantage of the features offered by our existing machines, even though they are not responsible for them.

NBT was able to keep some of the copiers in place as they were being underutilized hence they still have a significant life left.

NBT's proposal provides the following features and services:

- Upgrade machines at certain locations, resulting in increased speeds on machines to keep up with workloads.

- Replace desktops where needed
- Extra toner for BPD due to use 24 hours a day in the Detective Bureau
- Quarterly Reviews

Feedback from the departments & IT that met with NBT was very positive, and each felt their department would benefit from the suggestions made.

NBT offers aggressive pricing through the OMNIA (used to be US Communities) Purchasing Contract, which the State of Vermont participates in. This cooperative contract will allow the City to save approximately \$48,652 over a four-year period, while receiving improved capabilities. The NBT pricing is lower than it was 4 years ago, the savings per year from prior pricing is \$12,163

Below are the results in savings over the length of this lease.

**City of Burlington, Vermont
Copier Lease Financing
Cost Analysis**

Entity	Current	SymQuest Proposal	NBT Proposal	Comments
Terms	48 mo	48 mo	48 mo	
Papercut Payment	N/A	\$895.53	\$1066.95	
Monthly Equipment Lease Payment	\$4196.09	\$5551.00	\$2276.47	
Color Service (Currently 30,495 prints per month)	.0028 per print	N/A	.00380 per print	Copies for Symquest are built in to price of \$5551.00
B&W Service (Currently 76,591 prints per month)	.0028 per print	N/A	.0049 per print	Copies for Symquest are built in to price of \$5551.00
MPS (Managed Print Service) (Currently 23,199 allowance B&W Prints)	.0089 per print	N/A	.0085 per print	Copies for Symquest are built in to price of \$5551.00
Estimated monthly cost of print and copies, based on current volumes	\$1,727	N/A	\$1,566	Subject to change based on actual

			usage for NBT
Total Estimated Annual Cost	\$71,076	\$77,358	\$58,913
Estimated Annual Savings (compared to existing contract).	N/A	\$xxx	\$12,163
Plus Free Copiers			
Savings Year 1		<u>\$XXX</u>	<u>\$12,163</u>
4 Year Savings	N/A	\$XXX	\$48,652

Board of Finance Motion: To approve and recommend that City Council authorize the Chief Administrative Officer, Katherine Schad, to execute a four-year agreement with National Business Technologies for the lease of copiers and Papercut not to exceed \$60,000 per year, with final review and approval of the City Attorney's Office. The provision of copy and print services is subject to change based on the number of prints.

City Council Motion: To authorize the Chief Administrative Officer, Katherine Schad, to execute a four-year agreement with National Business Technologies for the lease of copier and printers up to \$60,000 per year, and for the provision of copy and print services at the included cost schedule, upon final review and approval of the City Attorney's Office. The provision of copy and print services is subject to change based on the number of prints.

Board of Finance and City Council Submission ChecklistDepartment: Clerk Treasurer Submitter: Katherine SchadTitle/Subject: Authorization Lease Copier

	Approval:	Meeting Date:
☒	Board of Finance	3/20/2023
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	Click or tap to enter a date.	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/15/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/15/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	N/A	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	No	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

VERMONT

Department of Environmental Conservation

OFFICIAL NOTICE

Hello Neighbor,

This letter is an official notice that University of Vermont intends to apply for one or more permits from the Agency of Natural Resources, Department of Environmental Conservation (DEC). Because your property borders the location of the activity as described below, Vermont law requires the applicant to provide you with notice of the application(s).

Once each application has been submitted and deemed complete by DEC to begin the review, it will be posted to the DEC Environmental Notice Bulletin (ENB) at ENB.VERMONT.GOV, where you may register to receive notifications to stay informed as each application moves through the review process. Although the application(s) may not yet be received or processed by the DEC upon receipt of this letter from the applicant below, you may register now to receive notifications using a specified mile/distance radius from your address location (see next page for detailed instructions on how to register).

In the meantime, you may also contact the property owner/applicant with questions about the activity using the contact information provided below. For background, the permit process includes a public comment period and an opportunity to request a public meeting, all which can be done through the ENB link above once permit applications are posted. Note that to appeal a final permit decision you must submit comments during the public comment period.

For additional information please visit the following website: DEC.VERMONT.GOV/PERMITS/ENB/GENERAL. For general questions or assistance with registering on the ENB please call DEC's main line at (802) 828-1556 and plan to provide the permit types that are being applied for as listed below.

PROPERTY OWNER(S)/APPLICANT(S) NAME

University of Vermont & State Agricultural College

PROPERTY OWNER(S)/APPLICANT(S) CONTACT INFORMATION (MUST PROVIDE TELEPHONE NUMBER AND/OR EMAIL)

802-656-3208, lisa.kingsbury@uvm.edu

PROPOSED ACTIVITY STREET ADDRESS/ROUTE

University Road and 106 Carrigan Drive

PROPOSED TOWN(S)

Burlington

PERMIT TYPE(S) (INDICATE FOR EACH PERMIT TYPE NEW OR RENEWAL)

INDC (Ind. Construction SW Discharge Permit)

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Wednesday, March 8, 2023 10:54 AM
To: claire.forbes@uvm.edu; lisa.kingsbury@uvm.edu; lani.ravin@uvm.edu; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov; kaitlin.hayes@vermont.gov
Subject: Act 250 Schedule G notice 4C0637-2B
Attachments: Schedule G 4C0637-2B.pdf

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

Hello,

Attached is a Schedule G notice of initial application filing for Act 250 application 4C0637-2B - Demolition of UVM BioResearch Building.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Wednesday, March 15, 2023 2:04 PM
To: Lisa Kingsbury (she/her); NRB - Act250 Essex; kaitlin.hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; Duggan, James; ACCD - Project Review; Karen Paul
Cc: Lani Ravin
Subject: Re: E-CoS Regarding Monthly Information for LUP 4C1043-1A for March 2023
Attachments: 230308_0310_march_ACT250_LotCount.pdf; CoS UVM LUP 4C1043-1A 2023.03.23.pdf

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

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated March 15, 2023, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot, but electronic mail to those with email addresses as indicated above.

Lani Ravin, AICP
Associate Planner
Planning, Design & Construction
University of Vermont
email: Lani.Ravin@uvm.edu
Phone: (802) 656-3217
Fax: (802) 656-8895
31 Spear Street Marsh Hall Suite 10
Burlington, VT 05405

Lori Olberg

From: VLCT Events & Training <info+vlct.org@ccsend.com>
Sent: Wednesday, March 15, 2023 2:31 PM
To: Lori Olberg
Subject: Open Meeting Law for Municipal Board Members

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

[Trouble viewing this email? Click here to view as a webpage.](#)

x

For Municipal Board Members

Every municipal board, council, commission, and committee (see the examples listed below) is a "public body" and is therefore required to comply with Vermont's Open Meeting Law. Carl Andser, VLCT Municipal Assistance Center Staff Attorney II, will review the basic requirements of the law, including:

- public notice and creating an agenda
- managing public participation
- taking and posting meeting minutes

We will also discuss the requirements of the temporary provisions enacted this year that allow for remote and hybrid meetings.

April 19 @ 10 AM
\$10 PACIF
\$48 VLCT

REGISTER

This training is critical for elected and appointed members of all statutory municipal boards, commissions, and committees listed below, as well as committees appointed by selectboards (and other legislative bodies). Please note that, due to the great variety of locally appointed public bodies, the following list is not exhaustive, but has the majority of ones included in Vermont Statutes.

Legislative (Governing) Bodies

- Board of Aldermen
- City Council
- Board of Village Trustees
- Prudential Committee
- Selectboard

Boards

- Board of Abatement
- Board of Auditors
- Board of Civil Authority

Commissions

- Conservation Commission
- Planning Commission

Committees

- ARPA Committee
- Budget Committee
- Recreation Committee

Others by statute or appointed by selectboards (and other legislative bodies)

Lori Olberg

FOR OFFICIAL USE ONLY

From: NRB.Act250Essex@vermont.gov
Sent: Friday, March 17, 2023 8:47 AM
To: claire.forbes@uvm.edu; lisa.kingsbury@uvm.edu; lani.ravin@uvm.edu;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg;
joe.buford@usda.gov; info@winooskinrcd.org; ethan.tapper@vermont.gov;
john.gobeille@vermont.gov; andrew.wood@vermont.gov;
josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com;
pics@veic.org; mike.barsotti@champlainwater.org; anr.act250@vermont.gov;
barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov;
AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov;
kaitlin.hayes@vermont.gov
Subject: Act 250 Proposed Permit and Minor notice 4C0637-2B
Attachments: Draft Permit 4C0637-2B.pdf; Minor Notice 4C0637-2B.pdf

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

Hello,

Attached is a proposed permit, minor notice, and the associated certificate of service for Act 250 application 4C0637-2B
- Demolition of UVM BioResearch Laboratory building.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, March 21, 2023 8:08 AM
To: efarrell@farrellpropertiesvt.com; nick@vlt.org; cwpughe@gmail.com;
nrb.general@vermont.gov; nrb.act250agenda@vermont.gov; Karen Paul; Andrew
Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery;
burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov;
barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov;
AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov;
Kevin.Anderson@vermont.gov
Subject: Act 250 MOD - Withdrawn Application 4C1301-6
Attachments: MOD Withdrawal 4C1301-6.pdf

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

Hello,

Attached is an Act 250 Memorandum of Decision and Order regarding application withdrawal for 4C1301-6 - Cambrian Rise.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, March 21, 2023 2:55 PM
To: efarrell@farrellpropertiesvt.com; cwpughe@gmail.com; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov; Kevin.Anderson@vermont.gov
Subject: Act 250 Schedule G notice 4C1301-7
Attachments: Schedule G 4C1301-7.pdf

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

Hello,

Attached is a Schedule G notice of initial application filing for 4C1301-7.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Resolution Relating to

RATIFICATION OF APPOINTMENT OF ACTING WARD
EIGHT INSPECTOR OF ELECTION FOR MARCH 7, 2023
ANNUAL CITY ELECTION

RESOLUTION _____
Sponsor(s): Councilor Paul
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty Three.....

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

That WHEREAS, the City of Burlington Annual City Election was held on March 7, 2023; and
WHEREAS, the City Council must appoint Inspectors of Election when there is a vacancy in this
office, pursuant to City Charter §13; and
WHEREAS, this person served under the direction of the Ward Clerk as Inspector of Election,
providing competent and essential assistance to in the running of the March 7, 2023 Annual City Election;
NOW, THEREFORE, BE IT FURTHER RESOLVED that the Burlington City Council hereby ratifies
the following appointment for the Annual City Election that was held on March 7, 2023:

ACTING INSPECTOR OF ELECTION:
Ward Eight: Autumn Leach (D), 154 Loomis Street *Ward 1

Resolution Relating to

RATIFICATION OF APPOINTMENT OF ACTING WARD
EIGHT INSPECTOR OF ELECTION FOR MARCH 7, 2023
ANNUAL CITY ELECTION

RESOLUTION 8.36

Sponsor(s): Councilor Paul

Introduced: 03/27/23

Referred to: _____

Action: adopted

Date: 03/27/23

Signed by Mayor: 04/06/23

CITY OF BURLINGTON

In the year Two Thousand Twenty Three.....

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

1 That WHEREAS, the City of Burlington Annual City Election was held on March 7, 2023; and

2 WHEREAS, the City Council must appoint Inspectors of Election when there is a vacancy in this
3 office, pursuant to City Charter §13; and

4 WHEREAS, this person served under the direction of the Ward Clerk as Inspector of Election,
5 providing competent and essential assistance to in the running of the March 7, 2023 Annual City Election;

6 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby ratifies the
7 following appointment for the Annual City Election that was held on March 7, 2023:

8
9 ACTING INSPECTOR OF ELECTION:

10 Ward Eight: Autumn Leach (D), 154 Loomis Street *Ward 1
11
12
13

14 JP/JD/Resolutions 2023/ RATIFICATION OF APPOINTMENT OF ACTING WARD EIGHT INSPECTOR OF ELECTION FOR MARCH 7,
15 2023 ANNUAL CITY ELECTION
16 March 9, 2023

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

Ratification Of Appointment Of Acting Ward Eight Inspector Of Election
For March 7, 2023

.....

Adopted by the City Council

March 27, 2023

TA

Clerk

Approved April 10th, 2023

[Signature]

Mayor

Attest:

Vol. Page

* * * * *

Date: March 13, 2023

To: Cindi Wight, Abbey Duke, Joanne Putzier, Lori Olberg

From: Fauna Hurley

Subject: Parks Commission

To Whom It May Concern,

Serving on the Parks Commission for the past nine years and has been a wonderful privilege. I have enjoyed meeting dedicated staff and watching the department grow and thrive during leadership transitions.

After serving these past 9 years, please accept this letter as my formal resignation from the Parks, Recreation and Waterfront Commission effective March 16th, 2023. I look forward to remaining close to the Parks Department and am eager to allow another member of our community to serve in my place.

Sincerely,

Fauna Hurley

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION_____

Sponsor(s): Councilor Traverse
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual
Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and
WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests
List as appropriate for release in the future—for example, because outstanding issues are resolved,—those
properties should be brought forward to the Council and the Retained Interests List should be updated; and
WHEREAS, City staff have identified a number of properties that are appropriate for release since the
last release in December;
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual
leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401
and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:

- 80-96 Cayuga Court (Tax ID 024-4-023-000)
- 110 Cayuga Court (Tax ID 024-4-026-000)
- 58 Pearl Street (Tax ID 044-2-020-000)
- 84 West Road (Tax ID 023-4-019-000)

CITY OF BURLINGTON RETAINED P. PERPETUAL LEASE LAND INTERESTS			LIST Last Revised 3-27-23*						
PropertyRSN	PIN	TaxID	Property Type	Assessor Use	Address	Address Numeric	Street	Street Type	Owner List
	313278722004	044-4-033-000	Land and Building	C	130	130	Bank	ST	BTC Mall Associates, LLC
536	301961736648	024-1-002-000	Land and Building	R1	36	36	Barley	RD	Matthew J. Bombard Emily K Bombard
535	301867736567	024-1-001-000	Land and Building	R1	37	37	Barley	RD	Judith W. Austin
768	302140736242	024-2-009-000	Land and Building	R1	77	77	Barley	RD	Ugljesa Vujanovic Draginja Vujanovic
7156	312422721841	049-1-143-001	Land and Building	C	60	60	Battery	ST	Diamond Rock Burlington Owner LLC
811	303295735262	024-2-054-000	Land and Building	R1	31	31	Birch	CT	Monica M. Marvin
809	303377735322	024-2-052-000	Land and Building	R1	41	41	Birch	CT	Huy Vo
808	303420735354	024-2-051-000	Land and Building	R1	47	47	Birch	CT	Christopher C. Yurco
806	303452735586	024-2-049-000	Land and Building	R1	64	64	Birch	CT	Phet Sayamouangkhuia Bouavanh Sayamouangkhuia
1067	303515735610	024-4-001-000	Land and Building	R1	70	70	Birch	CT	Janice L Lovejoy
12228	303595735701	024-4-003-000	Land	RL	82	82	Birch	CT	Champlain Housing Trust Inc.
1073	303811735694	024-4-009-000	Land and Building	R1	99	99	Birch	CT	Joseph R. Guay Wendy M. Guay
1072	303841735726	024-4-008-000	Land	RL	105	105	Birch	CT	Champlain Housing Trust Inc.
1186	303921735755	024-4-133-000	Land and Building	R1	111	111	Birch	CT	Michael F. Mcgarghan Kelly J Mcgarghan
1185	304006735806	024-4-132-000	Land and Building	R1	115	115	Birch	CT	Victor Vieriu Vergica Ionescu Vieriu
1174	304108736082	024-4-120-000	Land and Building	R1	128	128	Birch	CT	Robert J Larue Marjorie W Larue
1175	304175736141	024-4-121-000	Land and Building	R1	132	132	Birch	CT	Ganja S. Pradhan Leela K. Pradhan
1178	304397736312	024-4-124-000	Land and Building	R1	144	144	Birch	CT	Nadia A. Mitchell Alexander V Mitchell
8554	314400717640	053-3-195-000	Land and Building	R1	20	20	Caroline	ST	Carolyn Lamoreaux Bates Revocable Trust
8500	314463717393	053-3-140-000	Land and Building	R2	65	65	Catherine	ST	Ruby L. Thibault Jed H Thibault Aurelien G. Thibault
8498	314560717370	053-3-138-000	Land and Building	R1	75-77	75	Catherine	ST	Bruce W. Bierbaum Kari Lynn Bierbaum
8497	314614717427	053-3-137-000	Land and Building	R3	83	83	Catherine	ST	Hugo Martinez-Cazon Keith S Levenson
818	303247735059	024-2-063-000	Land and Building	R1	14	14	Cayuga	CT	Cynthia B. Button Jon B. Button
826	303382734959	024-2-071-000	Land and Building	R1	17	17	Cayuga	CT	Scott S. Smith Stacey R. Smith
821	303375735162	024-2-066-000	Land and Building	R1	30	30	Cayuga	CT	Mary Logan Lockwood
823	303452735227	024-2-068-000	Land and Building	R1	40	40	Cayuga	CT	Mark P. Moye and Joyce Ann Howard Trust
1083	303587735324	024-4-019-000	Land and Building	R1	56	56	Cayuga	CT	Theresa M. Lacroix
1084	303613735368	024-4-020-000	Land and Building	R1	62	62	Cayuga	CT	Jessie Cassidy
1109	303757735252	024-4-050-000	Land and Building	R1	65	65	Cayuga	CT	Kevin Healy Arlene Healy
1107	303858735329	024-4-048-000	Land and Building	R1	75	75	Cayuga	CT	Burns Wilson Dartt III Francoise Magdalena Dartt
1105	303936735400	024-4-046-000	Land and Building	R1	81	81	Cayuga	CT	Jeffrey S Clements Lynne C. Clements
1103	304024735477	024-4-044-000	Land and Building	R1	101	101	Cayuga	CT	James F. Burt Vera Burt
1092	304083735699	024-4-028-000	Land and Building	R1	120	120	Cayuga	CT	Charles Eric Nichols Anne Williams
1099	304229735629	024-4-040-000	Land and Building	R1	125	125	Cayuga	CT	Sonia Darrow Ryon Frink
1098	304336735722	024-4-038-000	Land and Building	R1	129	129	Cayuga	CT	Jeffrey Desautels Tina Desautels
4860	312379722389	044-2-004-000	Land and Building	E	2	2	Cherry	ST	Epicopalian Diocese of Vermont
5329	313344722058	044-4-033-000	Land and Building	CL	75	75	Cherry	ST	BTC Mall Associates, LLC
8883	315561716908	054-1-121-000	Land and Building	R1	46	46	Chittenden	DR	Ute Regan
762	302209736468	024-2-003-000	Land and Building	R1	9	9	Clover	LN	Thanh Dang Son Tran
543	302189736725	024-1-009-000	Land and Building	R1	37	37	Clover	LN	Christine M. Thompson
542	302183736792	024-1-008-000	Land and Building	R1	45	45	Clover	LN	Timothy D. Thayer Debra Anne Thayer
4424	311724721578	043-4-001-000	Land	E	2-Jan	2	College	ST	City of Burlington - Parks Dept.
2361	302490731951	028-2-220-000	Composite	EL	8	8	College	ST	City Of Burlington - Department of Public Works
6994	311877721538	049-1-085-000	Land	EL	10	10	College	ST	City of Burlington
838	302344735027	024-2-088-000	Land and Building	R1	50	50	Cottage	GRV	Griffin Wert Joanna Wert
1936	302075734844	028-1-007-000	Land and Building	R1	80	80	Cottage	GRV	Marc Valin
1934	301926734747	028-1-004-000	Land and Building	R2	98	98	Cottage	GRV	Elmira Aliyev
1675	301706734578	027-3-058-000	Land and Building	R1	128	128	Cottage	GRV	Susan Flanders Hoxie
1674	301656734537	027-3-057-000	Land and Building	R1	134	134	Cottage	GRV	Raymond F Benoit Jr
1668	301388734295	027-3-051-000	Land and Building	R1	170	170	Cottage	GRV	James Douglas Daigle
2050	303032734650	028-1-126-000	Land and Building	R1	22	22	Cross	PKWY	Roberta P. Proulx Kelli P. LaPlant Jennifer P. Tremblay Joanne P. Ihlefeld
2048	302922734562	028-1-124-000	Land and Building	R1	38	38	Cross	PKWY	Patrica A. Heavner Christine A. Heavner Vicki L Cody
2039	302426734175	028-1-115-000	Land and Building	R1	102	102	Cross	PKWY	S. Brown Richardson Jane D. Richardson
2038	302400734124	028-1-114-000	Land and Building	R1	108	108	Cross	PKWY	Elizabeth H. Burns Alan Gladstone
2037	302315734089	028-1-113-000	Land and Building	R1	116	116	Cross	PKWY	Jasmin Pobric Gordana Pobric

2035	302197734005	028-1-111-000	Land and Building	R1	130	130	Cross	PKWY	Paul Held Susan Held
1457	300018734177	027-1-010-000	Land and Building	R1	34	34	Curtis	AVE	Tara Sullivan Brian J. Sullivan
1468	299891734057	027-1-021-000	Land and Building	R1	35	35	Curtis	AVE	George W. Buker Laurie A Buker
1467	299928734018	027-1-020-000	Land and Building	R1	43	43	Curtis	AVE	Paul E Sumner Jr Laura L. Sumner
1799	300335733791	027-3-164-000	Land and Building	R1	86	86	Curtis	AVE	Fred C Forehand Cynthia J Forehand
1800	300214733553	027-3-172-000	Land and Building	R1	121	121	Curtis	AVE	Debra Holonitch
1485	300308733403	027-3-170-000	Land and Building	R1	124	124	Curtis	AVE	Hans H. Heikel Kathryn W. Heikel
1486	300245733355	027-3-171-000	Land and Building	R1	130	130	Curtis	AVE	Travis M. Clairmont Gregory P. Clairmont
1487	300144733512	027-1-038-000	Land and Building	R1	135	135	Curtis	AVE	Jacqueline A. Dame Firley David S. Firley, Jr.
1481	300071733336	027-1-039-000	Land and Building	R2	148-150	148	Curtis	AVE	Peter D. Hayes Brian W. Hayes
1480	300013733408	027-1-040-000	Land and Building	R1	156	156	Curtis	AVE	Joshua Perrin
1479	299950733765	027-1-034-000	Land and Building	R1	187	187	Curtis	AVE	Kendrick J. Forguites
1497	299865733875	027-1-032-000	Land and Building	R2	201	201	Curtis	AVE	BPAWG, LLC
1498	299708733787	027-1-047-000	Land and Building	R1	206	206	Curtis	AVE	John P Gipson Carolyn R Gipson
147	299532734008	027-1-051-000	Land and Building	R2	232-234	232	Curtis	AVE	Francois Nsibienakou Nyame Nti A. Nsibienakou-Fawoho
12335	299647739370	021-2-046-000	Land and Building	R1	4	4	Derway	DR	Elizabeth V. O'Kane Kelly J Boudreau
1095	299541739169	021-2-080-000	Land and Building	R2	21-23	21	Derway	DR	Casey J. D. Lyon Maho Takahashi
34	299096739540	021-2-061-000	Condo Land	RA	95	95	Derway	DR	Larkin Realty
35	304264735867	024-4-034-000	Land and Building	R1	14	14	Dorset	LN	Mary E. Barr
13	298394739590	020-4-002-000	Land and Building	R1	93	93	Elbow	ST	2751 North Miami Avenue LLC
372	298411739635	020-4-003-000	Land and Building	R1	95	95	Elbow	ST	2751 North Miami Avenue LLC
376	298305739917	020-3-004-000	Land	RL	107	107	Elbow	ST	Anthony Pellegrino Eva M. Pellegrino
4975	300926737766	023-3-068-000	Land and Building	R1	32	32	Forest	ST	Elizabeth S. Wood
1968	301176737941	023-3-072-000	Land and Building	R1	66	66	Forest	ST	Raul Perez Kathleen Perez
1999	313148722869	044-2-117-000	Land and Building	R1	23	23	George	ST	Rachel Green
1989	302740734591	028-1-041-000	Land and Building	R1	45	45	Green Acres	DR	Rebecca Marie Roy Mark Edward Montalban
1980	302613734726	028-1-073-000	Land and Building	R1	46	46	Green Acres	DR	Lauren Weiner
1982	302067734294	028-1-063-000	Land and Building	R1	116	116	Green Acres	DR	Francis Bourgeois
1659	302075734077	028-1-053-000	Land and Building	R1	129	129	Green Acres	DR	Allison Curran
1707	301791734404	027-3-042-000	Land and Building	R1	176	176	Green Acres	DR	Antonia W Simpson Robert V Simpson
1711	301467735094	027-3-104-005	Land and Building	R1	5	5	Grey Meadow	DR	Jeffrey P Gendron Kathleen B Gendron
1706	301314735234	027-3-104-002	Land and Building	R1	6	6	Grey Meadow	DR	Tyce C. Foltz Kara S. Foltz
1713	301405735041	027-3-104-006	Land and Building	R1	7	7	Grey Meadow	DR	Nelson R Vargas Susan E Beil
1714	301252735176	027-3-104-001	Land and Building	R1	12	12	Grey Meadow	DR	Lynne S. Silva Roger W. Silva
1739	301294734953	027-3-104-008	Land and Building	R1	15	15	Grey Meadow	DR	Scott T Fusare Dagmar Zentrichova
1737	301235734904	027-3-104-009	Land and Building	R1	21	21	Grey Meadow	DR	James J. Chagnon Lita M Chagnon
1735	301064735046	027-3-104-034	Land and Building	R1	24	24	Grey Meadow	DR	Arthur J. Dusatlon Barbara Dusatlon
1720	300940734955	027-3-104-032	Land and Building	R1	32	32	Grey Meadow	DR	Nathan S. Strules
1731	300815734862	027-3-104-030	Land and Building	R1	38	38	Grey Meadow	DR	Bernard V. Bora Denise C Bora
1728	300878734637	027-3-104-015	Land and Building	R1	41	41	Grey Meadow	DR	Jessica Hook Scott Hook
1724	300572734602	027-3-104-026	Land and Building	R1	56	56	Grey Meadow	DR	Sanford W. Phillips Stephanie L. Phillips
1722	300742734398	027-3-104-023	Land and Building	R1	62	62	Grey Meadow	DR	Victor Menard Tami Menard
302	300958734144	027-3-104-019	Land and Building	R1	70	70	Grey Meadow	DR	Matthew J. Robbie Jennifer L. Heiny
67	301064734018	027-3-104-017	Land and Building	R1	74	74	Grey Meadow	DR	Catherine C. Wheeler Trust
73	299876738164	023-1-014-000	Land and Building	R1	21	21	Hardy	AVE	Lawrence A. Tulkop Lisa M. Tulkop
74	299829738223	021-2-001-000	Land and Building	R1	29	29	Hardy	AVE	Patra S Vail
75	299647738606	021-2-007-000	Land and Building	R1	71	71	Hardy	AVE	Richard E. Dion Faith B. Dion
77	299622738667	021-2-008-000	Land and Building	R1	77	77	Hardy	AVE	Philip Hinckley Rosalie A. Covey
79	299594738740	021-2-009-000	Land and Building	R1	85	85	Hardy	AVE	Katherine Schumpf Douglas J Schumpf
8426	299530738887	021-2-011-000	Land and Building	R1	101	101	Hardy	AVE	Robert K Young Janice Young
8425	299630739037	021-2-013-000	Land and Building	R1	112	112	Hardy	AVE	Lawrence L. Blanchard Judie A. Creamer
8383	314404717736	053-3-067-000	Land and Building	R3	117-119	117	Howard	ST	117-119 Howard Street LLC
3617	314463717730	053-3-066-000	Land and Building	R1	121	121	Howard	ST	Jeffrey G. Schneider Michelle C. Keegan
3549	314877717755	053-3-025-000	Land and Building	R1	153	153	Howard	ST	Andrea Gray
9016	307471727364	037-3-005-000	Land and Building	E	60	60	Institute	RD	City of Burlington - Parks Dept.
4948	308628728125	034-2-001-000	Land and Building	EL	75	75	Institute	RD	City of Burlington School Dept.
12168	315714716402	054-2-087-000	Land and Building	R1	9	9	Iranistan	RD	Karl W. Doerner Judith M. Doerner
4859	312926723089	044-2-090-000	Land and Building	RA	7-Jan	1	Johnson	ST	Beverly O'Free Rooney Richard A. Rooney
7196	312027721599	049-1-086-000	Land and Building	C	60	60	Lake	ST	Lake And College LLC

9011	311913721837	044-2-003-000	Land and Building	C	86	86	Lake	ST	Lake Street Associates Inc
9013	312327719230	049-2-039-000	Land and Building	E	101	101	Lavalley	LN	State of Vermont Building & General Services Dept. Vermont State Agency of Transportation Rail Unit
9014	315258716371	054-2-082-000	Land and Building	R1	16	16	Ledge	RD	L. Josette Noll
8580	315555716481	054-2-084-000	Land and Building	R1	50	50	Ledge	RD	Brett E. Mancini Seana Coughlin Mancini
8579	315639716371	054-2-085-000	Land and Building	R1	56-58	56	Ledge	RD	Catherine A. C. MacLachlan Trust
8575	314728717088	053-3-221-000	Land and Building	R1	38	38	Ledgemere	ST	Ila A. Abramson Joseph A. Bluestein
8576	314724717147	053-3-220-000	Land and Building	R1	44	44	Ledgemere	ST	Margaret E Joyal
8577	314578717211	053-3-216-000	Land and Building	R1	49	49	Ledgemere	ST	Austin D. Sumner Jennifer C. Sumner
832	314576717268	053-3-217-000	Land and Building	R1	55	55	Ledgemere	ST	Kevin S Cundiff Charles D. Kopplin
842	314723717268	053-3-218-000	Land and Building	R1	56	56	Ledgemere	ST	Gretchen E. Hogan Brendan P. Hogan
833	302688735119	024-2-078-000	Land and Building	R1	17	17	Loaldo	DR	Eric Gulfield
841	302581735213	024-2-096-000	Land and Building	R1	18	18	Loaldo	DR	Richard H. Yee, Jr. Mary B. Harkin
840	302647735072	024-2-079-000	Land and Building	R1	23	23	Loaldo	DR	Thomas R Carr
1963	302484735139	024-2-094-000	Land and Building	R1	32	32	Loaldo	DR	Gabriel Courage Holly Courage
1962	302377735178	024-2-092-000	Land and Building	R1	36	36	Loaldo	DR	Kenneth A Hebert Christine A. Hebert
1960	302527734886	028-1-036-000	Land and Building	R1	51	51	Loaldo	DR	Leo P. Campbell M. Eileen Campbell
1959	302521734809	028-1-035-000	Land and Building	R1	57	57	Loaldo	DR	Martha J Ledoux Robert E. Ledoux
1958	302425734726	028-1-033-000	Land and Building	R2	69	69	Loaldo	DR	Patricia Anne Hollinger
1943	302376734687	028-1-032-000	Land and Building	R1	75	75	Loaldo	DR	Harvey Family Revocable Trust
1954	302333734649	028-1-031-000	Land and Building	R1	81	81	Loaldo	DR	William A. Carlson
1953	302203734748	028-1-014-000	Land and Building	R1	84	84	Loaldo	DR	Alan LeBlanc
1950	302142734498	028-1-027-000	Land and Building	R1	105	105	Loaldo	DR	Sherri L McCoy
7198	302097734461	028-1-026-000	Land and Building	R1	111	111	Loaldo	DR	Kathryn A. Newton
8583	312070720020	049-2-041-000	Land and Building	E	1	1	Maple	ST	City of Burlington - Parks Dept.
693	313297720085	049-2-001-000	Land and Building	RA	113	113	Maple	ST	Maple Street Properties, LLC
967	314811716959	053-3-224-000	Land and Building	R1	16	16	Marian	ST	Jane Merola McKenzie
964	303439736520	024-1-116-000	Land and Building	R1	4	4	Meridian	ST	Darby Shaw Joseph Shaw
4920	303607736669	024-3-026-000	Land and Building	R1	28	28	Meridian	ST	Mustafa Jusupovic Amira Jusupovic
4928	303790736812	024-3-023-000	Land and Building	R1	50	50	Meridian	ST	O'Dell Walker
3619	312865723126	044-2-062-000	Land and Building	RA	58-64	58	Monroe	ST	Marijos Properties
2004	312876722913	044-2-070-000	Land and Building	R4	61-63	61	Monroe	ST	Carl F. Albarelli
827	308917726980	038-1-002-000	Cemetery	E	455	455	North	AVE	Burlington City Cemetery Dept. Lake View Cemetery
814	303250734902	028-1-078-000	Land and Building	R1	1464	1464	North	AVE	Migmar Dolma
830	303068734920	024-2-072-000	Land and Building	R2	1477	1477	North	AVE	John Whitehouse Revocable Trust
899	303097735140	024-2-058-000	Land and Building	R1	1490	1490	North	AVE	Sharon L. Fosbrook
831	302757734982	024-2-075-000	Land and Building	RA	1501	1501	North	AVE	Salamin Handy Mountaha Handy
848	302760735193	024-2-077-000	Land and Building	R1	1519	1519	North	AVE	Elizabeth Jane Fitzpatrick
792	302609735366	024-2-100-000	Land and Building	C	1541	1541	North	AVE	Thunderbolt Garage LLC
791	302538735400	024-2-102-000	Land	RL	1547	1547	North	AVE	Jolley Associates
849	302768735578	024-2-034-000	Land and Building	C	1548	1548	North	AVE	Litwhiler Enterprises Inc.
789	303094735926	024-2-033-000	Rental Land	E	1554	1554	North	AVE	BHA Franklin Square
869	302504735476	024-2-103-000	Land and Building	C	1555	1555	North	AVE	Jolley Associates
870	302612735734	024-2-030-000	Rental Land	E	1562	1562	North	AVE	Burlington Housing Authority
786	302372735591	024-2-127-000	Land and Building	C	1563	1563	North	AVE	Sisters & Brothers Investment Group, LLP
885	302280735657	024-2-128-000	Land and Building	R2	1571	1571	North	AVE	Lisa McLamb
783	302362735872	024-2-027-000	Land and Building	R1	1586	1586	North	AVE	Pauline R. Grogan Wanda L. Grogan Kevin L. Grogan
12273	302163735806	024-2-143-000	Land and Building	R1	1595	1595	North	AVE	John R Fisher Kathleen C. Fisher
779	302235735997	024-2-024-000	Land and Building	R1	1604	1604	North	AVE	Ginger J. Santor
778	302193736040	024-2-023-000	Land	RL	1610	1610	North	AVE	Champlain Housing Trust Inc.
511	302070736171	024-2-020-000	Land and Building	R1	1628	1628	North	AVE	Mary Lariviere
775	302029736215	024-2-019-000	Land and Building	R1	1634	1634	North	AVE	Simone M. Felty
529	301474736078	023-4-038-000	Land and Building	E	1645	1645	North	AVE	City of Burlington School Dept.
528	301904736343	024-2-016-000	Land and Building	R1	1652	1652	North	AVE	Hien Nguyen Phuong Chung
369	301761736459	023-4-056-000	Land and Building	R1	1670	1670	North	AVE	Francis J Fagga Jr Anne G Fagga
354	301722736500	023-4-055-000	Land and Building	R1	1676	1676	North	AVE	Terrence G. Moore Carol J. Moore
368	300740737598	023-3-065-000	Land and Building	R1	1922	1922	North	AVE	Elizabeth S. Lewis
353	300361737619	023-3-049-000	Land and Building	RA	1925	1925	North	AVE	New Northgate Housing, LLC
366	300696737649	023-3-064-000	Land and Building	R1	1928	1928	North	AVE	Kenneth Gokey
362	300549737529	023-3-048-000	Land and Building	R1	1929	1929	North	AVE	Leah A. Oklan Ezra Oklan

360	300604737753	023-3-062-000	Land and Building	R1	1942	1942	North	AVE	Denny Lee Johnson Christine H. Johnson
359	300537737842	023-3-057-000	Land and Building	R1	1954	1954	North	AVE	Brent Huff Nicole Huff
93	300462737951	023-3-055-000	Land and Building	R1	1968	1968	North	AVE	Edmund Parent Judy Parent
123	300432738027	023-3-054-000	Land and Building	R1	1976	1976	North	AVE	Jeannine Kneeland
122	300154738202	021-2-027-000	Land and Building	R1	2007	2007	North	AVE	Michael L. Bessette Arline S Bessette
99	300168738517	021-2-058-000	Land and Building	R1	2040	2040	North	AVE	Amylynn Streeter David H. Streeter
121	300154738592	021-2-057-000	Land and Building	R1	2044	2044	North	AVE	Rama Lakshmi Courcy Charles P. Courcy
101	299972738571	021-2-033-000	Land and Building	R1	2047	2047	North	AVE	Thomas M Leclair Jody A Leclair
118	300132738657	021-2-056-000	Land and Building	R1	2048	2048	North	AVE	Robert Lapointe
103	299905738701	021-2-035-000	Land and Building	R1	2061	2061	North	AVE	Gary D. Dion Linda D. Dion
114	300064738860	021-2-053-000	Land and Building	R1	2070	2070	North	AVE	Alfred Cyr III Cherie K Cyr
64	299852738831	021-2-037-000	Land and Building	R1	2075	2075	North	AVE	Tory-Ann Torres Luis Torres
62	299530739590	021-2-049-000	Land and Building	R1	3057	3057	North	AVE	Ramona M. Parker
143	298505739683	021-2-067-000	Land	RL	3127	3127	North	AVE	Thomas Furland Karen Furland
11	298595739779	021-2-065-000	Land and Building	R1	3130	3130	North	AVE	P Maria Spadanuda
41	298501739747	021-2-066-000	Land	RL	3135	3135	North	AVE	2751 North Miami Avenue LLC
25	298438739892	020-3-001-000	Land and Building	R1	3139	3139	North	AVE	Sandra A Labombard Todd M Labombard
22	298528739922	021-1-002-000	Land and Building	ML	3140	3140	North	AVE	Todd M Labombard Tina M. Tofani Irena H Labombard
4702	298469740063	020-3-019-000	Land and Building	R1	3152	3152	North	AVE	Tor D. Bortz Lorena K. Bortz
4701	298378740302	020-3-015-000	Land and Building	R1	3174	3174	North	AVE	Treehouse Garage LLC
4700	312299724080	044-1-255-000	Land and Building	R2	87	87	North	ST	PHE, INC
4699	312335724076	044-1-254-000	Land and Building	E	89	89	North	ST	Burlington Emergency Shelter Inc
32	312380724053	044-1-253-000	Land and Building	CR	93-97	93	North	ST	Melissa B. Lafayette
4877	312464724115	044-1-252-000	Land and Building	R4	101-103	101	North	ST	J. Stuart McGowan Joan H. Watson
4776	298293740997	020-3-029-000	Land	EL	0	0	North Avenue	EXT	City of Burlington - Parks Dept.
4782	312713722677	044-2-019-000	Rental Land and Building	E	20-Oct	10	North Champlain	ST	Burlington Housing Authority
59	312439723683	044-1-310-000	Land and Building	CR	99	99	North Champlain	ST	Erkson Real Estate LLC
60	312478723958	044-1-316-000	Land and Building	R1	125	125	North Champlain	ST	Martha J. Caswell Seth Wolcott-MacCausland
61	298854740073	021-1-027-000	Land and Building	R1	40	40	North Cove	RD	Robert Bristow-Johnson Phyllis Bristow-Johnson
12123	298848740167	021-1-030-000	Land and Building	R2	50	50	North Cove	RD	Chad E Dewyea
53	298852740449	021-1-031-000	Land	RL	52	52	North Cove	RD	Timothy A. Muir Frances D. Muir
50	298633740466	021-1-019-000	Land and Building	ML	94	94	North Cove	RD	Edward R. Peters Jr. Theresa Leona Peters Kathy Peters
461	298509740501	000-0-000-000	Land	X	99	99	North Cove	RD	Guy L. Southwell
1618	298528740719	021-1-014-000	Land and Building	R1	110	110	North Cove	RD	Karen Warren Susan R. Tippet
2085	300949737976	023-3-160-001	Land and Building	R1	67	67	North View	DR	David C Francis Donna Powell
1656	301769733600	027-3-001-000	Land and Building	R1	49	49	Oakland	TER	Dagnija Neimane
4900	301950733803	028-1-165-000	Land and Building	R1	50	50	Oakland	TER	George H Cootey Gail M Cootey
4753	301788733928	027-3-039-000	Land and Building	R1	74	74	Oakland	TER	Joanne Kalisz
4747	312264723375	044-2-043-000	Land and Building	R1	66	66	Park	ST	Malcolm M. Sanders
4745	312288723481	044-1-307-000	Land and Building	R2	76	76	Park	ST	James Design Build (John J. Burns)
4744	312278723743	044-1-301-000	Land and Building	RA	102	102	Park	ST	102 Park Street LLC
12282	312268723841	044-1-299-000	Land and Building	R1	112	112	Park	ST	Stephen Smith Carmen Smith
12283	312265723882	044-1-298-000	Land and Building	R2	116	116	Park	ST	Adam H. Holmes
4878	312267723949	044-1-296-000	Land	RL	124	124	Park	ST	Champlain Housing Trust Inc.
4879	312262723992	044-1-295-000	Land	RL	128	128	Park	ST	Champlain Housing Trust Inc.
4881	312963722733	044-2-021-000	Land and Building	CR	68	68	Pearl	ST	68 Pearl Street LLC
4942	313046722741	044-2-022-000	Land	EL	70	70	Pearl	ST	City Of Burlington - Department of Public Works
12732	313106722710	044-2-023-000	Rental Land and Building	CR	80-90	80	Pearl	ST	Josephine Bernardini Bove Richard J. Bove Jr.
7166	312857723305	044-2-084-000	Land and Building	R2	21	21	Peru	ST	BPJS Management LLC
7168	313163721587	049-1-125-000	Condo Land and Building	CC	84	84	Pine	ST	84 Pine Street Association
7169	313229719975	049-2-007-000	Land and Building	R2	220	220	Pine	ST	Nicholas S. Papaseraphim Deanna Papaseraphim
7171	313222719880	049-2-009-000	Land and Building	R3	230	230	Pine	ST	Chris Khamnei
892	313233719823	049-2-010-000	Land and Building	R1	234	234	Pine	ST	Diana L Doll
893	313253719593	049-2-013-000	Land and Building	C	266	266	Pine	ST	Pine Properties LLC
546	302324736305	024-2-150-000	Land and Building	R1	68	68	Plattsburg	AVE	Mariah Ogden
547	302314736369	024-2-151-000	Land and Building	R1	76	76	Plattsburg	AVE	Abi N. Chamlagi Mon M. Chamlagai
548	302301736570	024-1-012-000	Land and Building	R1	94	94	Plattsburg	AVE	Katherine B. Janson
1788	302293736626	024-1-013-000	Land and Building	R1	100	100	Plattsburg	AVE	Michael E. Cornell Mary E. Cornell
1744	302288736683	024-1-014-000	Land and Building	R1	104	104	Plattsburg	AVE	Kristina Wood Tyler Rouille

1787	300280734501	027-3-159-000	Land and Building	R1	21	21	Pleasant	AVE	Merima Elkaz
1784	300386734578	027-3-109-000	Land and Building	R1	22	22	Pleasant	AVE	Maureen K. Linsenmeir
1781	300336734438	027-3-158-000	Land and Building	R1	29	29	Pleasant	AVE	Margaret B Bombard Stephen Hadeka
1751	300502734240	027-3-154-000	Land and Building	R1	55	55	Pleasant	AVE	Boris Katsnelson Marina Katsnelson
1778	300762734134	027-3-117-000	Land and Building	R1	80	80	Pleasant	AVE	David P Devoid Jacqueline C. Devoid
1761	300699733692	027-3-124-000	Land and Building	R1	134	134	Pleasant	AVE	Cynthia A Warwick Jason F. Seiler
1766	300523733869	027-3-127-000	Land and Building	R1	156	156	Pleasant	AVE	Thomas O. Ross Mary M. Ross
1771	300389734256	027-3-140-000	Land and Building	R1	195	195	Pleasant	AVE	Meghan Fay-McCaffrey Liam P Mc Caffrey
288	300267734171	027-3-133-000	Land and Building	R1	198	198	Pleasant	AVE	Deborah L. Clemons
7227	300334734323	027-3-139-000	Land and Building	R1	203	203	Pleasant	AVE	Richard W. Hanzel Trust (Richard W. Hanzel)
7563	300444738520	021-4-001-000	Land and Building	R1	40	40	River View	DR	Karen J Anderson
7562	313396721479	049-3-017-000	Land and Building	C	95	95	Saint Paul	ST	Investors Corporation of Vermont
8403	313439719772	049-4-045-000	Land	RL	237-241	237	Saint Paul	ST	Stephen W. Conant Margaret C. Conant
8401	313497719645	049-4-044-000	Land and Building	C	249	249	Saint Paul	ST	Carrie Ann Rockwood Todd M. Rockwood
8400	314532717779	053-3-044-000	Land and Building	CR	463-465	463	Saint Paul	ST	Alan R. Longe Pamela B. Longe
8386	314572717680	053-3-042-000	Land and Building	RA	469	469	Saint Paul	ST	Gisele J. Fontaine Family Trust (Gisele J. Fontaine)
8397	314606717643	053-3-041-000	Land and Building	R3	475-477	475	Saint Paul	ST	Yee Properties LLC
8391	314805717706	053-3-027-000	Land and Building	R4	484-486	484	Saint Paul	ST	Four Eighty Four St Paul St, LLC
8395	314700717391	053-3-038-000	Land and Building	R3	507	507	Saint Paul	ST	Amanda H. Goossen Daniel Goossen
8755	314973717440	053-3-032-000	Land and Building	R1	516	516	Saint Paul	ST	Mathew Viens Johnnie McLaughlin
8392	314811717342	053-3-036-000	Land and Building	R1	517	517	Saint Paul	ST	Bryan A. Mihok
8754	314880717150	053-3-033-000	Land and Building	R1	539	539	Saint Paul	ST	David M. Buffington Meredith A. Coeyman
8841	315081717216	054-1-004-000	Land and Building	R3	540	540	Saint Paul	ST	LBC 515 & 540, LLC
8843	314915717029	054-1-001-000	Land and Building	RA	567	567	Saint Paul	ST	Sisters & Brothers Investment Group, LLP
8844	315211717046	054-1-077-000	Land and Building	R1	4	4	Shelburne	ST	Terrance A. McGrath Timothy L. McGrath
4892	315224716923	054-1-080-000	Land and Building	R1	14	14	Shelburne	ST	Kevin F. Quirino James J. Elias
675	315177716626	054-2-014-000	Land and Building	C	44	44	Shelburne	ST	Mary S. Burns Trust
10100	303097737144	024-1-098-000	Land and Building	R1	12	12	Sky	DR	Earl J. Babcock, Jr.
8768	303251737123	024-1-100-000	Land and Building	R1	24	24	Sky	DR	Sylvia J Bernardina
8763	318700717168	058-3-001-000	Land and Building	C	568	568	South Prospect	ST	Burlington Country Club Corp.
8762	314984717720	054-1-015-000	Land and Building	R1	467	467	South Union	ST	Rachel L. Morton Trust
8835	315058717420	054-1-010-000	Land and Building	R1	493	493	South Union	ST	Peter Keating Kathleen Keating
8760	315072717368	054-1-009-000	Land and Building	R1	499	499	South Union	ST	George L. Shelley IV Rachel W. Shelley
8836	315281717323	054-1-071-000	Land and Building	R3	508-510	508	South Union	ST	Marc L. Jacobs
8837	315226717276	054-1-072-000	Land and Building	R2	512	512	South Union	ST	Mary B. Hennessy
8758	315094717225	054-1-006-000	Land and Building	R1	515	515	South Union	ST	515 South Union Street-540 Saint Paul Street, LLC
7935	315220717219	054-1-073-000	Land and Building	R2	516-518	516	South Union	ST	William T. McGrath Jr. Mcgrath Income Only Trust
8865	315108717174	054-1-005-000	Land and Building	RA	525-527	525	South Union	ST	Alain W. Brunet
8863	315722718613	050-2-002-000	Land and Building	R1	385	385	South Willard	ST	Peter F. Lee Angela G. Lee Lydia G. Smith Lee Martin S. Lee
8862	315665718448	054-1-102-000	Land and Building	R1	405	405	South Willard	ST	Northeastern Family Institute Of Vermont Inc.
8869	315581718256	054-1-100-000	Land and Building	R1	425	425	South Willard	ST	Mark A. Stoler Diane A. Gabriel
8871	315540718188	054-1-099-000	Land and Building	R1	429	429	South Willard	ST	William Mares Christine Hadsel
8850	315795718100	054-1-106-000	Land and Building	R1	436	436	South Willard	ST	Jane A. Smith 2011 Revocable Trust
8848	315726717952	054-1-108-000	Land and Building	R1	452	452	South Willard	ST	Guido Mase Anne Kathleen Dougherty
8945	315317717210	054-1-086-000	Land and Building	R2	531-533	531	South Willard	ST	Tom Davies LLC
8946	315291717084	054-1-084-000	Land and Building	R2	543	543	South Willard	ST	Michael L. Richards
1507	315300716530	054-2-015-000	Land and Building	E	600	600	South Willard	ST	Greek Orthodox Church
1510	315204716388	054-2-017-000	Land and Building	C	616	616	South Willard	ST	RJL South Willard Mangement, LLC
1535	297948733336	027-1-061-035	Land and Building	S1	2	2	Starr Farm	BC	Daniel M. Boardman Trust
1534	298064733663	027-1-061-050	Land and Building	S1	5	5	Starr Farm	BC	Edward H. Starr Robin Robertson Starr
1503	298679733994	027-1-061-175	Land and Building	S1	9	9	Starr Farm	BC	Thomas W Dowe Jr Leslie E. Twitchell Elizabeth A. Dowe Kelly Dowe Engelman
1513	298716734186	027-1-061-170	Land and Building	S1	10	10	Starr Farm	BC	Pasquale George Martone Patricia M Martone
1518	298928734405	027-1-056-000	Land and Building	S1	13	13	Starr Farm	BC	W. Philip Wagner Revocable Trust Barbara E. Wagner Revocable Trust
1520	298245734244	027-1-061-065	Land and Building	S1	15	15	Starr Farm	BC	Katherine P. Pond Patrick S. Robins
1523	298537734316	027-1-061-090	Land and Building	S1	19	19	Starr Farm	BC	Gerald L Curley Laura C Curley
1522	298786734414	027-1-061-100	Land and Building	S1	21	21	Starr Farm	BC	Paul R. Sisson
1526	298981734539	027-1-061-115	Land and Building	S1	23	23	Starr Farm	BC	Richard H. Wiemann
1536	298899734639	027-1-061-110	Land and Building	S1	24	24	Starr Farm	BC	Kenneth R. Lee Kathleen P. Lee
498	299041734748	027-1-061-130	Land and Building	S1	27	27	Starr Farm	BC	Carmela Monaco

501	299373735397	027-1-061-180	Land and Building	S1	34	34	Starr Farm	BC	Denis O'Brien Isela M O'Brien
502	301479735575	023-4-026-000	Land	CL	43	43	Starr Farm	RD	John J. Flynn Estate
505	300969735121	023-4-028-000	Land and Building	R1	145	145	Starr Farm	RD	Denise Sauve
506	300858735154	023-4-029-000	Land and Building	R1	151	151	Starr Farm	RD	Marina C. Collins
507	300777735004	023-4-032-000	Land and Building	R1	167	167	Starr Farm	RD	Allen L. Barr Jr. Mary E. Barr
508	300679735022	023-4-033-000	Land and Building	R1	173	173	Starr Farm	RD	Daniel Elliott Joanna Elliott
1705	300625734986	023-4-034-000	Land and Building	R1	179	179	Starr Farm	RD	Neal Bernard Hayes Jr Nikki Lee Hayes
1741	300562734939	023-4-035-000	Land and Building	R1	187	187	Starr Farm	RD	Caroline M. Rudd
595	300477734780	027-3-103-000	Land and Building	R1	201	201	Starr Farm	RD	Ted Jacobites
592	300430734716	027-3-105-000	Land and Building	R1	207	207	Starr Farm	RD	Maurice A. Paquette Karen M Paquette
590	302811737138	024-1-066-000	Land and Building	R1	65	65	Sunset	DR	Richard Than
589	302949736960	024-1-063-000	Land and Building	R1	87	87	Sunset	DR	Norma C. Brunelle
689	303070736795	024-1-061-000	Land and Building	R1	109	109	Sunset	DR	Thaddeus Zabiegalski Frances Zabiegalski
898	303109736727	024-1-060-000	Land and Building	R1	117	117	Sunset	DR	Andrew E. Potter Meagan G. Potter
850	303315736735	024-1-112-000	Land and Building	R1	126	126	Sunset	DR	Mary A. Perry Joan G. Perry Judith B. Bailey
851	303299736401	024-2-157-000	Land and Building	R1	151	151	Sunset	DR	Yolanda Flores
853	302428735423	024-2-104-000	Land and Building	R1	13	13	Tracy	DR	Neil Guilmette Michelle Guilmette
1681	302371735380	024-2-105-000	Land and Building	R1	19	19	Tracy	DR	Michelle Valiquette John J. Valiquette Jr.
1683	301514734657	027-3-069-000	Land and Building	R1	131	131	Tracy	DR	Hue Thi Nguyen Tuan Nguyen
1684	301438734640	027-3-071-000	Land and Building	R1	139	139	Tracy	DR	Liam N. Page
1688	301386734597	027-3-073-000	Land and Building	R1	145	145	Tracy	DR	Debra A. LeBlanc
554	301328734553	027-3-075-000	Land and Building	R1	153	153	Tracy	DR	Lynn Crocker Wood
553	301107734379	027-3-083-000	Land and Building	R1	181	181	Tracy	DR	Margaret Poulin Kirk Poulin Robin A. Smith Laura J. Blaise Rebecca L. Richardson
12655	302040736842	024-1-020-000	Land and Building	R1	37	37	Turf	RD	Jay P. Bessette Diem T. Ha
661	302210736963	024-1-019-000	Land and Building	R2	57	57	Turf	RD	BPAWG, LLC
662	303063737772	024-1-078-000	Condo Land	RC	1	1	Valade	ST	Valade Park Condo Association
663	303195737405	024-1-084-000	Land and Building	R1	42	42	Venus	AVE	Harvey C. Allard Jr. Margaret M Allard
665	303276737383	024-1-085-000	Land and Building	R1	46	46	Venus	AVE	Ziyu Fang
953	303360737360	024-1-086-000	Land and Building	R1	54	54	Venus	AVE	Anthony M Mazza Elizabeth A Mazza
950	303507737147	024-3-012-000	Land and Building	R1	77	77	Venus	AVE	Angelina Fitzpatrick James J. Fitzpatrick
873	303733737206	024-3-016-000	Land and Building	R1	94	94	Venus	AVE	John F K Rouille Mary R Rouille
881	303700737029	024-3-009-000	Land and Building	R1	101	101	Venus	AVE	Muaz Omanovic Kija Omanovic
492	302132735650	024-2-131-000	Land and Building	R1	19	19	West	RD	Richard Sener Karen J. Sener
491	301910735636	024-2-139-000	Land and Building	R1	38	38	West	RD	Gina A. Scafa
1631	301501735308	023-4-018-000	Land and Building	R1	90	90	West	RD	Joshua Farley Andrea Farley
12221	301575735164	023-4-015-000	Land and Building	R1	95	95	West	RD	Heinrich Savelberg Christina T. Savelberg Casandra C. Savelberg
12222	301521733604	027-3-014-000	Land and Building	R1	66	66	Western	AVE	Kimberly Ann Hunt Alexander T. Messinger
463	300746737816	023-3-061-000	Land	RL	19	19	Woods	ST	Champlain Housing Trust Inc.
1626	300686738042	023-3-164-000	Land and Building	R1	40	40	Woods	ST	First United Methodist Church of Burlington VT
1625	301216733969	027-3-031-000	Land and Building	R1	10	10	York	DR	Roland A Dion Gail A Dion
1650	301364733886	027-3-009-000	Land and Building	R1	15	15	York	DR	Kim M. Palasits
	301438733948	027-3-008-000	Land and Building	R1	29	29	York	DR	Steven R. Benoit Jean M. Benoit
	301447734149	027-3-033-000	Land and Building	R1	38	38	York	DR	Robert Hart Dorcas Hart

*Properties on

LEGEND:	
	Department of Permitting & Inspections--Trades Division
	Department of Permitting & Inspections--Housing Division
	Department of Permitting & Inspections--Zoning Division
	Burlington Public Works--Water Resources
	Burlington Electric Department
	Department of Public Works

Board of Finance and City Council Submission ChecklistDepartment: City Attorney's Submitter: Lisa JonesTitle/Subject: Resolution: Release of certain glebe lands

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	3/27/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/23/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/23/2023	Kim Sturtevant
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	N/A	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	List of lease lands (Excel spreadsheet)
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Councilor Traverse

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION 8.37

Sponsor(s): Councilor Traverse

Introduced: 03/27/23

Referred to: _____

Action: adopted

Date: 03/27/23

Signed by Mayor: 04/06/23

CITY OF BURLINGTON

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

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

- 1 That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual
2 Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and
3 WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests
4 List as appropriate for release in the future—for example, because outstanding issues are resolved,—those
5 properties should be brought forward to the Council and the Retained Interests List should be updated; and
6 WHEREAS, City staff have identified a number of properties that are appropriate for release since the
7 last release in December;
8 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual
9 leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401
10 and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:
11 • 80-96 Cayuga Court (Tax ID 024-4-023-000)
12 • 110 Cayuga Court (Tax ID 024-4-026-000)
13 • 58 Pearl Street (Tax ID 044-2-020-000)
14 • 84 West Road (Tax ID 023-4-019-000)
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DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

City Attorney's Office

ORIGINAL

RESOLUTION RELATING TO

Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of
The City Of Burlington Perpetual Lease-Land Interests List

Adopted by the City Council

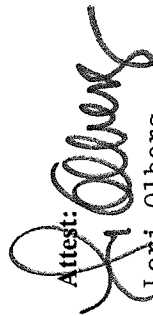
March 27, 2023

 Clerk

Approved April 16, 2023

 Mayor

Attest:



Lori Olberg

Licensing, Voting and Records Coordinator Vol. Page

* * * * *

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear comments on the following proposed amendment to the City of Burlington's *Comprehensive Development Ordinance* (CDO):

ZA-23-02: Inclusionary Zoning

The public hearing will take place on **Monday, March 27, 2023 during the Regular City Council Meeting which begins at 6:00 pm in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT or you may access the hearing/meeting as follows:**

On-line: <https://zoom.us/j/93624044621>

By telephone: +1 929 205 6099

Webinar ID: 936 2404 4621

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: ZA-23-02 modifies the General Requirements for Inclusionary Units to allow for greater flexibility in providing affordable housing. Specifically, the amendment creates alternative compliance pathways to meeting the bedroom mix and unit size requirements in developments where the project's market rate units' floor area and bedroom mix differ significantly from demand for affordable housing unit types.

Geographic areas affected: ZA-23-02 applies to all areas and zoning districts within the city.

List of section headings affected: ZA-23-02 modifies Sec. 9.1.8 and Sec. 9.1.14 of the *Burlington Comprehensive Development Ordinance*.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. Upon request, a hard copy of the proposed amendments can be viewed at the Clerk's Office located on the second floor of City Hall, 149 Church Street, Burlington, Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Amendments>.

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

CDO—INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

ORDINANCE _____

Sponsor(s): Office of City Planning,
Planning Commission
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, be and hereby is amended by amending Sections 9.1.8 Inclusionary Units, Rentals and Sales; and 9.1.14 General Requirement for Inclusionary Units; thereto to read as follows:

Sec. 9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units.

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be <u>at least</u> :
Less than 139% of AMI	15%
140%-179% of AMI	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

Sec. 9.1.14 General Requirements for Inclusionary Units

All covered projects must comply with the requirements set forth below.

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.

(b) The bedroom mix requirements established in Section 9.1.14(a) do not apply when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI);

~~(b)~~ Rental inclusionary units within a covered project may “float” (as opposed to designating specific units). Owner-occupied inclusionary units within a covered project must be specifically designated. In either case, inclusionary units may be grouped together or distributed throughout a covered project;

~~(e)~~ Covered projects including both rental and owner-occupied dwelling units shall provide inclusionary units proportionate to the numbers of rental and owner-occupied dwelling units;

~~(d)~~ Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area, provided that:

1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units;
2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and,
3. Inclusionary units are afforded the same opportunity for parking that the market units are afforded.

~~(f)~~ The floor area of the inclusionary units is not less than ninety percent (90%) of the average gross floor area of the market rate units within the project with the same number of bedrooms, except when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI).

1. When the gross floor area ratio described above is proposed, the minimum gross floor area of inclusionary units by bedroom count is as follows:

- i. Studio: 350 sf
- ii. 1 bedroom: 550 sf
- iii. 2 bedroom: 750 sf
- iv. 3 bedroom: 950 sf
- v. 4+ bedroom: 1,150+ sf

~~(g)~~ Upon demonstration of inability to sell units to income eligible residents earning 70% of the AMI, the Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to households earning as much as AMI, adjusted for household size and to households residing in Burlington at

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
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ZA# 23-02

the time that these units are offered for sale. In extending income eligibility, priority shall be given to the lowest income household who qualifies for purchase, all else being equal;

(gh) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project unless required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the stricter bylaws of the designated housing agency; and

(hi) The final calculations for the number of inclusionary units shall be determined by the Manager prior to the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that increases the number of inclusionary units required, such modifications shall be determined by the Manager and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the covered project. The rental or sales price of the inclusionary units shall also be determined by the Manager prior to the issuance of a certificate of occupancy.

* Material stricken out deleted.

** Material underlined added.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor(s): Office of City Planning,
Planning Commission
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

CDO—INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, be and hereby is amended by amending Sections 9.1.8 Inclusionary Units, Rentals and Sales; and 9.1.14 General Requirement for Inclusionary Units; thereto to read as follows:

Sec. 9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units.

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be <u>at least</u> :
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Off-campus student housing	15% of total beds

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

Sec. 9.1.14 General Requirements for Inclusionary Units

All covered projects must comply with the requirements set forth below.

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.

(b) The bedroom mix requirements established in Section 9.1.14(a) do not apply when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI);

~~(b)~~ Rental inclusionary units within a covered project may “float” (as opposed to designating specific units). Owner-occupied inclusionary units within a covered project must be specifically designated. In either case, inclusionary units may be grouped together or distributed throughout a covered project;

~~(e)~~ Covered projects including both rental and owner-occupied dwelling units shall provide inclusionary units proportionate to the numbers of rental and owner-occupied dwelling units;

~~(d)~~ Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area, provided that:

1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units;
2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and,
3. Inclusionary units are afforded the same opportunity for parking that the market units are afforded.

~~(f)~~ The floor area of the inclusionary units is not less than ninety percent (90%) of the average gross floor area of the market rate units within the project with the same number of bedrooms, except when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI).

1. When the gross floor area ratio described above is proposed, the minimum gross floor area of inclusionary units by bedroom count is as follows:

- i. Studio: 350 sf
- ii. 1 bedroom: 550 sf
- iii. 2 bedroom: 750 sf
- iv. 3 bedroom: 950 sf
- v. 4 bedroom: 1,150 sf

~~(g)~~ Upon demonstration of inability to sell units to income eligible residents earning 70% of the AMI, the Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to households earning as much as AMI, adjusted for household size and to households residing in Burlington at

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

the time that these units are offered for sale. In extending income eligibility, priority shall be given to the lowest income household who qualifies for purchase, all else being equal;

(~~gh~~) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project unless required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the stricter bylaws of the designated housing agency; and

(~~hi~~) The final calculations for the number of inclusionary units shall be determined by the Manager prior to the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that increases the number of inclusionary units required, such modifications shall be determined by the Manager and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the covered project. The rental or sales price of the inclusionary units shall also be determined by the Manager prior to the issuance of a certificate of occupancy.

* Material stricken out deleted.

** Material underlined added.

Inclusionary Zoning

*City Council
March 27, 2023*



Meagan Tuttle, Director of Planning
Charles Dillard, Principal Planner

Purpose

This amendment modifies the General Requirements for Inclusionary Units to allow for **greater flexibility** in providing affordable housing. Specifically, the amendment creates alternative compliance pathways to meeting the **bedroom mix** and **unit size** requirements in developments where the project's market rate units' floor area and bedroom mix differ significantly from demand for affordable housing unit types.

Proposed amendments

1. **Bedroom Mix: Gross Floor Area Ratio** – In lieu of complying with current market rate/IZ unit ratio, projects can deliver IZ units using a separate gross floor area-based ratio as long as the total gross floor area of the IZ units is greater than the required percent of inclusionary units as established today. (Sec 9.1.14(b))
2. **Unit Size: Gross Floor Area Ratio** – In lieu of complying with current standard relating minimum IZ unit size to project's market rate units, projects can deliver IZ units that are different in size as long as the total gross floor area of the IZ units is greater than the required percent of inclusionary units as established today. (Sec 9.1.14(f))
 - When this alternative approach is used, IZ units must meet the following minimum unit size standards:
 - Studio: 350 sf
 - 1-Bedroom: 500 sf
 - 2-Bedroom: 750 sf
 - 3-Bedroom: 950 sf
 - 4+Bedroom: 1,150 sf

Bedroom Mix: Gross Floor Area Ratio

Current Standard:

- Requires bedroom mix of IZ units to be identical to the market rate unit mix.

Proposal:

- Allow projects to provide an alternative bedroom mix when the gross floor area of all IZ units is greater than the percent that is otherwise required today.

Rationale:

- The market demand for inclusionary unit types by number of bedrooms can differ, sometimes significantly from that of market rate units. At times, the IZ units may tend toward more bedrooms, other times they may have fewer bedrooms.
- Specific in-demand market rate project types have no corollary in the affordable housing market (e.g. student housing, co-housing)

Bedroom Mix: Gross Floor Area Ratio

Example Project

Current:

- Project with 100 units and 15% IZ requirement
- All market rate units are 4-BR units marketed to students
 - Market Rate Units
 - 85 4-BR @1,200 SF
 - IZ Units
 - 15 4-BR @ at least 1,080 SF



While there is some demand for affordable 2- 3- and even 4-BR affordable units, an affordable building composed exclusively of these large 4-BR units is not likely meeting general or site-specific IZ demand.

Proposed:

- Project with 100 units and 15% IZ requirement
- All market rate units are 4-BR units marketed to students
 - Market Rate Units
 - 85 4-BR @1,200 SF
 - 102,000 SF gross floor area (units only)
 - IZ Units
 - 20 1-BR @600 SF
 - 5 2-BR @ 762 SF
 - 15,810 SF gross floor area (units only)
 - 15.5% of the gross floor area of the market rate units

Bedroom Mix: Peer City Approaches

South Burlington requires that the average (mean) number of bedrooms in inclusionary units shall be no less than the average number of bedrooms in the market rate units.

New York City establishes minimum bedroom mix proportions by number of bedrooms:

- 50% or more of IZ units must be 2BR+
- 75% must contain 1BR+
- The City allows for multiple exemptions to these standards

Boston requires that IZ units must be “consistent” in bedroom count and includes the following requirement:

- Off-site IZ units “must reflect or be preferable to the mix of market rate units in a project,” where “preferable” means a higher percentage of units with 2+ bedrooms

Unit Size: Gross Floor Area Ratio

Current Standard:

- Requires that an IZ unit be no smaller than 90 percent of the average gross floor area of a market rate unit with the same bedroom number.

Proposal:

- Allow projects to provide alternative unit sizes when the gross floor area of all IZ units is greater than the percent that is otherwise required today. In such cases, minimum unit sizes are proposed.

Rationale:

- The market demand for inclusionary unit types by size often differs from that of market rate units.
- Specific in-demand market rate project types have no corollary in the affordable housing market (e.g. student housing, co-housing).
- Establishing minimum unit sizes when the gross floor area ratio approach is used will guarantee adequate and market-typical unit sizes.

Unit Size: Gross Floor Area Ratio

Example Project

Current:

- Project with 100 units and 15% IZ requirement
- All market rate units are 4-BR units marketed to students
 - Market Rate Units
 - 85 4-BR @1,200 SF
 - IZ Units
 - 15 4-BR @ at least 1,080 SF
 - 90% of avg. gross floor area of the market rat units

Proposed:

- Project with 100 units and 15% IZ requirement
- All units are 4-BR units marketed to students
 - Market Rate Units
 - 85 4-BR @1,200 SF
 - 102,000 SF gross floor area (units only)
 - IZ Units
 - 20 1-BR @600 SF
 - 5 2-BR @ 762 SF
 - 15,810 SF gross floor area (units only)
 - 15.5% of the gross floor area of the market rate units

Unit Size: Peer City Approaches

Burlington's former standards set minimum unit sizes according to bedroom number:

- Studio: 450 sf
- 1 BR: 750 sf
- 2 BR: 1,000 sf
- 3 BR: 1,100 sf
- 4+ BR: 1,250 sf

New York City establishes minimum unit sizes according to bedroom number:

- Studio: 400 sf
- 1 BR: 575 sf
- 2 BR: 775 sf
- 3+ BR: 950 sf

South Burlington

- Studio: 450 sf
- 1 BR: 650 sf
- 2 BR: 900 sf
- 3+ BR: 1,200 sf
- If the average (mean) area of the Habitable Area of the market rate units is less than the minimum area required for the Habitable Area of inclusionary units, then the Habitable Area of the inclusionary units shall be no less than 90% of the average (mean) Habitable Area of the market rate units.

Burlington's Minimum Housing Standards

Unit Size

“Every dwelling unit shall contain a minimum habitable floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant, up to a limit of three (3) and at least fifty (50) square feet for each additional occupant after four (4).”

- 1 occupant (studio or 1 BR): Min. 150 sf
- 2 occupants (1 BR or 2 BR): Min. 250 sf
- 3 occupants (2 BR or 3 BR): Min 350 sf
- 4 occupants (3 BR or 4 BR): Min 450 sf
- 5 occupants (4 BR or 5 BR): Min 500 sf

Bedroom Size

- Each bedroom must contain at least 70 sf
- Each bedroom intended for sleeping purposes by more than one person must contain at least 50 sf per person
- If occupancy exceeds these standards, code enforcement officials may order the number of people sleeping in the room to be reduced.



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

www.burlingtonvt.gov/plan

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
CC: Brian Pine, CEDO Director
DATE: March 13, 2023
RE: Proposed CDO Amendment – ZA-23-02: Inclusionary Zoning

Overview & Background

Inclusionary Zoning (IZ) is one of the primary mechanisms for securing newly built affordable housing in Burlington. Consistent with peer cities, Burlington regulates not just the number of affordable homes that must be created, but the characteristics of those units relative to market-rate units, including floor area and bedroom mix, or the distribution of units according to the number of bedrooms they contain. However, Burlington's standards are inflexible in comparison and can lead to the requirements for affordable unit types for which there is little demand, or even the unviability of a development project where some requirements are not compatible with affordable housing practices or the specific project market for affordable housing. As a result, this proposed amendment seeks to provide greater flexibility in two specific areas of the Inclusionary Zoning (IZ) ordinance.

Bedroom Mix

Current IZ standards require that a development's inclusionary units must have the same bedroom mix as its market rate units. For example, in a project consisting of 100 units with a 15% Inclusionary Zoning requirement, 15 of the units must be affordable. If a third of the market-rate units are two-bedroom units (29 units) and the balance are one-bedroom (56 units), then the affordable units must be provided in the same ratio – a third of the 15 units must be two-bedroom units (5 units) and the remainder must be one-bedroom (10 units).

While usually appropriate and adequate in producing in-demand affordable unit types, for certain developments this standard can be infeasible. Such an example could include a development that includes a large number of four-bedroom units marketed primarily to university students. While such four-bedroom units may be in demand among this demographic, there is not as much demand for affordable four-bedroom units. For example, Champlain Housing Trust (CHT) has only recently begun incorporating four-bedroom units, which represent only about 5%-10% of their total unit mix. In reviewing this amendment with CHT, it was noted that while there is a waiting list for three-bedroom units, the organization has both less demand and existing inventory of four-bedroom affordable units. Similarly, the organization is working to expand the inventory of homes available for individuals formerly experiencing homelessness, which tend to include fewer bedrooms. While either of these unit types could be successful as part of a project, a strict bedroom parity requirement may not allow the mix of location-sensitive unit types that are needed.

Conversely, the ordinance does not offer an option for the affordable units to have a greater number of bedrooms than the market rate units. For example, the ordinance doesn't provide flexibility for developments that include primarily studio and one-bedroom market-rate units but where there is desire to include a primarily one- and two-bedroom IZ units and fewer studio IZ units.

The proposed amendment creates an alternative compliance pathway that exempts a project from the bedroom mix parity requirement when a prescribed proportion of a building's residential area is dedicated to inclusionary units. This alternative requires that the IZ units occupy a percent of the

residential floor area that is greater than the percentage of required IZ units. For example, if a project is required to provide 15% of its units as IZ units, the amendment would allow an alternate bedroom mix so long as more than 15% of the residential floor area is occupied by inclusionary units. The intent would be for a project to create a more in-demand mix of affordable unit sizes despite potentially having a different bedroom mix than the market units.

The proposed flexibility is more in line with approaches taken in some cities with IZ requirements, which aim to produce affordable units that are similar to market units and/or satisfy a specific market's affordable housing need, but don't require strict parity. Some examples include:

South Burlington

- Requires that the average number of bedrooms in a project's IZ units be no less than average number of bedrooms in its market-rate units

New York City

- 50% or more of IZ units must be 2+BR
- 75% or more of IZ units must be 1+ BR
- Multiple exemptions are allowed

Boston:

- IZ unit bedroom mix must be "consistent" with that of market rate units
- Off-site IZ units "must reflect or be preferable to the mix of market rate units in a project," where "preferable" means a higher percentage of units with 2+ bedrooms.

Floor Area

Current IZ standards regulating floor area are intended to guarantee a minimum size for IZ units based on the size of market-rate units. This is common practice among cities with IZ requirements. However, many jurisdictions either establish alternative minimum unit sizes or allow for flexibility in creating units that may be smaller than market-rate units but still habitable and in the interest of fair housing.

Burlington, in contrast, requires that the size of inclusionary units must be no less than 90% of the size of market-rate units with the same number of bedrooms. While this standard was introduced in the comprehensive revision to IZ standards in 2019 as a replacement to the previous minimum IZ unit size requirements, there was continued discussion about the feasibility of this right up to the adoption of the ordinance. Like the bedroom mix standard, for some projects this creates inflexibility and could lead to the creation of affordable units that are not consistent with demand.

Identical to the proposed approach with respect to bedroom mix, the amendment creates an alternative compliance pathway that exempts the unit size comparability when a prescribed portion of a building's residential area is dedicated to IZ units. This is a necessary complement to the alternative bedroom mix standard—if IZ and market-rate units do not have comparable unit sizes with regard to bedroom mix, then requiring comparable unit sizes with regard to floor area is irrelevant. The amendment would allow for more flexibility in IZ unit sizes commensurate with the bedroom mix so long as more than 15% of the total residential floor area is occupied by IZ units. In order to ensure a habitable baseline, the amendment also re-establishes minimum IZ unit sizes by bedroom count when this alternative compliance approach is utilized:

Proposed IZ Min. Unit Sizes:

- Studio: 350 sf
- 1-BR: 500 sf
- 2-BR: 750 sf
- 3-BR: 950 sf
- 4+BR: 1,150 sf

These proposed unit sizes are all larger than what would otherwise be required by the City's Minimum Housing standards (Ch. 18 of the Code of Ordinances). Additionally, these standards have been shared with both a local market-rate developer and CHT, who indicated that these unit sizes are workable in the local market. Below are the approaches taken to unit size comparability by the same three municipalities with IZ requirements.

South Burlington

- Studio: 450 sf
- 1-BR: 650 sf
- 2-BR: 900 sf
- 3+BR: 1,200 sf
- Where market-rate units are larger than the above IZ minimums, the IZ units must be no smaller than 90 percent of the floor area of the market rate units

New York City

- Studio: 400 sf
- 1-BR: 575 sf
- 2-BR: 775 sf
- 3+BR: 950 sf
- Multiple exemptions exist

Boston:

- Units must have "comparable" square footage as market rate units, as determined by the Boston Planning & Development Agency (BPDA)
- BPDA may approve smaller off-site IZ units when "substantially superior" affordable housing outcomes are demonstrated

It should be noted that the remainder of the standards in Article 9 regarding IZ development remain unchanged, including provisions that regulate the location, tenure, income limits, duration, and building quality and energy efficiency of affordable units.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment modifies the General Requirements for Inclusionary Units to allow for greater flexibility in providing affordable housing. Specifically, the amendment creates alternative compliance pathways to meeting the bedroom mix and unit size requirements in developments where the project's market rate units' floor area and bedroom mix differ significantly from demand for affordable housing unit types.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. Amends Article 9 – Inclusionary and Replacement Housing to create alternative compliance methods in the provision of affordable Inclusionary Zoning units.

- Creates a new Sec. 9.1.14 (b) that exempts projects from the Sec. 9.1.14(a) bedroom mix requirements when the ratio of the gross floor area of its inclusionary units to the total gross floor area of all residential units within the project exceeds the required percent of inclusionary units established in *Table 9.1.8-1 Inclusionary Zoning Percentages*.

- Modifies the existing Sec. 9.1.14(e) to allow greater flexibility for the size of a project's affordable units relative to the market rate units. The amendment also establishes minimum unit sizes when this alternative compliance method based on gross floor area is proposed.

Relationship to planBTV

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

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent with *planBTV*, which calls for growth in specific areas of the city where relatively dense, multi-unit housing is anticipated. As any development containing five or more units is required to create affordable IZ units, this growth will mean the creation of new affordable homes in downtown and other growth areas and corridors that are accessible to jobs and services. To make such development feasible, and to create needed market-rate and affordable units, the amendment provides necessary flexibility and removes arbitrary requirements that have the unintended consequence of requiring units that are of a size and bedroom mix that are not in keeping with local demand for affordable housing.

Impact on Safe & Affordable Housing

The amendment is consistent with *planBTV* in that it promotes the development of in-demand and right-sized affordable housing in the city and will almost certainly lead to the creation of a greater number of affordable units than would today's requirements. Burlington, as *planBTV* makes clear, is distinct, dynamic and inclusive in large part to an established community value of acceptance of residents and households from all socioeconomic backgrounds. Indeed, the amendment is consistent with *planBTV's* Policy 11.1, which calls for the City to, "Update the City's Inclusionary Zoning Ordinance and other land use policies to expand the creation of affordable homes." By extension, through creating a more flexible affordable housing program, the amendment would support Burlington's goal of continuing to be a place where low- and moderate-income residents who contribute to the city's vitality and economy can reside.

Planned Community Facilities

This amendment has no direct impact on planned community facilities. However, it should be noted that an inclusive housing market that includes ample and appropriately-sized affordable homes located in growth areas supports the City's investments in infrastructure and open space amenities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission 1/10/2023, 1/19/23, 1/24/23	Approve for Public Hearing 1/24/23	Public Hearing 2/16/23	Approved & forwarded to Council 2/16/23
City Council Process				

First Read & Referral to Ordinance Cmte 2/21/23	Ordinance Cmte discussion 1/19/2023	Ordinance Cmte recommend 2/16/2023	Second Read & Public Hearing 3/27/2023	Council Approval & Adoption
--	---	--	---	-----------------------------------

Board of Finance and City Council Submission ChecklistDepartment: City Planning Submitter: Charles DillardTitle/Subject: Proposed CDO Amendment ZA-02-2023 Inclusionary Zoning

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

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/15/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Choose an item.	3/17/2023	Click or tap here to enter text.
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/17/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Choose an item.	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.



OFFICE OF THE CLERK/TREASURER City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401 Voice (802)865-7000

Fax (802) 865-7014

Deaf/Hard of Hearing 711

DECLARATION OF ELECTED CANDIDATES ANNUAL CITY ELECTION – MARCH 7, 2023

I, Katherine Schad, Presiding Officer for the March 7, 2023 Annual City Election for the City of Burlington, Vermont do hereby declare the following candidates elected as a result of the Annual City Election held March 7, 2023:

<i>Central District</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
Central District	City Councilor	Melo Grant	66.03%
Central District	School Commissioner	Jean A. Waltz	98.43%

<i>East District</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
Central District	City Councilor	Timothy C. Doherty, Jr.	53.47%
Central District	School Commissioner	Gary L. Golden	97.33%

<i>North District</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
North District	City Councilor	Mark Barlow	96.91%
North District	School Commissioner	Kendra Sowers	97.77%

<i>South District</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
South District	City Councilor	Joan Shannon	73.22%
South District	School Commissioner	Jeffrey J. Wick	98%

<i>Ward 1</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
Ward 1	Ward Clerk	Sue Alenick	99.04%
Ward 1	Inspector of Election (3 year term)	Linda Sheehey	99.05%

<i>Ward 2</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
Ward 2	Ward Clerk	Wendy Coe	98.02%
Ward 2	Inspector of Election (3 year term)	Andrew Champagne	98.70%

<i>Ward 3</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
Ward 3	Ward Clerk	Charlie Giannoni	97.34%
Ward 3	Inspector of Election (3 year term)	Barbara Alsop	97.12%

<i>Ward 4</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
	Ward Clerk	Amy Bielawski-Branch	98.06%
	Inspector of Election (3 year term)	Kerry Holway*	38.43%

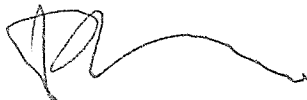
<i>Ward 5</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
	Ward Clerk	Michael Healy	99.12%
	Inspector of Election (3 year term)	Rachel Fisher	99.24%
	Inspector of Election (1 year term)	Frances D. Brock	99.03%

<i>Ward 6</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
	Ward Clerk	Gregory Epler Wood	98.52%
	Inspector of Elections (3 year term)	Alan Matson	98.92%

<i>Ward 7</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
	Ward Clerk	Jeffrey Comstock	98.21%
	Inspector of Elections (3 year term)	Thomas L. Fleury	98.99%
	Inspector of Elections (1 year term)	Larry Solt	98.45%

<i>Ward 8</i>	<i>Office</i>	<i>Elected Candidate</i>	<i>% of Vote</i>
	City Councilor	Hannah King	54.81%
	Ward Clerk	N/A	N/A
	Inspector of Election (3 year term)	N/A	N/A
	Inspector of Election (2 year term)	N/A	N/A

*Elected by Write-in Votes



Katherine Schad
Presiding Officer – March 7, 2023 Annual City Election

3/8/23

Date

CITY OF BURLINGTON

ORDINANCE 9.02

Sponsor(s): Office of City Planning,
Planning Commission
Public Hearing Dates: 03/27/23

In the Year Two Thousand Twenty-Three

First reading: 02/21/23
Referred to: Ordinance Committee
Rules suspended and placed in all
stages of passage: _____
Second reading: 03/27/23
Action: adopted
Date: 03/27/23
Signed by Mayor: 04/06/23
Published: 04/19/23
Effective: 05/10/23

An Ordinance in Relation to

CDO—INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, be and hereby is amended by amending Sections 9.1.8 Inclusionary Units, Rentals and Sales; and 9.1.14 General Requirement for Inclusionary Units; thereto to read as follows:

Sec. 9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units.

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be <u>at least</u> :
Less than 139% of AMI	15%
140%-179% of AMI	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20_____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved _____, 20_____.

_____, Mayor.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20_____.
Adopted _____ Published _____ Effective _____
_____, City Clerk

Attest:

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

* * * * *

* * * * *

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

Sec. 9.1.14 General Requirements for Inclusionary Units

All covered projects must comply with the requirements set forth below.

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.

(b) The bedroom mix requirements established in Section 9.1.14(a) do not apply when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI);

(bc) Rental inclusionary units within a covered project may "float" (as opposed to designating specific units). Owner-occupied inclusionary units within a covered project must be specifically designated. In either case, inclusionary units may be grouped together or distributed throughout a covered project;

(ed) Covered projects including both rental and owner-occupied dwelling units shall provide inclusionary units proportionate to the numbers of rental and owner-occupied dwelling units;

(de) Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area, provided that:

1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units;
2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and,
3. Inclusionary units are afforded the same opportunity for parking that the market units are afforded.

(ef) The floor area of the inclusionary units is not less than ninety percent (90%) of the average gross floor area of the market rate units within the project with the same number of bedrooms-, except when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI).

1. When the gross floor area ratio described above is proposed, the minimum gross floor area of inclusionary units by bedroom count is as follows:

- i. Studio: 350 sf
- ii. 1 bedroom: 550 sf
- iii. 2 bedroom: 750 sf
- iv. 3 bedroom: 950 sf
- v. 4+ bedroom: 1,150+ sf

(fg) Upon demonstration of inability to sell units to income eligible residents earning 70% of the AMI, the Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to households earning as much as AMI, adjusted for household size and to households residing in Burlington at

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20_____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved _____, 20_____.

_____, Mayor.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,
namely the _____ day of _____, 20_____.

Adopted _____ Published _____ Effective _____
_____, City Clerk

Attest:

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

* * * * *

* * * * *

CDO – INCLUSIONARY ZONING
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

the time that these units are offered for sale. In extending income eligibility, priority shall be given to the lowest income household who qualifies for purchase, all else being equal;

(g) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project unless required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the stricter bylaws of the designated housing agency; and

(h) The final calculations for the number of inclusionary units shall be determined by the Manager prior to the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that increases the number of inclusionary units required, such modifications shall be determined by the Manager and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the covered project. The rental or sales price of the inclusionary units shall also be determined by the Manager prior to the issuance of a certificate of occupancy.

* Material stricken out deleted.

** Material underlined added.

ORIGINAL

AN ORDINANCE IN RELATION TO

CDO--INCLUSIONARY ZONING Inclusionary Zoning
Percentages and General Requirements for Inclusionary
Units ZA#23-02

Introduced by

Commissioner Office of City Planning, Planning
Commission

Read in City Council first time

February 21, 2023

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

Attest,

_____, Clerk.

Read in City Council second time

March 27, 2023

Attest,

_____, Clerk.

Passed in City Council at meeting held

March 27, 2023

Attest,

_____, Clerk.

Approved

April 10, 2023
_____, Mayor.

I, CAO Schad
CAO Schad of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____
Wednesday

namely the 19th day of April, 2023.

Adopted 03/27/23 Published 04/19/23 Effective 05/10/23

CAO Schad
CAO Schad

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on

City Attorney's Office
Planning Director Tuttle

Attest:

Lois Elberg
Lois Elberg

Licensing, Voting & records Coordinator

* * * * *

* * * * *

To: City Council & Mayor
From: Gene Bergman, Charter Change Committee Chair
Re: Revision of City Council Rules
Date: March 24, 2023

At the Council's January 23, 2023 meeting, an ad hoc committee made a presentation of proposed changes to the current council rules. President Paul appointed the committee based on the council's retreat last summer.

The ad hoc committee highlighted various rules changes (committee assignments, public forum, start times for working sessions, informational items, and non-actionable items, and "councilor reflections"). The council then unanimously referred the rules and proposed changes to the Charter Change Committee for further review with a request to report back in time for the council to act before the end of the current term.

The Charter Change Committee took this up at special meetings called for this purpose on February 13, 27, and March 23. The attached minutes of these deliberations provide a detailed view of the committee's work. This memo highlights our committee's work.

Numbering and Styling:

The rules were renumbered. We deleted the bracketing. We made the purpose of the council's meetings the initial rule, the selection of the council president the second, with all the other rules renumbered accordingly.

Rule 2:

We clarified that the council members voting on the president at organization day are those councilors sworn in at the time to account for the (unlikely but possible) potential for vacancies and absences on organization day.

Rule 3:

We clarified that a temporary president is elected by a majority of councilors present and voting at a meeting when the president is absent.

The "present and voting" language change was also made wherever the term "present" is found throughout the Rules.

Rule 4:

We made no changes to the ad hoc committee's proposal.

Rule 5:

We left unchanged the ad hoc group's following work on subsection (a)

- to make the president an ex-officio member of all committees;
- to allow the president to serve as a voting member of a committee in the absence of an appointed committee member or as a result of in a vacancy on the Council; and
- to authorize the president to appoint all ad hoc committees unless the council votes by a majority of those present and voting to designate those members;

We clarified the final procedure authorizing the council to take up a matter assigned to the jurisdiction of a committee before the committee makes a report and recommendation on the matter. We rejected having committees' work plans be subject to the full council's approval.

We decided that greater flexibility was appropriate with regard to reporting on committee work. We clarified that the committees' chairs are responsible for verbally reporting on their work on a regular basis and sending approved minutes to the council for placement on the consent agenda. We consolidated formatting as well.

We clarified the process on significant work requests to staff by individual councilors and committees. We moved the provision related to the removal of councilors from committees by the president to newly numbered Rule 13, the rule on councilor absences.

Rule 6:

We altered the time limitation for the public forum from 60 to 90 minutes on a 2-1 vote. We rejected on a 2-1 vote the elimination of the time limit. We unanimously agreed with adding the right of the council to extend that time. We reworded the provision that secondary priority for the order to speak at public forum is to be given to Burlington organizations and property owners. The other revisions by the ad hoc committee were unchanged.

Rules 7-12:

We made no changes to the ad hoc committee's work save the "present and voting" change and a grammatical change.

Rule 13:

We accepted the ad hoc committee's language with a grammatical change. We folded in the "removal for absences" provision from the committee rule but adjusted it to have the time frame be over 6 months and the absences be consecutive for without good reason.

Rules 14 & 15:

Like the ad hoc committee, we made no changes to these rules.

Rule 16:

We made the duration of the public forum 90 minutes, consistent with Rule 6. We eliminated the councilor responsive comments agenda item.

Rules 17-22:

We made no changes save the "present and voting" change.

I hope this memo is helpful in reading through the documents and making a decision on the adoption of revised rules. Again, please note that the attached minutes of the meetings provide a more detailed view of the committee's deliberations and reasons for its decisions.

CHARTER CHANGE COMMITTEE

Monday, February 13, 2023

Via Zoom (Remote)

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

Staff Present: Kim Sturtevant (Acting City Attorney)

Others in Attendance: Sharon Bushor

Meeting called to order at 7:00 PM.

1.0 Agenda

1.01 Motion to amend agenda

Motion by Councilor Carpenter, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt Minutes from 01/19/2023

Motion to Adopt Minutes from 01/19/2023 without changes.

Motion by Councilor Carpenter, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

Sharon Bushor: I would like to focus on City Council Rule 15, particularly parts D and E. Part D is concerned with the time of the public forum. I appreciate that Council meetings are earlier so that councilors are less tired. That said, I think 6 PM is too early. The public has to juggle work, family, etc. I think that public forum should have a shorter window to begin so that the public can weigh in without sitting around. I think 7-7:30PM would be the best window. I think councilor reflections are sometimes used to comment on public forum speakers. I don't want people to be targeted or labelled as problematic. Thank you.

4.01 City Council Rules

Bergman: I would to start going through the rules, but I think we may need another meeting to completely go through them.

Carpenter: I think if we find a particular rule that's got questions we can talk about it in another meeting.

Bergman: Okay, then let's go to number 1. I think this is pretty straightforward and we are flexible in our scheduling.

Traverse: The term 'body' is not used elsewhere and I think we need to be clear on how many councilors are needed.

Bergman: It seems to me that if there was a resignation between Town Meeting Day and April that that would be different from a councilor being absent when considering what a full council is.

Carpenter: If one person resigns, the full council would be 11 then, I think.

Bergman: But the council is composed of 12 officers.

Traverse: If the president has not designated another councilor and is absent, then what is the process?

Carpenter: If a position is vacated between the election and April, then we would still need to select a president.

Bergman: But the majority changes from 7 to 6 if a councilor has resigned. It seems like it should be the full body of 11 councilors.

Carpenter: That 12th seat won't be filled for a few months anyhow.

Traverse: I agree, but I don't like the term body in this instance.

Attorney Sturtevant: I can look into that before the next meeting.

Bergman: Perhaps focusing on sworn councilors would be the best language for this.

Carpenter: What's 'styled' as president mean?

Bergman: You will call them president. It's an older term, but it's in the charter. Rule 2 is about if the president is absent.

Traverse: A temporary president is elected by a majority of those president.

Bergman: Kim if you could share the document that you are editing that would be helpful. Moving to rule 3, the minutes are on the consent agenda. Rule 4 concerns committee assignments, any comments?

Carpenter: How does changing or adding committees work?

Bergman: The committees have been the same for a long time. The newer ones are Public Safety, TEUC, and REIB. The charter gives the Council the authority to create committees. We would need to amend our rules to add or create committees.

Traverse: I have no further comments on rule 4a.

Bergman: I have an issue with the last sentence of the first paragraph. I don't think committees should have to go to Council to receive authority on issues related to the committee.

Carpenter: I don't read it like that. I think that the idea is that any assignment to a committee from the Council must be addressed by the committee before the Council can move on it again.

Bergman: For this next part. I don't like that the full Council can muck into committee business. I think we need to delete this section.

Carpenter: I believe this section is more about informing the Council of what the committee is working on. We should be telling them what we think we will be working on and any updates that we might have. I would more in favor of a verbal update every month or so from each committee on what they are each working on.

Traverse: If I were to suggest an edit, I would think that if the Council requests a report from a committee that the chair could give one verbally or in writing. I don't have strong feelings one way or another.

Bergman: Moving to Rule 4(b). This wants committees to present written reports. No way. We do too much work as is and the minutes should be sufficient.

Carpenter: I agree. This should probably just be verbal rather than written.

Bergman: Our work shows through our resolutions and other products. These are the real products. Let's go back to the previous rule. I believe the committees should be able to assign City employees tasks without having to go to the full council.

Carpenter: I think something that requires significant employee time then we should go to the entire Council for endorsement.

Bergman: This does not define what a significant assignment is. I think we might just disagree on this issue. I don't think individual councilors should be able to assign tasks, but committees are different. This would slow down the process.

Carpenter: I don't think a committee should be able to demand a large enough workload to require additional staffing by themselves. Two councilors should not be able to set priorities of departments by themselves.

Bergman: The clause following this allows the executive branch to run city policy.

Carpenter: But the departments bring their requests to the council anyhow.

Traverse: I don't think individual councilors or committees cannot assign work to departments. The Council has to vote on something and the Mayor has to sign off to assign work. I don't think we should have any limits on what we can request, but we cannot assign work without the full Council.

Carpenter: If a department says a request is a significant amount of work, we should have to go to the full Council to assign projects to departments.

Traverse: If a department deems a request to be overly burdensome, the requesting councilor or committee can bring the item to the full Council to assign it to a department.

Bergman: This is good discussion. I would like to keep to our 8:30 end time.

Attorney Sturtevant: I believe Sharon Bushor raised her hand.

Sharon Bushor: I sent some information to Kim about a time when a councilor resigned and it made a mess. We had some work on how we figured out the issue around electing a Council president and the details are in the email.

Bergman: Looks like February the 27th at 7:00PM works best for everyone for a special meeting.

5.0 Adjournment

Motion to Adjourn.

Motion by Councilor Traverse, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:39 PM.

CHARTER CHANGE COMMITTEE

Monday, February 27, 2023

Via Zoom (Remote)

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

Staff Present: Kim Sturtevant (Acting City Attorney)

Others in Attendance: Sharon Bushor

Meeting called to order at 7:02 PM.

1.0 Agenda

1.01 Motion to amend agenda

Motion by Councilor Carpenter, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt Minutes from 11/03/2022 and 02/13/2023

2.01 Adopt Draft Minutes from 11/03/2022

Motion to Adopt Minutes from 11/03/2022 without changes.

Motion by Councilor Carpenter, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous.

2.02 Adopt Draft Minutes from 2/13/2023

Motion to Adopt Minutes from 02/13/2023 without changes.

Motion by Councilor Carpenter, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

Sharon Bushor: I have a few comments on Councilor Rules. Starting with Rule 15, Order of Business, (d) and (e). Part (d) has to do with when the public forum occurs and it was proposed to change from a start time of 7:30PM to a general time span of 6:00-7:30. I have changed my mind since I spoke with the Council. Older people may take public transit or younger people that have young children. The proposed rules are for an hour of public forum. I think having public comment for two or more hours is excessive. I think a max flexibility of 30 minutes or so would

be best. Later meetings are less convenient for the general public. I want to encourage participation.

The second item you're proposing is councilor reflections. The City has seen public forum as a chance for members of the public to speak and not a dialogue. Councilors could end up targeting individuals that don't have the chance to rebut or clarify. This doesn't seem helpful. Councilors could comment at the end on how the Council or City can assist commenters. Thank you.

4.01 City Council Rules

Bergman: We left off on Rule 4b.

Carpenter: Can you remind me of who worked on this draft set of rules?

Bergman: Councilors Paul, Shannon, Barlow, and Hightower.

Carpenter: So four of us have already looked at these rules. This is a second pass on these rules.

Bergman: The proposed rules were not adopted unanimously, so I feel fine adding our own changes. We are on Rule 4b. There were not changes except for the numbering for this rule. Anyone have any comments on 4b?

Attorney Sturtevant: Before we move on, is everyone comfortable with the rule changes I made after our last meeting per the committee's instructions?

Bergman: I think we should clarify if undue burden is the same as significant when talking about committees giving City departments tasks.

Traverse: I think if a City department thinks a task is burdensome they should let us know. I think committees should be able to ask departments to do things, but the Council can actually assign it.

Carpenter: I thought we agreed that requests are fine, but assignments are only from the Council.

Bergman: Perhaps the however clause should be its own sentence. A task could be 'significant and unduly burdensome.' There could be requests that are significant but not necessarily be burdensome.

Traverse: I agree. We should drop the semi-colon, make a new full sentence. Before all this is completed we should go back and make sure we are in agreement on what exactly 'full Council' means.

Bergman: I think it should be a majority of those councilors present, just like any other vote. I think we should delete the word entire in this rule. Is there anything in the new (b) that needs to be changed? Looks fine to me. Moving on to absences. Is missing three council meetings in a year the magic number?

Carpenter: I'm fine with that, and it also says 'may' so the President does not have to rescind an appointment.

Traverse: The President appoints the committees as they choose. Does this rule indicate that the President does not have the authority otherwise? I think this should be moved down to Councilor responsibilities. There are plenty of reasons the President may want to move a Councilor off a committee.

Bergman: I am not sure if we should be vesting the President with the power to remove Councilors off committees at will. I am concerned about an abuse of power. I think President Paul is doing a good job, but not everyone is as considerate. I remember way back that there were Councils that were problematic. There are plenty of reasons a person may want to be removed, but we have to be careful.

Carpenter: I think if someone misses three out of nine meetings or so, it is not fair to the committee to not have regular attendance. How do we rectify that?

Bergman: Let's highlight this and come back to it when we get to Councilor responsibilities. Moving to Rule 5. I oppose limiting the public forum to 60 minutes and I believe it is a violation of the Open Meetings Law.

Carpenter: The legislature is like this. All are time limited and those that didn't get to speak can submit in writing. Perhaps we could have public forums nights. We need a new or different way to allow people to speak and get to our work. We could have more meetings, I suppose. Something I like in the legislature is that you aren't allowed to comment the same thing 8 times in a row.

Bergman: Limiting the public forum to 60 minutes is not the way.

Carpenter: I would like to see more public forums on specific questions or specific items. A guided public hearing differs from a public comment that is all over the place.

Bergman: Open Meeting Law allows us to limit topics to items that are being covered that night. We could even limit people to 1 minute each, but I still don't want a 60 minute cap.

Carpenter: At some point there has to be an end point. Hours and hours of public comment is not reasonable. The legislature has a sign up list and they know if the same person is coming back again and again so others can speak.

Traverse: I think it's appropriate to cap length. The model rules put out by the VLCT says a cap on public forum is appropriate, but they do not provide a length. I think we could extend the length by a vote, but I think we should have a cap.

Sharon Bushor: I concur with Councilor Traverse. Our rules previously were not always written down, but it usually would have been an hour and could then be extended. When the council worked on gun control, we had very length public forums. It would be undemocratic if the council did not listen to the general public, but there have to be limits. The Secretary of State said that two minutes was appropriate, but less than that wasn't ideal.

Bergman: I see a compromise here. I am opposed to there being a time limit, however. I will move to strike the 'up to 60 minutes' portion of this rule. I see no second, it fails. I would entertain any other motion.

Traverse: Are we amending the amendment or the rules themselves? I move to remove the strikethrough about the president, and add after that that the council can also extend the time.

Carpenter: I will second that. It all depends how many people that want to speak.

Traverse: The president could extend for just a few people, but a full council would have a path to overrule the president.

Bergman: I still do not think 60 minutes is long enough. This appears to be undemocratic to me. All in favor of the amendment as proposed? I see two ayes, Traverse and Carpenter. I oppose. The ayes have it. Moving on.

Carpenter: We could have the first 60 minutes for comments related to the night's agenda and then have unrelated comments after that.

Traverse: I believe the intent of the prioritization of Burlington residents is not quite clear. Do we want to update that? It's imperfect, but let's just move on. I see on subsection (c) there is a note from Karen Paul.

Bergman: I think leaving the deletion as it stands accomplishes that. Everyone is good with the deletion? I see unanimous consent. I don't see any charges to the duty of the presiding officer and I don't think there is any need for changes. Any one else? No, okay. I think this could be a good place to put in the attendance requirement so that committees are functional.

Traverse: I think this is a good place to add attendance language. We might want to take a look at what other municipalities are doing for their legislative bodies. We should also update our conflict of interest rule to include more circumstances.

Carpenter: I think we should an intro paragraph to lay out the basic requirements of councilors and then following that something more specific about committee attendance, etc. I do think presidents should have the power to remove someone from a committee since it can muck things up.

Bergman: Should missing three meetings be characterized as absenteeism? Assuming committee chairs are properly scheduling meetings. This seems prone to abuse.

Carpenter: There has to be an arbiter to solve these issues.

Bergman: Some committees meet a lot, like this committee. If the chair schedules meetings when someone is not available, that is also an issue.

Carpenter: Another issue could also be the chair not calling meetings.

Bergman: I think the other councilors should reach out to the president to solve an issue like that.

Carpenter: I just think that missing three meetings should not be a hard and fast rule, but relative to the number of meetings and other factors.

Bergman: I think I would fine with changing it to missing three meetings within three months would require action. After that point the chair of the committee will need to bring it to the president.

Carpenter: And we should include that the chair should accommodate councilors' schedules and give proper notice.

Bergman: Kim, could you craft something regarding this? We are looking to ensure that committees function and that the president will help with that.

Attorney Sturtevant: Yes, I can do that.

Sharon Bushor: There have been times when committee members have asked to be excused for one reason or another. I don't think councilors should be removed if someone is up front about not being able to make it to meetings.

Bergman: Yes, let's include that. Moving to rule 8. The last sentence is the loophole for this rule. I don't have a problem with rule 8, anyone else?

Carpenter: Many of these rules are reminders for councilors rather than being hard and fast.

Traverse: I move to strike the words 'when necessary.' Fine with everything else.

Bergman: I believe we have unanimous consent to strike that. Rule 9 has not been changed. I don't see any interest in amending rule 9. Moving to rules 10 and 11, which also have no changes.

Traverse: I think we should perhaps amend our voice vote system. Maybe not in this section.

Carpenter: If someone is on Zoom or via phone, then all our votes have to be roll call.

Bergman: Moving to rule 12. Minor changes to a few things, but mostly the same.

Traverse: This is where our rule on councilor absences could be.

Bergman: We may want to clarify here that committees are fine to be remote, and that only council meetings are prioritizing in-person. How about rules 13 and 14? No issues with these myself. Rule 15?

Carpenter: I think the flexibility here is important. I don't have any issues with this rule.

Traverse: I think 6 PM is too early and would prefer 6:30.

Bergman: We could move up a lot of materials to before public comment such committee reports.

Traverse: I think there should be a time certain for public forum. The time certain should be between 6:30-7:30.

Carpenter: Most people speak through Zoom and sign up beforehand and could adjust themselves.

Bergman: I move to make the time 6:45 PM.

Traverse: I move to create a time certain between 6:30-7:30PM.

Bergman: Councilor carpenter seconds. I cannot support, but it is an improvement. Motion passes with Councilors Traverse and Carpenter. Moving on to striking out the portion on councilor reflections. We have unanimous consent. Moving to section (d). Anyone have any changes?

Carpenter: Do we do secret ballot votes? I can't think of anything.

Bergman: I don't believe we do anything these days by secret ballot. Any other items to take up on these rules? I see nothing else. I will close this agenda item.

5.0 Other Committee Business

Bergman: Does March 23rd at 7:00 PM work for everyone? Let us plan for then.

6.0 Adjournment

Motion to Adjourn.

Motion by Councilor Traverse, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:57 PM.

APPENDIX B

RULES AND REGULATIONS OF THE CITY COUNCIL¹

~~1—Presiding officer.~~

~~1.A.~~ Purpose and organization of city council meetings.

~~2 Presiding officer.~~

~~3 {Order of succession.}~~

~~3—4 {Chief administrative officer of the council; minutes.}~~

~~4—5 Committee assignments.~~

~~5—6 Place and date of meetings; quorum.~~

~~6—7 {Duties of presiding officer.}~~

~~7—8 {Member responsibilities.}~~

~~8—9 Motions and amendments.~~

~~910 {Withdrawal of motion; motion to reconsider.}~~

~~110 Resolutions and reports to be in writing.~~

~~121 {Yeas and nays.}~~

~~123 {Absences.}~~

~~134 Meetings to be public, exception.~~

~~145 {Introduction of ordinances.}~~

~~156 Order of business.~~

~~167 {Agenda.}~~

~~178 {Business to be conducted in accordance with Robert's Rules of Order.}~~

~~189 Appointments to be by open ballot.~~

~~1920 Request for legal assistance.~~

~~201 City councilor expense reimbursement.~~

~~212 Electronic devices.~~

1 Presiding officer.

~~The presiding officer of the city council shall be styled the president. The president shall be elected at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.~~

~~(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19)~~

~~**Charter reference—**Authority to elect president of council, § 36.~~

1.A Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

2 Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected, by a majority of the sworn members of the council, at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19)

Charter reference—Authority to elect president of council, § 36.

23 [Order of succession.]

In the absence of the president, the chief administrative officer shall, and if the chief administrative officer is not present, any councilor may, call the council to order. A temporary president shall be elected by a majority of those councilors present and voting.

(Res. of 12-21-11; Res. of 2-11-19)

3 [4 Chief administrative officer of the council; minutes.]

The chief administrative officer or designee shall be clerk of the city council and shall keep full and accurate minutes of the proceedings of the council. ~~A copy of such minutes shall be furnished to each councilor. The minutes shall be presented to the council for approval at the next meeting after such minutes have been distributed.~~ The minutes of each meeting shall be made available in accordance with Vermont Open Meeting Law and will be placed on the city council agenda for approval.

(Res. of 12-21-11; Res. of 2-11-19)

45 Committee assignments and rules.

(a) No later than the second meeting following the election of the president, the president shall appoint standing committees on racial equity, inclusion, and belonging, licenses, ordinances, human resources, charter changes, community development and neighborhood revitalization, public safety, transportation, energy and utilities, parks, art and culture, and tax abatements. The Council President shall serve as an ex-officio member of all committees and may serve as a voting member of a committee in the absence of an appointed committee member or as a result of a vacancy on the Council. The president shall appoint all ad hoc committees unless the council votes by a majority of those present and voting to shall- designate the members. The president shall appoint the chair of a committee unless the motion or resolution authorizing its appointment shall designate the chair. All committees shall consist of at least three (3) persons unless otherwise ordered by vote of the council. Any matter which has been assigned to the jurisdiction of a standing or ad hoc committee of the council shall not be taken up by the council until a report and recommendation is made by the committee unless either of the following procedures occur:

- (1) By a two-thirds (2/3) vote of the council determines to take up a matter notwithstanding its continuing pendency in a committee;

(2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week ~~after subsequent to~~ such vote ~~notwithstanding the matter's continuing pendency in a committee~~; or

(3) Notwithstanding either of the above provisions, a matter may be taken up by the full council upon passage of the later of three (3) regular city council meetings after its referral to a council committee or the date when the council requested referral back to the council.

~~Such standing committees shall annually prepare a written mission statement to be submitted at the annual meeting of the city council and give timely updates as needed to the council.~~ Following the council's organization day, each committee shall hold an organizational meeting to discuss how the committee will function and what work is to be done over the next year; ~~if appropriate, the committee will present its plan in writing to the council for approval. It is the responsibility of the~~ committee chair ~~to verbally report out what they determines it appropriate on a regular basis.~~ Additionally, the committee will send their approved minutes to the full City Council to be placed on the consent agenda as a communication. ~~a committee will prepare an end-of-year report in March to inform the next year's committee of the issues and work that were addressed during the year and those that remain outstanding.~~ The city council shall designate which department or office of the city is to provide staffing for such standing or ad hoc committees, unless otherwise specified by Burlington City Charter. Committee staffing shall be by a policy level staff member who is able to participate in the committee's discussions and actively represent proposals. However, the staff shall not attempt to control debate or discussions at committee meetings, but instead assist the committee's work. **Individual councilors and committees shall not assign or request that require significant assignments be carried out by city departments without first receiving endorsement from the entire city council.** If any city department believes a request is significant then the department shall inform the individual councilor or committee. City departments may bring items to the committee for consideration without endorsement by the council. All standing and ad hoc committees shall provide a copy of minutes of their meetings to the city council in a timely manner.

(b) Ad hoc committees may also be established by the president or by a motion approved by the city council. Ad hoc committees may be established for a particular purpose and shall exist for a specified duration, which duration may be extended by the city council. At least once every three (3) months while an ad hoc committee is in effect, it will report to the city council with respect to its activities. Ad hoc committees shall present a written report to the city council which shall include the committee's recommendations upon completion of the committee's work.

(Res. of 7-25-88; Res. of 5-8-95; Res. of 4-13-98; Res. of 4-22-02; Res. of 12-21-11; Res. of 2-11-19; Res. of 5-9-22)

56 Place and date of meetings; quorum.

(a) The meetings of the council shall be held in Contois Auditorium or in any other location designated by the council. ~~City Council~~ ~~The regular and adjourned~~ meetings shall be held on Mondays on dates identified on a schedule proposed by the president and approved by the council, unless the council shall fix another date. ~~for the regular meeting of that month.~~ A majority of the whole council shall constitute a quorum, but a smaller number may adjourn and may compel the attendance of absent members. Special meetings of the city council may be called at any time by the mayor and shall be called by the chief administrative officer on petition signed by a majority of the city council and filed with the chief administrative officer.

(b) The president in consultation with the chief administrative officer or designee shall prepare an agenda for each city council meeting. The agenda shall include preliminary time allotments for each agenda item and all business to be conducted in open session shall be completed by 10:30 p.m. A period of time shall be reserved for items which may be moved from the consent agenda to the deliberative agenda. Each councilor may speak for up to five (5) minutes, and the president may adjust the length of time based on the time allotted for the agenda item. The president should keep the time for each item as set in the agenda and encourage conclusion of the debate and resolution of the item in a timely manner. When the allotted time for an agenda item has been consumed, the president may immediately call for a vote upon a disposing motion unless the council votes to extend the time for consideration of such item. With respect to the agenda items relating to general city affairs, the mayor shall be allocated up to ten (10) minutes, the city council up to fifteen (15) minutes, the public forum up to ~~thirty (30)~~ninety (90) minutes unless otherwise extended by the president or the council and up to five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. Priority in public forum should be given to those wishing to speak about an item on the agenda. Among those speaking, priority will be given to Burlington residents first followed by Burlington property owners and organizations and then other non-Burlington residents. The president will announce at the beginning of public forum how long each speaker shall have, based in part on the number of speakers.

(c) Whenever meetings of the city council and the local control commission are scheduled for the same evening, the local control commission will convene at a time designated by the president. ~~At 7:30 p.m., if the business of the local control commission is not completed, the balance of the local control commission meeting shall then be suspended until the completion of the public forum, after which the local control commission meeting shall be completed. The city council meeting will then be reconvened and take up the business of the agenda.~~

(Res. of 12-16-91; Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

Charter reference—Meetings of board, §§ [38](#), [39](#); quorum, § [40](#).

76 [Duties of presiding officer.]

The president or presiding officer shall preserve order and decorum and shall decide all parliamentary questions subject to appeal. The president shall put no questions to vote except upon motion of some member duly seconded. If any member questions the accuracy of the vote as declared by the president, the president shall request a show of hands or a roll call vote. The president may call any member to the chair for a period not to exceed a single session, and when out of the chair may participate in debate. The primary role of the president shall be to run the city council meetings and not to be a participant in the council's debate. As presiding officer, it is inappropriate to offer an opinion on an item under debate without passing the gavel, but the president may pass the gavel to participate in debate infrequently. Occasional comments by the president for the purpose of clarification and direction of the meeting are permissible. The president shall make sure that all commentary remains on the topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative discussion and to insist that all questions from the city councilors and the public be directed through the president. The president shall enforce parliamentary procedure and all time limits if so specified on the agenda. The president is responsible for compliance with the rules of the council. Any councilor not in compliance shall be notified by the president. Continued noncompliance will be brought to the attention of the full council.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

87 [Member responsibilities.]

Members are expected to be familiar with Robert's Rules.

No member shall make a motion or speak on any question until the member has addressed and has been recognized by the president. The member shall confine discussion to the question before the council and shall refrain from impugning the character or motivations of any other member of the council, city staff, or any presenter, as the subject of debate is the action before the council, not that individual. No city councilor shall speak longer than five (5) minutes in a single round to the same motion. Members should refrain from profanity when speaking at a meeting; the president will inform a speaker who uses profanity that the speaker's time has ended and move on to the next speaker.

Each member present at a meeting shall cast a vote on each and every motion other than an appointment, unless a conflict of interest is present pursuant to Section [133](#) of the City Charter. Except for appointments, all motions should present a yes/no question so that councilors may vote either "yes" or "no" on the question.

For appointments made by the Council and by Council with Mayor presiding, nominations shall be accepted and then each nominated candidate voted on individually. When one (1) candidate for an office receives the vote of a majority of the council present and voting at the meeting, that candidate is declared the winner. If no candidate receives a majority, the nominations fail, and the position is readvertised. Members need not vote for any candidate but may cast only one (1) affirmative vote per round.

Councilors are encouraged to stay ~~at~~ their seat during public forum except in emergencies. City staff and other presenters shall be treated with courtesy and respect by the council; when possible, councilors shall submit questions to staff and presenters in advance of the meeting. Councilors shall abide by these rules and respect rulings by the president, subject to the rights of appeal. Any member may request that the president enforce, or the president may on the president's own initiative enforce, the decorum of the meeting or the rules of this body.

_(Ord. of 9-23-91; Res. of 12-21-11; Res. of 2-11-19)

89 Motions and amendments.

When a question is before the council no motion shall be entertained except as prescribed in Robert's Rules of Order. Generally, a motion addressing council procedures or internal operations, such as a motion to postpone or recess, should be made separately from any motion on the substance of a question, and such a procedural or operational motion should not be considered subject to the mayor's City Charter Article 18 veto authority. A motion to adjourn shall always be in order. Motions to adjourn, to lay on the table and to call the question shall be decided without debate. All amendments proposed must be germane to the subject under consideration. No proposal to amend shall be considered beyond an amendment to an amendment. No motion once seconded may be amended without debate unless the maker of the motion and seconder consent.

Amendments to resolutions should be sent to the Council Clerk to be posted on the City Council agenda in advance of the meeting. Every effort should be made to communicate amendments in advance, out of respect for colleagues and the public and in keeping with Rule 1. This does not preclude the possibility of amending on the floor.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 3-27-17(1); Res. of 2-11-19)

9~~[10]~~ Withdrawal of motion; motion to reconsider.}]

The mover of a motion may withdraw the same at any time prior to a decision or an amendment if the member seconding the motion also gives consent. Once a motion is made and seconded, however, amendments to that motion must be made as a motion to amend, and a vote must be held before the motion is amended; "friendly" amendments cannot avoid that process except for technical corrections, at the president's discretion. A motion for the reconsideration of any measure must be made by a member who voted with the prevailing side, and a majority of the full membership of the council shall be necessary to secure reconsideration. A motion to reconsider may only be made at the same or the next succeeding meeting as the original motion and, if the vote on the original motion affirmatively approved some action, only if no action to carry out the original motion has yet been taken.

(Res. of 12-21-11; Res. of 3-27-17(2); Res. of 2-11-19)

10~~1~~ Resolutions and reports to be in writing.

All resolutions and all final reports of committees shall be presented in writing. All resolutions must be sponsored by a city councilor(s). If the resolution pertains to a matter that has been previously considered and acted upon by a committee of the council or by another city board or commission, its text shall include a recital of the date of such action and the margin of approval if such action was taken by a less than unanimous vote.

(Res. of 12-21-11; Res. of 2-11-19)

12~~1~~ [Yeas and nays.]

The yeas and nays (roll call) shall be taken on any question or motion relating to the passage of an ordinance or resolution which appears on the deliberative agenda and which is not adopted by a unanimous voice vote except that the president may choose to request a show of hands and identify for the record the councilors who voted in the minority. The yeas and nays shall also be taken on any question or motion upon the request of a member. Whenever the question before the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk shall call the roll of members and no member present shall be excused from voting except by unanimous consent, or unless the member disqualifies himself/herself thereon. So long as a quorum exists, a valid majority for taking city council action shall be a concurrence of a majority of those present and voting except as otherwise provided in these rules, the code of ordinances or the City Charter.

(Res. of 5-22-95; Ord. of 10-25-10(2); Res. of 12-21-11; Res. of 2-11-19)

13~~2~~ [City councilor aAbsences.]

Because the council cannot carry on its business without a quorum, and citizens rely on their representatives to be present to act on their behalf, no member shall be absent without leave from any meeting unless the member is ill or otherwise necessarily detained, in which event the member shall notify the clerk or president of the member's inability to be present. A member who will be late or absent from a meeting is expected to notify the president as soon as possible. If a member desires to leave before the close of a session the member shall ask permission of the president. A member may participate in a meeting by electronic means~~telephone~~, but must do so consistent with

the requirements of Vermont law. The expectation is that members participate in City Council meetings in person with only rare exemptions. Attendance records will be published annually and posted on a consent agenda.

For committees, to assist in reaching full attendance, the committee chair shall accommodate councilor's schedules with proper notice. If an ad hoc or standing committee member misses three consecutive or more meetings within six months without a good reason, the Council President may rescind the appointment and appoint another councilor to fill the vacancy. Additionally, committees may meet electronically without the need for rare exemptions.

(Res. Of 12-21-11; Res. Of 2-11-19)

Charter reference—Attendance may be compelled, § [40](#).

143 Meetings to be public, exception.

All meetings of the council shall be public except that executive sessions may be held upon approval by two-thirds (2/3) majority of those present and voting. While in executive session, a councilor may ask for a vote to determine whether a two-thirds (2/3) majority of the council supports staying in executive session, and if a two-thirds (2/3) majority of the council does not support staying in executive session, the council will go out of executive session. Members of the city council and all persons invited to attend an executive session of the city council shall not discuss in any fashion the discussions occurring in executive session with any person who is not a member of such council and who was not present in the executive session except as such discussion may be compelled by proper legal process. The foregoing sentence shall not be applicable to any subsequent consideration of such discussions in a public session of the council. Any member of the city council who violates the foregoing standards shall be subject to censure by the city council if it is established that such violation has placed the city at a substantial disadvantage in its official business dealings. The burden of proof in such situations shall be borne by the member who makes the contention that another member should be censured. Any other city official who violates the foregoing standards shall be considered to be guilty of negligence or bad conduct, as the case may be, and subject to official reprimand. If such violation places the city at a substantial disadvantage in its official business dealings, or if the violating official has previously been reprimanded for improperly discussing executive session proceedings, such official shall be subject to disciplinary proceedings pursuant to Section [129](#) of the City Charter.

(Res. Of 12-21-11; Res. Of 2-11-19)

154[Introduction of ordinances.]

On introduction to the council, a proposed ordinance or amendment to an existing ordinance shall identify the city department or city councilor sponsoring the proposal. A proposed ordinance shall be read in full at two (2) separate meetings before being adopted. It shall be read the first time upon its presentation and may then be discussed. Upon proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be referred to the ordinance committee. Alternatively, upon a motion to suspend the rules a proposed ordinance may be adopted if approved by two-thirds (2/3) vote of those present and voting. If referred to the ordinance committee, such committee shall consider the proposal, consult with the city attorney and any department concerned, and report to the council no later than sixty (60) days following referral of the proposed ordinance to it. If the proposal remains in the committee beyond a sixty (60) day period, the committee shall report to the

city council at least once every thirty (30) days on the status of its continuing review. The city council may adopt the proposed ordinance at any time following its second reading.

(Res. Of 10-29-73; Res. Of 11-13-95; Res. Of 12-21-11; Res. Of 2-11-19)

156 Order of business.

At each regular meeting of the council (except as otherwise provided in the agenda prepared by the president) the order of business shall be as follows:

- (a) Work sessions and/or executive sessions and/or non-deliberative updates and communications should start no earlier than 5:00pm or ~~6:00 p.m. or earlier~~, as the president decides.
- (b) Presentation of awards and memorials.
- (c) Climate emergency updates, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).
- (d) Public forum ~~(7:30 p.m. time certain).~~ (for a time certain starting no earlier than 6:30 pm and no later than 7:30 pm for no longer than 90 minutes unless extended by the president or the council. The president will encourage those who do not have an opportunity to speak to submit comments in writing which will be posted on the next council agenda.
- (e) Action on consent agenda.
- (f) Appointments (adjourn to city council with mayor presiding if required).
- (g) Resolutions and ordinances dealing with the business of the city (unfinished business first).
- (h) Reports from committees.
- (i) Councilor and mayor general city affairs.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19; Res. of 4-27-20)

167 [Agenda.]

- (a) An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular meeting of the city council.
- (b) All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than 4:00 p.m. of the third business day (normally Wednesday) preceding regular meetings.

(c) All requests for resolutions, ordinances, motions, and any materials to be prepared or reviewed by the city attorney must be in the city attorney's hands by 12:00 p.m. on the fourth business day (normally Tuesday) preceding a regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions, ordinances, motions, or other materials to be submitted no later than 12:00 p.m. of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one (1) packet for each councilor and shall post those materials at the close of the second business day (normally Thursday) preceding a regular meeting.

It is expected that councilors will submit all materials on time, and the council president may refuse to accept any materials outside of these time frames without extenuating circumstances.

(d) (1) The agenda prepared by the president with input from the chief administrative officer or designee shall be divided into two (2) parts; namely, a consent agenda and a deliberative agenda. The consent agenda is made up of items which are deemed not controversial or are for information only. The consent agenda shall also suggest the proposed action with respect to such items. The deliberative agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by the council. It is not appropriate to move an item from the consent to the deliberative agenda to provide general information. Councilors may use the councilor comment period to disseminate that information. All supporting documents for resolutions and other city policies are available to the public on BoardDocs [or other board management software](#).

(2) Any councilor may request that a particular item be removed from the consent agenda and placed upon the deliberative agenda.

(3) A single motion shall be sufficient to act upon the items listed in the consent agenda in the manner suggested by the chief administrative officer. The items on the deliberative agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(e) No matters of business other than those included in the agenda and provided to councilors in the packets or electronically provided by the city clerk's office shall be introduced and considered at any regular or adjourned regular meeting of the city council without a two-thirds (2/3) affirmative vote of the councilors present and voting.

(f) All meetings of the city council shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except as otherwise provided. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The president and chief administrative officer shall preview each agenda and endeavor to make sure that all time-sensitive items are placed as close as possible to the beginning of the meeting. Prior to adjournment at 10:30 p.m., the president shall call for a vote upon a disposing motion on the pending item unless a motion is made to suspend the rules to allow continuation of the meeting to complete all or a part of the agenda. If such a motion is made the president shall inquire about timely matters and the motion to suspend the rules to allow continuation of the meeting may include consideration of such matters warranting action. If such a motion fails to receive approval of two-thirds (2/3) of the councilors present and voting, even if after 10:30 p.m., the president may entertain alternative motions to suspend the rules to allow continuation of the meeting.

(Amended 2-7-72; 2-17-76; Res. of 6-12-89; Res. of 2-25-91; Res. of 6-24-96; Res. of 2-18-97; Res. of 12-21-11; Res. of 2-11-19)

187 [Business to be conducted in accordance with Robert's Rules of Order.]

The business of the council shall be conducted in accordance with the recognized parliamentary rules as set forth in the current issue of Robert's Rules of Order, except as otherwise provided in these rules. No rules of this council shall be suspended except by a two-thirds (2/3) vote of those present and voting. No rule shall be amended or repealed unless notice of such proposal has been given at the last regular meeting preceding, and such change must be adopted by a majority of the entire membership of the council. These rules shall be applicable to the city council with mayor presiding, the board of civil authority, the board of abatement of taxes and the local control commission.

(Res. of 4-27-92; Res. of 12-21-11; Res. of 2-11-19)

198 Appointments to be by open ballot.

When dealing with commission and council appointments, under the City Charter or otherwise, members of the city council or city council with mayor presiding shall not use secret ballot unless two-thirds (2/3) of those present and voting, vote to use secret ballots. A commission or council appointment, under the City Charter or otherwise, must be approved by a majority of the city council or the city council with mayor presiding.

(Ord. of 5-23-83; Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19)

1920 Request for legal assistance.

All requests for legal assistance, information and advice received by the office of the city attorney from either the mayor or a member of the city council, and all information received by the office of the city attorney in connection with research and drafting such a request, including any preliminary drafts not yet introduced to any committee of the city council, the council, or released to the public, shall be confidential, unless the person requesting or giving the information designates in the request that it is not confidential.

(Res. of 8-15-88; Res. of 12-21-11; Res. of 2-11-19)

210 City councilor expense reimbursement.

The city council shall annually, as part of the budget and upon recommendation of the mayor, set an expense account for each city councilor. The expense account is for expenses including reimbursement necessary for the performance of city council business. Councilors may combine, or pool, expenses with other councilors. Funds not spent by a city councilor at the end of the councilor's term shall not be available to the succeeding councilor. A succeeding councilor who takes office during a fiscal year shall be provided with an expense account equivalent to a pro-rata share (based on the number of months remaining in the fiscal year) of the annual expense account allocated to each councilor for that fiscal year.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Res of 6-24-19)

221 Electronic devices.

All electronic devices used by councilors, the public and others present shall be silenced (i.e., turned off or put on "vibrate") during council meetings.

(Res. of 12-21-11; Res. of 2-11-19)

1

Editor's note—Appendix B contains the rules of the city council as adopted by it and as amended from time to time. Amendments are indicated by parenthetical history notes following the amended sections; absence of such notes indicates that the section is as originally enacted. Catchlines have been added in brackets to facilitate usage and indexing. Other bracketed material in the text has been added for clarity and consistency.

It should be noted that Acts of 1989, No. M-20 effectively changed "board of aldermen," and other like references, to "city council," etc., throughout the Charter. The editor has changed references to "board of aldermen," etc., to "city council," etc., in Appendix B in order to reflect the enactment of Acts of 1989, No. M-20.

Charter reference—City council with mayor presiding and city council, § [36](#) et seq.

Cross reference—Administration, Ch. [2](#); personnel, Ch. [24](#).

***Highlighted text indicates that there was a change made by the Charter Change Committee.
Comments are also provided in a couple of areas for clarification where there was a change by the Charter Change Committee after the ad hoc committee had already changed the language.

APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL ¹

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- ~~2~~ **Presiding officer.**
- ~~3~~ **Order of succession.**
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1 Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected by a majority of the body, at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19)

Charter reference—Authority to elect president of council, § 36.

1.A Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

Commented [KS1]: Moved to be #2.

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2 Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected, by a majority of the bodysworn members of the council, at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19)

Charter reference—Authority to elect president of council, § 36.

Commented [KS2]: Ad hoc committee inserted, “by a majority of the body”—Charter Change deleted “body” and inserted “sworn members of the council” in its place.

23 Order of succession.

In the absence of the president, the chief administrative officer shall, and if the chief administrative officer is not present, any councilor may, call the council to order. A temporary president shall be elected by a majority of those councilors present and voting.

(Res. of 12-21-11; Res. of 2-11-19)

3 [4] Chief administrative officer of the council; minutes.

The chief administrative officer or designee shall be clerk of the city council and shall keep full and accurate minutes of the proceedings of the council. A copy of such minutes shall be furnished to each councilor. The minutes shall be presented to the council for approval at the next meeting after such minutes have been distributed. The minutes of each meeting shall be made available in accordance with Vermont Open Meeting Law and will be placed on the city council agenda for approval.

(Res. of 12-21-11; Res. of 2-11-19)

45 Committee assignments and rules.

(a) No later than the second meeting following the election of the president, the president shall appoint standing committees on racial equity, inclusion, and belonging, licenses, ordinances, human resources, charter changes, community development and neighborhood revitalization, public safety, transportation, energy and utilities, parks, art and culture, and tax abatements. The Council President shall serve as an ex-officio member of all committees and may serve as a voting member of a committee in the absence of an appointed committee member or as a result of in a vacancy on the Council. The president shall appoint all ad hoc committees unless the council votes by a majority of those present and voting to shall designate the members. The president shall appoint the chair of a committee unless the motion or resolution authorizing its appointment shall designate the chair. All committees shall consist of at least three (3) persons unless otherwise ordered by vote of the council. Any matter which has been assigned to the jurisdiction of a standing or ad hoc

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committee of the council shall not be taken up by the council until a report and recommendation is made by the committee unless either of the following procedures occur:

- (1) By a two-thirds (2/3) vote of the council determines to take up a matter notwithstanding its continuing pendency in a committee;
- (2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week after subsequent to such vote ~~notwithstanding the matter's continuing pendency in a committee~~; or
- (3) Notwithstanding either of the above provisions, a matter may be taken up by the full council upon passage of the later of three (3) regular city council meetings after its referral to a council committee or the date when the council requested referral back to the council.

~~Such standing committees shall annually prepare a written mission statement to be submitted at the annual meeting of the city council and give timely updates as needed to the council.~~ Following the council's organization day, each committee shall hold an organizational meeting to discuss how the committee will function and what work is to be done over the next year. if appropriate by the full council, the committee will present its plan in writing to the council for approval. It is the responsibility of the committee chair to verbally report out what they determine is appropriate on a regular basis. Additionally, the committee will send their approved minutes to the full City Council to be placed on the consent agenda as a communication. ~~a committee will prepare an end-of-year report in March to inform the next year's committee of the issues and work that were addressed during the year and those that remain outstanding.~~ The city council shall designate which department or office of the city is to provide staffing for such standing or ad hoc committees, unless otherwise specified by Burlington City Charter. Committee staffing shall be by a policy level staff member who is able to participate in the committee's discussions and actively represent proposals. However, the staff shall not attempt to control debate or discussions at committee meetings, but instead assist the committee's work. **Individual councilors and committees shall not** ~~assign or request that require~~ significant assignments be carried out by city departments without first receiving endorsement from the ~~entire~~ city council. If any city department believes a request is significant then the department shall inform the individual councilor or committee. ~~However, City departments may bring items to the committee for consideration without endorsement by the council.~~ All standing and ad hoc committees shall provide a copy of minutes of their meetings to the city council in a timely manner.

~~(b) Committee chairs shall prepare a brief report or supply the minutes of their committee's meetings to the entire city council after each meeting. These reports will be submitted to the Clerk/Treasurer's Office and posted to the City Council agenda under item number 15 Order of Business (h) Reports from committees. The report shall briefly detail what happened at the meeting so councilors are kept apprised of what committees are working on and resolutions, ordinances, or communications that may come to the city council for consideration.~~

~~(b)~~ Ad hoc committees may also be established by the president or by a motion approved by the city council. Ad hoc committees may be established for a particular purpose and shall exist for a specified duration, which duration may be extended by the city council. At least once every three (3) months while an ad hoc committee is in effect, it will report to the city council with respect to its activities. Ad hoc committees shall present a written report to the city council which shall include the committee's recommendations upon completion of the committee's work.

Commented [KS3]: Added by ad hoc committee, removed by Charter Change. Reworded with modified version included in (a) above.

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(d) Absences. If an ad hoc or standing committee member misses 3 or more meetings within a council year, the Council President may rescind the appointment and appoint another councilor to fill the vacancy.

Commented [KS4]: Included by ad hoc committee, reworded and revised version relocated to new 13 below by Charter Change.

(Res. of 7-25-88; Res. of 5-8-95; Res. of 4-13-98; Res. of 4-22-02; Res. of 12-21-11; Res. of 2-11-19; Res. of 5-9-22)

56 Place and date of meetings; quorum.

(a) The meetings of the council shall be held in Contois Auditorium or in any other location designated by the council. City Council~~The regular and adjourned~~ meetings shall be held on Mondays on dates identified on a schedule proposed by the president and approved by the council, unless the council shall fix another date ~~for the regular meeting of that month~~. A majority of the whole council shall constitute a quorum, but a smaller number may adjourn and may compel the attendance of absent members. Special meetings of the city council may be called at any time by the mayor and shall be called by the chief administrative officer on petition signed by a majority of the city council and filed with the chief administrative officer.

(b) The president in consultation with the chief administrative officer or designee shall prepare an agenda for each city council meeting. The agenda shall include preliminary time allotments for each agenda item and all business to be conducted in open session shall be completed by 10:30 p.m. A period of time shall be reserved for items which may be moved from the consent agenda to the deliberative agenda. Each councilor may speak for up to five (5) minutes, and the president may adjust the length of time based on the time allotted for the agenda item. The president should keep the time for each item as set in the agenda and encourage conclusion of the debate and resolution of the item in a timely manner. When the allotted time for an agenda item has been consumed, the president may immediately call for a vote upon a disposing motion unless the council votes to extend the time for consideration of such item. With respect to the agenda items relating to general city affairs, the mayor shall be allocated up to ten (10) minutes, the city council up to fifteen (15) minutes, the public forum up to ~~thirty (30)~~ sixty (60) minutes ~~unless otherwise extended by the president or the council~~ and up to five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. Priority in public forum should be given to those wishing to speak about an item on the agenda. Among those speaking, priority will be given to Burlington residents first followed by Burlington property owners and organizations and then who may speak before other non-Burlington residents. Secondary priority may also be given to Burlington property owners and organizations. The president will announce at the beginning of public forum how long each speaker shall have, based in part on the number of speakers.

Commented [KS5]: Time changed from 30 to 60 minutes by ad hoc committee. Changed from 60 to 90 by Charter Change Committee.

Commented [KS6]: Put back in by Charter Change.

Commented [KS7]: Added by ad hoc, reworded by Charter.

(c) Whenever meetings of the city council and the local control commission are scheduled for the same evening, the local control commission will convene at a time designated by the president. ~~At 7:30 p.m., if the business of the local control commission is not completed, the balance of the local control commission meeting shall then be suspended until the completion of the public forum, after which the local control commission meeting shall be completed. The city council meeting will then be reconvened and take up the business of the agenda.~~

(Res. of 12-16-91; Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

Charter reference—Meetings of board, §§ [38](#), [39](#); quorum, § [40](#).

76 Duties of presiding officer.

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The president or presiding officer shall preserve order and decorum and shall decide all parliamentary questions subject to appeal. The president shall put no questions to vote except upon motion of some member duly seconded. If any member questions the accuracy of the vote as declared by the president, the president shall request a show of hands or a roll call vote. The president may call any member to the chair for a period not to exceed a single session, and when out of the chair may participate in debate. The primary role of the president shall be to run the city council meetings and not to be a participant in the council's debate. As presiding officer, it is inappropriate to offer an opinion on an item under debate without passing the gavel, but the president may pass the gavel to participate in debate infrequently. Occasional comments by the president for the purpose of clarification and direction of the meeting are permissible. The president shall make sure that all commentary remains on the topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative discussion and to insist that all questions from the city councilors and the public be directed through the president. The president shall enforce parliamentary procedure and all time limits if so specified on the agenda. The president is responsible for compliance with the rules of the council. Any councilor not in compliance shall be notified by the president. Continued noncompliance will be brought to the attention of the full council.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

87 Member responsibilities.

Members are expected to be familiar with Robert's Rules.

No member shall make a motion or speak on any question until the member has addressed and has been recognized by the president. The member shall confine discussion to the question before the council and shall refrain from impugning the character or motivations of any other member of the council, city staff, or any presenter, as the subject of debate is the action before the council, not that individual. No city councilor shall speak longer than five (5) minutes in a single round to the same motion. Members should refrain from profanity when speaking at a meeting; the president will inform a speaker who uses profanity that the speaker's time has ended and move on to the next speaker.

Each member present at a meeting shall cast a vote on each and every motion other than an appointment, unless a conflict of interest is present pursuant to Section 133 of the City Charter. Except for appointments, all motions should present a yes/no question so that councilors may vote either "yes" or "no" on the question or each councilor may be called on to vote in support of candidates by name until a majority of councilors present is declared.

For appointments made by the Council and by Council with Mayor presiding, nominations shall be accepted and then each nominated candidate voted on individually. When one (1) candidate for an office receives the vote of a majority of the council present and voting at the meeting, that candidate is declared the winner. If no candidate receives a majority, the nominations fail, and the position is readvertised. Members need not vote for any candidate but may cast only one (1) affirmative vote per round.

Councilors are encouraged to stay at their seat during public forum except in emergencies. City staff and other presenters shall be treated with courtesy and respect by the council: when possible, councilors shall submit questions to staff and presenters in advance of the meeting. Councilors shall abide by these rules and respect rulings by the president, subject to the rights of appeal. Any

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member may request that the president enforce, or the president may on the president's own initiative enforce, the decorum of the meeting or the rules of this body.

_(Ord. of 9-23-91; Res. of 12-21-11; Res. of 2-11-19)

89 Motions and amendments.

When a question is before the council no motion shall be entertained except as prescribed in Robert's Rules of Order. Generally, a motion addressing council procedures or internal operations, such as a motion to postpone or recess, should be made separately from any motion on the substance of a question, and such a procedural or operational motion should not be considered subject to the mayor's City Charter Article 18 veto authority. A motion to adjourn shall always be in order. Motions to adjourn, to lay on the table and to call the question shall be decided without debate. All amendments proposed must be germane to the subject under consideration. No proposal to amend shall be considered beyond an amendment to an amendment. No motion once seconded may be amended without debate unless the maker of the motion and seconder consent.

Amendments to resolutions should be sent to the Council Clerk to be posted on the City Council agenda in advance of the meeting. Every effort should be made to communicate amendments in advance, out of respect for colleagues and the public and in keeping with Rule 1.A. This does not preclude the possibility of amending on the floor, when necessary.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 3-27-17(1); Res. of 2-11-19)

Commented [KS8]: "when necessary" included by ad hoc in new text, removed by Charter Change.

9-10 Withdrawal of motion; motion to reconsider.

The mover of a motion may withdraw the same at any time prior to a decision or an amendment if the member seconding the motion also gives consent. Once a motion is made and seconded, however, amendments to that motion must be made as a motion to amend, and a vote must be held before the motion is amended; "friendly" amendments cannot avoid that process except for technical corrections, at the president's discretion. A motion for the reconsideration of any measure must be made by a member who voted with the prevailing side, and a majority of the full membership of the council shall be necessary to secure reconsideration. A motion to reconsider may only be made at the same or the next succeeding meeting as the original motion and, if the vote on the original motion affirmatively approved some action, only if no action to carry out the original motion has yet been taken.

(Res. of 12-21-11; Res. of 3-27-17(2); Res. of 2-11-19)

101 Resolutions and reports to be in writing.

All resolutions and all final reports of committees shall be presented in writing. All resolutions must be sponsored by a city councilor(s). If the resolution pertains to a matter that has been previously considered and acted upon by a committee of the council or by another city board or commission, its text shall include a recital of the date of such action and the margin of approval if such action was taken by a less than unanimous vote.

(Res. of 12-21-11; Res. of 2-11-19)

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121 Yeas and nays.

The yeas and nays (roll call) shall be taken on any question or motion relating to the passage of an ordinance or resolution which appears on the deliberative agenda and which is not adopted by a unanimous voice vote except that the president may choose to request a show of hands and identify for the record the councilors who voted in the minority. The yeas and nays shall also be taken on any question or motion upon the request of a member. Whenever the question before the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk shall call the roll of members and no member present shall be excused from voting except by unanimous consent, or unless the member disqualifies himself/herself thereon. So long as a quorum exists, a valid majority for taking city council action shall be a concurrence of a majority of those present and voting except as otherwise provided in these rules, the code of ordinances or the City Charter.

(Res. of 5-22-95; Ord. of 10-25-10(2); Res. of 12-21-11; Res. of 2-11-19)

132 City councilor aAbsences.

Because the council cannot carry on its business without a quorum, and citizens rely on their representatives to be present to act on their behalf, no member shall be absent without leave from any meeting unless the member is ill or otherwise necessarily detained, in which event the member shall notify the clerk or president of the member's inability to be present. A member who will be late or absent from a meeting is expected to notify the president as soon as possible. If a member desires to leave before the close of a session the member shall ask permission of the president. A member may participate in a meeting by electronic meanstelephone, but must do so consistent with the requirements of Vermont law. The expectation is that members are expected to participate in City Council meetings in person with only rare exemptions. Attendance records will be published annually and posted on a consent agenda.

For committees, to assist in reaching full attendance, the committee chair shall accommodate councilor's schedules with proper notice. If an ad hoc or standing committee member misses three consecutive or more meetings within six months without a good reason, the Council President may rescind the appointment and appoint another councilor to fill the vacancy. Additionally, committees may meet electronically without the need for rare exemptions.

(Res. Of 12-21-11; Res. Of 2-11-19)

Charter reference—Attendance may be compelled, § 40.

143 Meetings to be public, exception.

All meetings of the council shall be public except that executive sessions may be held upon approval by two-thirds (2/3) majority of those present and voting. While in executive session, a councilor may ask for a vote to determine whether a two-thirds (2/3) majority of the council supports staying in executive session, and if a two-thirds (2/3) majority of the council does not support staying in executive session, the council will go out of executive session. Members of the city council and all persons invited to attend an executive session of the city council shall not discuss in any fashion the discussions occurring in executive session with any person who is not a member of such council and

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who was not present in the executive session except as such discussion may be compelled by proper legal process. The foregoing sentence shall not be applicable to any subsequent consideration of such discussions in a public session of the council. Any member of the city council who violates the foregoing standards shall be subject to censure by the city council if it is established that such violation has placed the city at a substantial disadvantage in its official business dealings. The burden of proof in such situations shall be borne by the member who makes the contention that another member should be censured. Any other city official who violates the foregoing standards shall be considered to be guilty of negligence or bad conduct, as the case may be, and subject to official reprimand. If such violation places the city at a substantial disadvantage in its official business dealings, or if the violating official has previously been reprimanded for improperly discussing executive session proceedings, such official shall be subject to disciplinary proceedings pursuant to Section 129 of the City Charter.

(Res. Of 12-21-11; Res. Of 2-11-19)

154 Introduction of ordinances.

On introduction to the council, a proposed ordinance or amendment to an existing ordinance shall identify the city department or city councilor sponsoring the proposal. A proposed ordinance shall be read in full at two (2) separate meetings before being adopted. It shall be read the first time upon its presentation and may then be discussed. Upon proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be referred to the ordinance committee. Alternatively, upon a motion to suspend the rules a proposed ordinance may be adopted if approved by two-thirds (2/3) vote of those present and voting. If referred to the ordinance committee, such committee shall consider the proposal, consult with the city attorney and any department concerned, and report to the council no later than sixty (60) days following referral of the proposed ordinance to it. If the proposal remains in the committee beyond a sixty (60) day period, the committee shall report to the city council at least once every thirty (30) days on the status of its continuing review. The city council may adopt the proposed ordinance at any time following its second reading.

(Res. Of 10-29-73; Res. Of 11-13-95; Res. Of 12-21-11; Res. Of 2-11-19)

156 Order of business.

At each regular meeting of the council (except as otherwise provided in the agenda prepared by the president) the order of business shall be as follows:

- (a) Work sessions and/or executive sessions and/or non-deliberative updates and communications should start no earlier than 5:00pm or 6:00 p.m. or earlier, as the president decides.
- (b) Presentation of awards and memorials.
- (c) Climate emergency updates, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).

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(d) Public forum (7:30 p.m. time certain) ~~(for a time certain starting no earlier than 6:30 pm and no later than 7:30 pm for no longer than 60 minutes unless extended by the president of the council.~~ The president will encourage those who do not have an opportunity to speak to submit comments in writing which will be posted on the next council agenda.

~~(e) Councilor reflections on public forum (these comments must be in response to comments heard at public forum and for no longer than one minute per Councilor.)~~

Commented [KS9]: Added by Ad hoc Committee, removed by Charter Change.

(e) Action on consent agenda.

(f) Appointments (adjourn to city council with mayor presiding if required).

(g) Resolutions and ordinances dealing with the business of the city (unfinished business first).

(h) Reports from committees.

(i) Councilor and mayor general city affairs.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19; Res. of 4-27-20)

167 [Agenda.]

(a) An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular meeting of the city council.

(b) All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than 4:00 p.m. of the third business day (normally Wednesday) preceding regular meetings.

(c) All requests for resolutions, ordinances, motions, and any materials to be prepared or reviewed by the city attorney must be in the city attorney's hands by 12:00 p.m. on the fourth business day (normally Tuesday) preceding a regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions, ordinances, motions, or other materials to be submitted no later than 12:00 p.m. of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one (1) packet for each councilor and shall post those materials at the close of the second business day (normally Thursday) preceding a regular meeting.

It is expected that councilors will submit all materials on time, and the council president may refuse to accept any materials outside of these time frames without extenuating circumstances.

***Highlighted text indicates that there was a change made by the Charter Change Committee.
Comments are also provided in a couple of areas for clarification where there was a change by the Charter Change Committee after the ad hoc committee had already changed the language.

(d) (1) The agenda prepared by the president with input from the chief administrative officer or designee shall be divided into two (2) parts; namely, a consent agenda and a deliberative agenda. The consent agenda is made up of items which are deemed not controversial or are for information only. The consent agenda shall also suggest the proposed action with respect to such items. The deliberative agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by the council. It is not appropriate to move an item from the consent to the deliberative agenda to provide general information. Councilors may use the councilor comment period to disseminate that information. All supporting documents for resolutions and other city policies are available to the public on BoardDocs or other board management software.

(2) Any councilor may request that a particular item be removed from the consent agenda and placed upon the deliberative agenda.

(3) A single motion shall be sufficient to act upon the items listed in the consent agenda in the manner suggested by the chief administrative officer. The items on the deliberative agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(e) No matters of business other than those included in the agenda and provided to councilors in the packets or electronically provided by the city clerk's office shall be introduced and considered at any regular or adjourned regular meeting of the city council without a two-thirds (2/3) affirmative vote of the councilors present and voting.

(f) All meetings of the city council shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except as otherwise provided. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The president and chief administrative officer shall preview each agenda and endeavor to make sure that all time-sensitive items are placed as close as possible to the beginning of the meeting. Prior to adjournment at 10:30 p.m., the president shall call for a vote upon a disposing motion on the pending item unless a motion is made to suspend the rules to allow continuation of the meeting to complete all or a part of the agenda. If such a motion is made the president shall inquire about timely matters and the motion to suspend the rules to allow continuation of the meeting may include consideration of such matters warranting action. If such a motion fails to receive approval of two-thirds (2/3) of the councilors present and voting, even if after 10:30 p.m., the president may entertain alternative motions to suspend the rules to allow continuation of the meeting.

(Amended 2-7-72; 2-17-76; Res. of 6-12-89; Res. of 2-25-91; Res. of 6-24-96; Res. of 2-18-97; Res. of 12-21-11; Res. of 2-11-19)

187 [Business to be conducted in accordance with Robert's Rules of Order.]

The business of the council shall be conducted in accordance with the recognized parliamentary rules as set forth in the current issue of Robert's Rules of Order, except as otherwise provided in these rules. No rules of this council shall be suspended except by a two-thirds (2/3) vote of those present and voting. No rule shall be amended or repealed unless notice of such proposal has been given at the last regular meeting preceding, and such change must be adopted by a majority of the

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entire membership of the council. These rules shall be applicable to the city council with mayor presiding, the board of civil authority, the board of abatement of taxes and the local control commission.

(Res. of 4-27-92; Res. of 12-21-11; Res. of 2-11-19)

198 Appointments to be by open ballot.

When dealing with commission and council appointments, under the City Charter or otherwise, members of the city council or city council with mayor presiding shall not use secret ballot unless two-thirds (2/3) of those present **and voting**, vote to use secret ballots. A commission or council appointment, under the City Charter or otherwise, must be approved by a majority of the city council or the city council with mayor presiding.

(Ord. of 5-23-83; Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19)

1920 Request for legal assistance.

All requests for legal assistance, information and advice received by the office of the city attorney from either the mayor or a member of the city council, and all information received by the office of the city attorney in connection with research and drafting such a request, including any preliminary drafts not yet introduced to any committee of the city council, the council, or released to the public, shall be confidential, unless the person requesting or giving the information designates in the request that it is not confidential.

(Res. of 8-15-88; Res. of 12-21-11; Res. of 2-11-19)

210 City councilor expense reimbursement.

The city council shall annually, as part of the budget and upon recommendation of the mayor, set an expense account for each city councilor. The expense account is for expenses including reimbursement necessary for the performance of city council business. Councilors may combine, or pool, expenses with other councilors. Funds not spent by a city councilor at the end of the councilor's term shall not be available to the succeeding councilor. A succeeding councilor who takes office during a fiscal year shall be provided with an expense account equivalent to a pro-rata share (based on the number of months remaining in the fiscal year) of the annual expense account allocated to each councilor for that fiscal year.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Res of 6-24-19)

221 Electronic devices.

All electronic devices used by councilors, the public and others present shall be silenced (i.e., turned off or put on "vibrate") during council meetings.

(Res. of 12-21-11; Res. of 2-11-19)

***Highlighted text indicates that there was a change made by the Charter Change Committee. Comments are also provided in a couple of areas for clarification where there was a change by the Charter Change Committee after the ad hoc committee had already changed the language.

1

Editor's note—Appendix B contains the rules of the city council as adopted by it and as amended from time to time. Amendments are indicated by parenthetical history notes following the amended sections; absence of such notes indicates that the section is as originally enacted. Catchlines have been added in brackets to facilitate usage and indexing. Other bracketed material in the text has been added for clarity and consistency.

It should be noted that Acts of 1989, No. M-20 effectively changed "board of aldermen," and other like references, to "city council," etc., throughout the Charter. The editor has changed references to "board of aldermen," etc., to "city council," etc., in Appendix B in order to reflect the enactment of Acts of 1989, No. M-20.

Charter reference—City council with mayor presiding and city council, § [36](#) et seq.

Cross reference—Administration, Ch. [2](#); personnel, Ch. [24](#).

DRAFT

CHARTER CHANGE COMMITTEE

Thursday, March 23, 2023

Via Zoom (Remote)

DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

Staff Present: Kim Sturtevant (Acting City Attorney)

Others in Attendance: Melo Grant (Councilor-Elect)

Meeting called to order at 7:04 PM.

1.0 Agenda

1.01 Motion to amend agenda

Motion by Councilor Carpenter, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt Minutes from 02/27/2023

2.01 Adopt Draft Minutes from 02/27/2023

Motion to Adopt Minutes from 02/27/2023 without changes.

Motion by Councilor Carpenter, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

Melo Grant gave public comment during the Council Rules discussion.

4.01 City Council Rules

Bergman: We started last meeting on Rule 4. The yellow highlights are things we worked on last meeting.

Attorney Sturtevant: The yellow highlights were my changes per the Committee recommendations from last meeting. I can get you a copy with the totality of the changes that we have done since the beginning.

Bergman: I see now that Melo Grant is here. Feel free to open up the rules document on the agenda so you can follow along and perhaps offer some comments. Moving on to Rule 5. I see no changes to 5a, but some changes to 5b.

Traverse: Going to the beginning of the Rules, we have both a 1 and a 1A. I think we should renumber the rules after making 1A into Rule 2. In addition, many of the rules have brackets and I think we should remove them to clear up the table of contents.

Carpenter: I agree we should clean it up if we can do so without making a mess.

Bergman: I also agree, motion by Traverse and second from Carpenter. All in favor? Unanimous.

Traverse: My substantive question is on the language around the term City Council. Rule 11 states the rules on yeas and nays, but there are still some instances of different language with regards to majorities. Do we mean a majority of those present and voting or just a majority of those present? Rules 4, 7, 17, and 18 all use different language on what constitutes a majority. I think we should come to a conclusion on whether we want to use majority present or majority present and voting.

Bergman: So the issue is adding the term ‘and voting’ to these instances. Rule 11 already has the exception clause, so we do not need to add such a clause. I would entertain a motion.

Traverse: So moved.

Carpenter: I second.

Bergman: All in favor? Unanimous. The amendments pass. Back to Rule 5b.

Melo Grant (Member of the public, Councilor-Elect): Why do we limit public forum?

Carpenter: I think it was a matter of allowing the Council to get work done on meeting nights. Council business can sometimes start very late because of lengthy public comment.

Traverse: This was a recommendation from the ad-hoc committee. I generally agree that there should be parameters to ensure we get to Council business.

Melo Grant: I think this is not a good idea for a variety of reasons. We used to give three minutes, it has been cut to two minutes. Previous Councils really tried to limit what people would say, such as not repeating what has already been said. We had very lengthy issues on public safety. There were some insensitive things said by Councilors. Listening to constituents is part of the Council’s work. To allow people to speak is an easy win. I was not involved in the working group. We are already limiting people to two minutes. I do understand how exhausting the forums can be for Councilors.

Carpenter: If there is a hotly contested item we should have extra time for public forum, but the issue comes when we are going to be working on other items to attend to. We usually know how many people are going to speak so we can plan ahead.

Traverse: Sixty minutes is actually already an extension from a previous 30 minute limit. We are also allowing the Council to extend the limit and not just limiting that power to the President.

Melo Grant: I don’t know how many people usually sign up ahead of time versus just show up.

Carpenter: We have to queue up the rest of the meeting and manage the agenda items beyond just public forum.

Melo Grant: We can still set aside time for public forum and adjust based on how many sign ups there are.

Bergman: I don't like the limitation and think it should be stricken, as I voted last meeting. I would be happy to second a motion to eliminate the time restraint.

Traverse: I am not inclined to remove it altogether. We also have a hard stop in the rules at 10:30 PM unless we suspend the rules. If we don't have a collaborative Council, then there is the potential for some funny business around that. I would be open to extending the time period to 90 minutes, but I am against leaving it open-ended. Unfortunately, some public forum is toxic and not productive and we have seen that in the past.

Carpenter: I like leaving it at 60 minutes with the Council having the ability to extend by a vote. We could have a regular public forum and then more at the end of a meeting if needed. We receive a lot of written comments on agenda items and those are also included in the public agenda. I think written comments are generally better anyhow. We can also set up specific public forums for specific topics.

Bergman: I would move to extend the time limit to 90 minutes if that is amendable.

Traverse: I second.

Melo Grant: I have another comment. If a forum goes long then it is going long for a reason. The Police Commission has had five hour meetings too, I understand. Are we really going to stop people from speaking? That's the end of my comment.

Bergman: We have a motion that has been seconded. We shall go to a vote for Rules 5 and 15 regarding the time limit.

Traverse: Before we vote, I understand the concern around this. But, most public bodies put time limits on public comment and testimony for good reason. The model rules put out by the VLCT suggests 30 minutes, I am in favor of longer. If people are still looking to speak, they need to sign up in advance and we do have to get to the Council's business.

Melo Grant: The Council's business is the people's business. We had a hurtful comment from a former Councilor and implied that some business was more important than other business.

Carpenter: There is a section that anyone can post written comment as well.

Bergman: Shall we vote. Traverse and myself are yeas, Carpenter is a nay. The yeas have it and the rule will be adjusted to 90 minutes. Moving to Rule 6. I see no changes to Rule 6, on to Rule 7. I see no changes from what the ad-hoc group did. On to Rule 8. Looks like we removed 'when necessary.' Rule 9, no changes.

Carpenter: Back in Rule 8, we will have to adjust the references to the numbering of Rules.

Bergman: Yes, we will do that, thank you. No changes to Rule 9 other than the brackets. No changes to 10 and 11. Rule 12 is where we moved the committee absence language.

Carpenter: Could we ever end up in a situation where a Councilor only goes to every third meeting and still be in compliance?

Bergman: I suppose it is possible.

Carpenter: That is a situation I want to avoid as it is counterproductive. I suspect that is why the working group put three in a Council year.

Bergman: I think some of this is a political issue rather than a rules issue.

Carpenter: Exigent circumstances aside, a committee is not really functioning with two people at most meetings. I would feel better about changing to missing three meetings in six months rather than a year.

Bergman: Our committee is certainly diligent and we have a lot of work to do, I don't think most committees are as diligent as we are. I am not inclined to change this.

Carpenter: This is very committee-specific based on how often it meets. I don't know how to write that in.

Bergman: If there is a motion we can take that up.

Carpenter: I move to changing the rule to three meetings in six months rather than a year.

Traverse: I second.

Bergman: I oppose, that is too easy to remove Councilors from committees.

Carpenter: If the Councilor has an exigent circumstance like being sick or stuck in an airport, I don't think that should count. We could strike the prior approval language. Without having a good reason, missing three meetings in six months is a lot.

Bergman: I don't think so myself.

Traverse: I have a different take on this. Right now, the President has all the power to move people around on committees. I think right now the President has the power to remove someone for any reason. I think by adding language at all, we are constricting the President's powers. Then, in the future, someone might interpret absences as the only reason to remove someone from a committee. I am open to this amendment. What about if someone misses three consecutive meetings in six months?

Bergman: I understand the desire for the language 'for good reason.' Good reason is less than exigent as that is a pretty high bar. If the work can get done without one Councilor, then I am in favor of being lenient. I feel like this could be used as a political cudgel. Perhaps we change it to 'without good reason' instead of 'exigent.'

Carpenter: The point being that Councilors should show up unless they have a good reason to be absent.

Bergman: Carpenter moves to adjust the language, Traverse seconds. All unanimous in support of the change. Rule 13, I see no changes.

Attorney Sturtevant: Regarding Traverse's earlier clarification, do we want the voting language in this rule to be consistent with those other rules?

Bergman: I think logically it relates and flows from the previous section. Ben, any thoughts on this?

Traverse: Yes, that is fine.

Bergman: Moving to Rule 14, no changes. Rule 15, there are suggestions from the working group. We have dealt with the extension issue previously. We deleted the Councilor reflection section in

this. No indication we want to reopen any of this? Rule 16, sections a, b, and c are all the same. Rule 17 is only the small ‘present and voting’ change. Looking through these last ones, I think they are fine. I am going to write a memo on this for the Council meeting on March 27. I hope we will have the minutes ready by Monday. I will circulate a tracked version of the rule changes.

5.0 Other Committee Business

Carpenter: I know we are hoping to get some joint meetings with the Public Safety Committee set up and hopefully we can work on scheduling that in the next few months.

6.0 Adjournment

Motion to Adjourn.

Motion by Councilor Carpenter, Seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:37 PM.

The CNA Report: Review of Recommendations:

Conclusions and Findings of the Public Safety Committee

March 23, 2023

This report includes:

- The background of how the CNA report came about and was reviewed by the Committee;
- An overview of the Working Group's guiding principles, the views of Group members, and the overall sense of the Public Safety Committee's recommendations and conclusions;
- A section-by-section summary of the Public Safety Committee's findings for each of the nine sections in the CNA Report.

Background:

Amidst the pandemic and against the backdrop of the murder of George Floyd and the national racial justice reckoning, the Burlington City Council by a supermajority, and with the mayor's signature, approved the resolution, "Racial Justice through Economic and Criminal Justice" on June 29, 2020. This resolution, which has become known as the "racial justice resolution", called for a number of substantive changes in our City's systems and practices. One of the directives of the resolution was for the City Council's Public Safety Committee, which is made up of three City Councilors, and the Police Commission, made up of citizens appointed by the mayor and Council, begin an inquiry that would:

"include a full operational and functional assessment of the Burlington Police Department that analyzes the who, what, where, and how the Department policies and includes a review and analysis of the assessment with full community participation and input, followed by the implementation of a methodical transition to a public safety apparatus that delivers services aligned with the values and vision of the community..."

Beginning on August 13, 2020, and continuing through the end of 2021, the 'joint committee' met twenty times, developing a Request for Proposal, and shepherding a plan to gauge and understand community concerns and priorities with public safety that produced a report by Talitha Consults LLC in Tukwila, WA (which is not covered in this report) and a second Request for Proposal for the full and functional assessment by CNA, a consulting organization in Arlington, VA.

The Functional and Operational Assessment of the Burlington Police Department – Final Report, completed by CNA, (thus referred to as the CNA Report) was issued on September 30, 2021.

There are 150 recommendations in the 172-page report. At the beginning of the report are eight Key Findings the last two of which are summarized into one item here:

1. The Department potentially demonstrates racial disparities in traffic stops and outcomes. The Department shows disparities against Black community members in use of force.

2. The Department does not appear to demonstrate socioeconomic bias in relation to its deployment of personnel in response to calls for service.
3. In the area of community engagement and outreach, the Department is under-resourced and should be ‘significantly enhanced’.
4. Key training topics such as procedural justice, implicit bias, fair and impartial policing, restorative justice, response to mental health calls, and de-escalation are either not covered, not required, or covered insufficiently.
5. Current data collection, tracking, investigatory process, and timeline for resolution of citizen complaints, use of force incidents, internal affairs investigations and officer involved shooting are inadequate.
6. The Department is experiencing declining morale, and both BPD and community members expressed frustration and concern at the lack of community consensus on the need for police services and the appropriate types of services BPD should provide.
7. Given attrition, onboarding, and other factors such as officers on military or other leave, the authorized sworn officer headcount should be 77-80, not including the number of officers deployed to the Burlington International Airport.

On October 18, 2021, the City Council passed a resolution, “Raising the Authorized Sworn Headcount of the Burlington Police Department per the Recommendations of the Full Operational and Functional Assessment by CNA and a Plan for Reviewing all the Recommendations in the Report.” This resolution increased the sworn officer headcount to 79 (not including the officers at the Airport), expressed strong support for public safety transformative policing which includes the notion that sworn officers ‘must work collaboratively with Community Service Officers, Community Support Liaisons, and the soon to be deployed crisis response team inspired by and modeled after the successful CAHOOTS program.

The other resolved clause addressed how the City Council would move forward with the task of reviewing the 150 individual recommendations. The resolution directed the Council’s Public Safety Committee “in collaboration with the Police Commission and the Administration, (to) engage in a... full review of the Report over the course of the next several months that would include stakeholder and broad community input.” This report is the summary of the full review of the recommendations in the CNA Report.

Overview of the Working Group’s Process and Principles for the Public Safety Committee’s Recommendations:

Creation of the Working Group. The Public Safety Committee met in November to develop a plan for how to approach the review of the CNA recommendations. To ensure broad community input, key stakeholder involvement, and working with the Police Commission and Administration, the Committee decided to create a “Working Group” to review the report.

In addition to the Committee, the Working Group was made up of two police commissioners, one member of the Church Street Marketplace Commission, a representative of the Vermont Racial Justice Alliance, and a representative of a mutual aid group. To honor the collaboration with the Administration, the Committee encouraged the participation of a member of the Burlington Police Officers Association (BPOA), the union representing sworn non-management officers, as well as the Acting Chief of Police. Emails were sent to these organizations and commissions in early December. The Working Group would meet every Tuesday in

January, February, and March to review the recommendations and assist the Committee in developing conclusions for each recommendation, as well as prioritizing the work in the CNA report.

Meeting Schedule. While the Working Group convened its first meeting on January 4, 2022, there was a need to reset the Committee's work and come up with a firm plan to complete this work by March 31, 2022, the end of the Council year. Beginning in mid-January, the Working Group met nine times, on most Tuesdays during the months of February and March, with its last meeting on March 28, 2022. All nine of these meetings were recorded and have been posted on the City's YouTube channel. There is also a recommendation-by-recommendation matrix where each Group member offered their perspective on the recommendations which provides the basis for this report's findings and conclusions.

Principles and Purpose of the Working Group. As the Committee envisioned, the Group was made up of members with broad and often divergent views on public safety. Some felt it critically important to view the recommendations through a holistic lens such that all community members' right to safety was attended to and others had more localized concerns such as greater officer presence in the downtown core where some incidents that require a police response are more prevalent.

Public safety has historically been rooted in the premise that policing, prosecuting, and then incarcerating delivers safety. After decades of applying this approach to address safety, we know that the punitive approach does not make communities safer. The CNA report and many other studies have shown that within this historical approach, some members of our community are disproportionately targeted and face higher rates of arrest. So begins the cycle leading to higher convictions and sentences, often for very minor offenses. Black people are shown to suffer disproportionately with other people of color and marginalized populations harmed as well.

In a December 2021 article in *Forbes*, "What Public Safety Really Means", the authors encapsulate public safety as follows: *"Delivering public safety means ensuring that we all have access to safe, affordable housing, high quality schools, and comprehensive health care, including mental health care and drug treatment programs. It means guaranteeing access to high quality education and employment opportunities that enable us to provide for our families. Instead of pouring billions into jails and prisons, we need to invest in services that support health and well-being."*

While the CNA report and this report do not capture all the tenets of this definition of public safety, the work of the Working Group was completed with the broadest of intentions: that our community is enhanced, is more welcoming and inclusive, embraces and models a culture of responding to public safety calls and incidents that appreciate the human predicament and support everyone's 'health and well-being.'

As noted above in the Summary of Key Findings, the CNA report points out that there are racial disparities especially for Black community members in policing outcomes, and also notes a need for greater community engagement and outreach. The difficulty in building community trust is exacerbated by a greater need for some types of effective cultural training, better "data collection... timeline for resolution of citizen complaints" and the Report noted that oversight is "inadequate." At the same time, after what has transpired locally and nationally with policing in the past two years, CNA observed that the Department is "experiencing declining morale." There is no question that this is an accurate depiction of the overall spirit within the Department as evidenced by the attrition experienced over the past two years.

These Key Findings and other dynamics in the Report are all contributing to a challenging environment as we try to develop best practices to address disparities such that community members who are less safe in our city can feel and know greater safety, without removing the historical approach to policing.

The approach we took to the CNA Report and its recommendations was to review them and public safety in a holistic way, thinking of all our community members, and to address specific concerns with the guiding premise that best practice for public safety is humane, responsive, and appropriate given the circumstances of each individual situation. The Working Group was united in concern that some are unsafe in the traditional model of policing and felt that the data shows these disparities and agreed that they must be addressed and monitored on an ongoing basis. Improvements should be lauded and recognized as changes for the better that must continue if they are to be codified in our community.

There was disagreement at times within the Working Group. We all came to this work from different perspectives, in some cases, representing constituencies that are angry either about the lack of sworn officers that they see as deterrents to crime or the lack of progress in transformation as the time for all to be safe is long overdue. Despite this, the Group's discourse was respectful, such that there was active listening. While the conclusions are those of the three members of the Public Safety Committee, the Committee relied on the discussion of the Group and just about all of the conclusions were the consensus of the Group.

Our overriding guidepost in our discussions was to find ways to address the broadest needs and the most specific needs at the same time, to find ways to respond to needs with commensurate responses, to give the greatest respect to those who want a robust sworn officer headcount as detailed in the CNA report, and to those who feel we need to increase our reliance on other forms of response as also detailed in the Report. In the end, honoring both of these perspectives will bring us closer to relieving dissension which will help to meet the broader definition of public safety.

Section-by-Section Summary of our Findings and Conclusions:

Section 1: Policies, Training, and Operations

Of the 150 recommendations in the full report, 54 were in the first section. Several of the recommendations are what the Acting Chief defined as a 'quick win' meaning the Department agreed with these recommendations and making the change was easy - usually a matter of updating a Department Directive or DD as they are known to the Department. Amendments to DD03, DD043, and DD01 regarding adding cultural competency, adding provisions that supervisors be alert to indications of potential bias, adding a specific rule in DD01 that "requires Department personnel to intervene or report excessive use of force when witnessed or learned about" as well as the "duty to intervene, duty to care, and duty to report" were to be completed by April 1, 2022 and approved by the Police Commission.

Committee Note 03/23/2023: The work to amend Department Directives 03, 043, and 01 has taken extra time to get started, but is underway with collaboration between the Public Safety Committee, the Police Commission and the Department, and should be completed in the Spring of 2023.

The issue of the need to amend, if not redraft, DD040 came up repeatedly. Throughout our deliberations, two points became clear: **DD040 needs to be redrafted, and second, the redraft will take a great deal of**

time and would need to be prioritized over other pressing priorities in order to get done this coming year.

Committee Note 03/23/2023: Conversations have begun with regards to the redrafting of DD040, and will continue in the coming months.

Issues about logging complaints when they are immediately resolved, potentially redrafting the entire Directive into two parts for internally generated and externally generated complaints was discussed. The overall conclusion of the Working Group, with support from the Public Safety Committee, is that all complaints need to be documented even if deemed ‘resolved’ or ‘irrelevant’ by the receiver of the complaints.

The issue of DD040 came up regarding adhering to best practices with Internal Affairs and the way specific complaints are assigned, and not using general investigators which “leaves too many options that allow officers to violate policy undetected, and it prevents the process from being transparent.” In addition, how complaints are to be handled needs to be codified in this Directive. It was the strong recommendation of the Group, supported by the Committee, and an explicit recommendation in the report, that redrafting Directive DD040, while laborious, should be a priority, a task that could be shared with the Police Commission. Given the additional support in terms of legal and administrative support for the Commission, there is greater opportunity for collaboration on this Directive redraft. (Of the seventeen recommendations in Section 2: Citizen Complaints and Internal Affairs, a third of them are dependent on change to this Directive.) There was strong agreement within the Working Group that we need to incorporate an internal disciplinary review board and some discussion per CNA’s recommendation on the function of an external (such as the Police Commission) review board.

Regarding recommendations relating to persons with diminished capacity, persons with limited English proficiency, interacting with persons with disabilities, several recommendations in Section 1 speaks to best practices and the need to include key stakeholders, both individuals and organizations in the redraft and amendments to DD13.1, 13.2, and 13.3. The police commissioners in the Working Group confirmed that they elected to take on these redrafts and amendments in collaboration with the Department. It was expected that the Commission would have a draft of these directives by May 1, 2022, which would then go to the full Commission for approval.

There were areas of disagreement and most of the debate centered around instituting a Citizen Review Board to review internal and external investigations, rather than having the Chief serve as the final authority on facts and discipline. The Acting Chief disagreed with the recommendation completely; the BPOA is open to the idea and wants to be a part of the conversation on oversight and feels it would need to be a part of union negotiations. While there was some disagreement within the Group, most of the disagreement related to who the Board would be, and how they would be appointed. The consensus of the Group, and one that was supported by the Committee is that oversight is a vital key to community trust and transparency. Whereas a few years ago, there was clear support for a second independent body to do this work, the Group expressed overall comfort with moving forward with the Police Commission in this role if that is simpler and can garner community support.

Ahead of union bargaining as the Committee did its work in the winter of 2022, it was noted there are several recommendations in Section 1 that are bargainable. The Committee developed an approach to addressing these recommendations (as detailed in the footnote below).¹

At the end of Section 1, there are several recommendations that relate to training. The last seven recommendations, 1.42.1 through 1.42.7, are training related. It was the recommendation of the Working Group and supported by the Committee that the Department should create a transparent and detailed overview of training and availability, priorities, and attendance as a foundation for a strategic training plan with review and input from the Police Commission and Human Resources. There was a lot of disagreement over what is available and in place and what is easily available. The Committee recommends twice annual meetings on training updates with attendance open to the Police Commission and a more high-level summary to the City Council once a year.

Section 2: Citizen Complaints and Internal Affairs

The first recommendation in this section centers around a complaint tracking data system with specific and detailed data in “separate, closed response data fields.” The Working Group spent a great deal of time on this issue and discussed the need for accurate and complete data collected so complaints can be followed up appropriately while balancing the need to have relevant data without overburdening officers given the variety and complexity, or lack thereof, of complaints. Some complaints are not officer specific, are general complaints or resolved on the spot, while others require tracking to completion over a longer period of time. There are challenges with categorizing some complaints due to the general nature of some complaints, some of which come to the Department, but may not be Department related.

It was the conclusion of the Group that the Department’s tracking system should strike a balance somewhere in the middle. The Department needs to track complaints effectively. In terms of building trust, we need to track all complaints in a way that is effective and transparent. Tracking demographics needs to be done; whatever demographics are not being tracked need to be tracked. The Group acknowledged that some aspects of tracking are bargainable and were added to the list of BPOA items that were forwarded to the bargaining team and City Council. The Group recommended that keeping information on discipline for longer periods should be added to the list of bargainable items (which followed the process outline in the footnote below).

The Department does have a citizen complaint process which has been recently improved. It accepts complaints from any source, including anonymous sources, and has a written form that is available through many sources including the Community Justice Center, Migrant Justice, and various City departments. Every citizen complaint now automatically goes to the Chair and Vice Chair of the Police Commission.

¹ In the case of modifying retention records, revising promotions, issues concerning compensation for Field Training Officers (FTOs), wellness bonuses, and restructuring “bidding on shift”, there was strong if not unanimous support for these action items. A separate list was kept during our work to separate bargainable recommendations from the other recommendations. This list was delivered to the bargaining team for the city for further action as well as review and prioritization by the City Council, who is the body charged with approving the union contract with the BPOA. The contract was passed 10-1 by the Council in July 2022.

While there is a process being followed, some parts are under review by the Police Commission and it was the Group's recommendation, which was supported by the Committee that the Police Commission will continue to work with the union and Acting Chief. Once in place, the Police Commission would monitor this process on an ongoing basis.

It was appreciated by the Group that the Department does have processes for internal investigations, who conducts them, and the expected timeline for investigations. Some of the best practice standards regarding different timelines for different levels of complaint and a clear policy so everyone knows what will happen in the event of a complaint would be included in a DD040, which again, the Group and Committee recommend a redrafting of this Directive as a top priority.

The Group spent time discussing the rules violations. In the event that a case does not cite a rules violation, the Department believes that no rules violation took place. It is best practice that the Department should cite a policy or rule that an officer followed to support their actions, a practice that would support investigative findings. This would be done in addition to rules or policies that were not followed in such cases. There needs to be an environment where investigators must be willing to identify and enforce violations, investigating in a process that details every step of the process. Every case needs to be investigated regardless of the employment status of the officers, in other words, even if the officer resigns or leaves the Department. In addition, an officer will not receive a recommendation for another position unless they participate in an investigation. Most of these recommendations are recognized by the Department as either underway or points that need to be addressed in a redrafting of DD040.

It is again, for these reasons, as well as the points raised in Section 1, that redrafting DD040 should be addressed soon.

Section 3: Oversight

There are two recommendations in this section that the Group spent the most time on. The first was regarding formalizing the authority of the Police Commission, which should be much greater than its current advisory role with a clear outline of its responsibilities. This work was started with a Council resolution, titled 'Police Oversight And Accountability Authorities To Police Commission To Alter The Police Disciplinary System'. That resolution called for ordinance language to be drafted by the City Attorney to give the Commission authority to the fullest extent possible in light of the Charter and any contract limitations. The first draft of that ordinance was reviewed by the Commission with a memo to the City Attorney detailing concerns, questions, and suggestions for editing to improve the ordinance in April 2022. Presently this memo is with the City Attorney's Office and stalled due to low staffing issues. The Working Group supported this recommendation as did the Committee.

Committee Note 3/23/23: The work related to expanded oversight of the Department will continue according to the directives of the Feb. 6 resolution titled 'Supporting More Public Input On Police Oversight And Accountability', which charged the Charter Change and Ordinance Committees of the City Council to hold joint meetings to engage stakeholders and "refer back to the City Council any proposed legislation on such matters by June 1, 2023."

The second recommendation involves the hiring of a public information officer to develop a communication policy and “prioritize information sharing, bolster legitimacy and build public trust.” The Working Group and Committee unanimously supported the public information officer recommendation. [Since the review by the Group and Committee, the Police Commission sponsored a resolution indicating their broad support for this position. A job description was created by the Administration that was reviewed by the Commission. Changes were made to improve the ‘two way’ nature of information sharing with greater emphasis on community building and less on information delivered in a more rote and less inclusive manner. The job title was changed to a Public Information and Community Engagement Coordinator in response to this input and extended discussion.]

Committee Note 3/23/23: The Police Department recently hired a Public Information and Community Engagement Coordinator, and they started recently.

It was agreed that the Department does follow a key recommendation by former President Obama’s Task Force on 21st Century policing, namely that the Department should require public engagement and input on directives, Department goals and objectives, and the development of a strategic plan. Department directives can only be published when approved by the Police Commission, after seeking public input at a publicly warned meeting. The Commission is actively involved in the review and shaping of directives.

Section 4: Use of Force and Officer-Involved Shootings

There are thirteen recommendations in this section. Seven of them are regulated by state directive DD05 – Statewide Policy on Use of Force, Appendix A. These include how written statements from officers on the scene are required before they leave their shift, the policies by which interviews and written statements are collected, reviewed, and approved, and other reporting protocol, and many of them are being worked on by the Department.

Of the remaining recommendations that do not fall under state directive, the Group, Committee, and the Department agreed on the critical nature of addressing and prioritizing these actions.

Regarding breaking out “weaponless force” into multiple categories, the Department and the Police Commission are doing this work, the Commission is satisfied with the current reporting. This is important as it allows these incidents to be tracked; the Group acknowledged that significant movement has been made in this area.

At the heart of this section is the recommendation that the Department should investigate use of force incidents thoroughly, including reviewing body-worn camera footage, to better understand the reason for disparities for Black community members.

It was the consensus of the Group, and the recommendation of the Committee that this work is a high priority and should be addressed within the first few months of the release of this report. While the Acting Chief disagreed, the Group supports that a change in policy is needed to note that all uses of force should be investigated. The Police Commission thinks we should do more work to understand why Black people experience higher levels of force as well as higher uses of force. Further, the Group recommends, and the Committee supports, that the Department should create a review process to try to understand this disparity. Importantly, disparities (gender, racial, ability) should be added to the contract as a reason for

cause to review (internally and externally) detailed use of force data. The Committee believes that the Police Commission needs the ability to see use of force information (videos, depositions, etc.) for court cases to the greatest extent current state law allows and the Department needs to use this level of oversight and transparency as strategy in improving community relationships. The Department needs a policy change to have open conversation and allow decisions to be made with the Police Commission on what use of force should be investigated.

Similar to the recommendation for traffic stops (in Section 5), the Report recommends that the Department should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or Department practices by implementing training and reviewing current practices. The Group acknowledges the efforts made to change this dynamic and notes the various training that has been done. The Committee believes that more important than training, it is the practices and tone that permeates the culture within the Department and all areas of City government that matters most. This is an ongoing journey and there can be no let-up as we continue to evolve, transform, and innovate our public safety.

There was one lengthy recommendation regarding requirements in use of force narratives. The bullet points include ensuring precise descriptions of the actions and statements of the subject that warranted the use of force, ensuring that tangible de-escalation strategies that were undertaken, and if alternative responses were requested (such as crisis response). With few exceptions from the acting chief who raised an issue with the idea that getting a subject account was impractical, the Group and Committee agreed that the Department should create a checklist / new template with all of these bullets as part of the report. The Group agreed with the acting chief that the exception may be a subject who has recently had use of force on them for both for practical and right to remain silent implications. The Department should err on the side of having a bystander account when possible. (The City also allows a use of force subject account if the officers involved, or their supervisor thinks it is a good idea for community engagement or restorative justice.)

In general, and as a guiding principle, more information is better than less, written statements immediately following an incident are critical and doing all the Department can to document these incidents quickly and efficiently will deliver the best outcomes. In the wake of incidents in the past few years, the community wants transparency to the greatest extent of the law and needs to know it can rely on our officers to value the same.

Section 5: Patrol Operations, Deployments and Traffic Stops

The issue of traffic stops and disparities that exist within this area of policing were addressed in the recommendations in this section. It was recommended that the Department "implement a traffic stop data system that captures, in addition to the current information, the reason for stop, start and end time, reason for each ticket and warning, passenger information, if the stop was an officer on special assignment or a task force operation, and then allow for a comment field. It was noted that some of this information is required by state law and others are already being captured. It was the Committee's conclusion that this work is being done and data is being captured. The Committee would request ongoing monitoring as any best practices evolve.

The CNA Report recommended that the Department should conduct further analysis and review body worn camera footage to understand these disparities in traffic stop rates and outcomes and address them to reduce disparities. The Group and Committee's recommendation was to continue to monitor stops, ticketing, and searches to ensure the lack of disparity achieved in later years of CNA's overall data pool continue to be the case in later years while also meeting public safety goals with 87% drop in traffic stops (2016 to 2021). The trend is encouraging but will require ongoing work, a tone at the top that the Department must embrace further and ongoing implicit bias training and continue to improve this aspect of police response.

Additionally, the Department should consider the possibility that these disparities are driven by bias, implicit or explicit, and must proactively address potential bias in officers' behavior or Department practices by implementing training and reviewing BPD practices. The Acting Chief noted in his response to this recommendation that "over the past several years we have drastically reduced disparities, and in 2021 there was 'no' racial bias in traffic stops." While the Group and Committee acknowledge and support this trend, and it surely is a positive sign that efforts to change this dynamic are working, we do not conclude that it is "done." The Committee's conclusion was to move forward with additional review and try to keep current statistics.

Section 6: Patrol Operations by Geographic Area

There is a brief discussion in the Report on operations by geographic area with two recommendations.

The first recommendation was to continue to adjust patrol assignments and determine resource allocation for mental health response services by areas based on volume of call and relative proportion of mental health calls for each area. There was overall support and agreement to this recommendation and the acting chief confirmed this is the way the Department structures patrols. Given staffing levels at the present time, achieving this goal has been more difficult.

In keeping with the Report's key findings, there is a recommendation to develop a deeper socioeconomic bias analysis by area that includes a review of type of incidents, response times, and demographic data of officers, victims, and suspects, as well as community feedback. This work to affect this recommendation would fall to IT. The Committee's recommendation is to assess IT analysts' capacity to address.

Section 7: Staffing and Workload Analysis

This section of the Report deals with the 'nuts and bolts' of police staffing. There are recommendations in this section for shift scheduling, and every area of the Department from case detectives to proactive enforcement and other staffing positions. There are responses to these recommendations made by the Acting Chief which can be viewed in the matrix. It was the conclusion of the Public Safety Committee that recognizing the current level of staffing, the single most important issue is dedication to rebuilding the Department to the current authorized headcount of 79 sworn officers and incorporating over the next two years the non-sworn officer model and crisis response, including CSOs, CSL, and the crisis response team modeled after the highly successful CAHOOTS model. We need to find better ways to track officer activities - when officers are on duty and responding to calls.

While the Group did not discuss this at length, one of the recommendations on the Report was lowering the number of officers at the Airport to be in line with the number that the FAA mandates. This would be a bargainable item, but it is important to note that if it is possible for there to be less officers assigned to the Airport while still complying with federal regulations, this should be sought.

There were two recommendations that are not listed by CNA as “recommendations,” but appeared to us to be recommendations, nonetheless. Given the dynamics of the Group’s work, we did not review this issue of increasing alarm fees (as there are 1,000 such alarms per year) as well as tracking false alarms and considering a double notification system.

In 2019 BPD responded to over eight hundred property damage only motor vehicle accidents. Consideration should be given to modifying the approach to vehicle traffic accidents in Burlington. This recommendation was not reviewed but it is hoped that the Department will review this and the alarm item with the Commission in 2022.

Section 8: Specialized and Alternative Responses

The issue of specialized and alternative response to calls for service is a fundamental key to the broad community’s fervent desire, if not demand, to see that our public safety responses fit and are truly responsive to each situation to the very best of our ability. Just as building a garage does not require the equipment and personnel that a ten story building would, responding to persons with mental or behavioral health conditions, particularly those involving children, need to be treated by crisis response that will have the greatest chance of resolving the issue and avoiding an incident that escalates.

The CNA Report recommends that key stakeholders in Burlington should be identified, and a Community Mental Health Advisory Committee formed. These stakeholders should be high enough up the ladder to implement recommendations yet fluent with “on the ground” processes and barriers. The Committee’s conclusion was that the mental health summit envisioned by the Police Commission and supported by resolution of the City Council needs to happen in 2022. After the passage of the Police Commission and Council resolutions on September 28 and October 18, 2021 respectively, it was determined that the city’s Public Health Manager would lead this effort. A vacancy in that role resulted in the summit being led by the Police Department’s Community Support Supervisor.

Committee Note 3/23/23: The mental health summit took place over two days in August of 2022, and a synopsis of the discussion and key takeaways was presented to the full City Council on October 24, 2022. The recommendation to establish a Community Mental Health Advisory Committee remains unfinished.

In addition to the summit, there is significant excitement and community support for a crisis response team modeled after the successful CAHOOTS program.

Several of the recommendations in this section focused on policies for persons with diminished capacity. This was also covered in Section 1. The Police Commission has undertaken a review of DD13.1, 13.2 and 13.3. It was the conclusion of the Committee that the Police Commission continue with this review in collaboration with the Department and approve changes to the directive that accomplish the goal of appropriate alternative responses that support these members of our community with dignity.

Many of the recommendations in this section relate to training of all officers and which will be essential for bringing the Department into 21st century practice related to recognizing and responding to mental and behavioral health calls for service, while keeping skills refreshed moving forward. There was an acknowledgement that there is work being done in this area, no such training is “done”, and it was the conclusion of the Committee that there be a clear emphasis on refreshers and the Department should review the need to prioritize this beyond mandates.

A number of the recommendations centered around state-level responses and the Group considered these, while supportive and important, to be beyond the purview of the Committee.

The greatest takeaway from the discussion of these recommendations centered on the need to move forward with greater training and the CAHOOTS-styled crisis response team as soon as possible. [Note: An RFP for the Crisis Response Team was developed and resulted in one qualified response that was accepted by the City in May 2022. In the budget resolution approved by the City Council 11-1 on June 17, 2022, there was a clause that “any unspent funds from the Regional Programs Expanded Mental Health...up to \$400,000 (that) will be rolled over and committed to fund a Crisis Response Reserve for the creation of the Crisis Response Team Program inspired by the CAHOOTS program. The City Council requests monthly communications from the BPD on progress towards creation of this new program until a contract with a mental health provider is executed but no later than October 31, 2022, followed by status reports of the new service one a quarter thereafter during FY23.”]

Committee Note 3/23/23: After significant delay due to staff capacity, the crisis response team is progressing forward. The City is receiving grant funding from the State which will amount to a 50/50 cost share for the first two years. The work of implementation is being coordinated across multiple departments, including Burlington Police and Fire, as well as in conjunction with community groups and stakeholders.

Section 9: Community Engagement

The last section of the Report deals with how to embed community-oriented policing in the Department culture, so it is “at the forefront of all daily operations and community interactions”, how to engage in conversations that enable all parties to be seen and heard, how to precipitate greater recruiting within Burlington’s neighborhoods, more participatory meetings and reaching refugee populations to increase refugees’ trust in public safety.

Regarding community-oriented policing, the Acting Chief noted that community policing has been embedded in the Department for more than two decades and the current shift schedule was designed with community policing priorities in mind. He pointed out that a robust system of covering geographic areas, with consistently assigned officers and dedicated supervisors accountable for conditions and innovations for addressing those conditions was also part of the community policing model. He pointed out that with our current staffing they have had to abandon area and continued to add that as headcount drops into the 50s, “we will likely have no choice but to drastically reduce quality-of-life regardless, which will be to community policing’s detriment.”

The Group saw this work as a balance and took a more positive approach to this solutions-based task. The addition of 8 new CSOs, increased support from CSLs, both of which have been very well received in the community, will allow for greater capacity, and more opportunities for interventions and proactive policing as well as collaborative partnerships.

To the question of the Department working with the Burlington community members to set up recurring opportunities to engage in conversation so all feel seen and heard, the Group did not feel that simply having monthly Police Commission meetings was enough. It was the Committee's recommendation that the Department, with support from the Police Commission, have more formal town halls with opportunities for engagement and feedback and understanding. For all parties to feel seen, heard, and understood there needs to be direct constituent outreach. The CSLs and CSOs can help with that. This also means connecting to non-profits that have relevant outreach events.

The recommendation of a strategic plan is mentioned several times in the CNA Report. The Department does not usually do a strategic plan but the recommendations in the CNA report and the work of this Committee and its conclusions will help shape a strategic plan going forward. Over time, looking at other departments more proactively to see how they are handling local challenges would be a great inclusion perhaps over a 3-year timeline.

The Committee and Group were happy to hear that now that we have more CSLs, we now have two CSLs that work with refugees specifically.

The issue of community engagement is an ongoing task and one that the Group believes is embraced by the Department as we all work to build trust and authentic engagement.

Observations and Conclusion:

The work of the Group and the Committee's conclusions are included in the matrix in a recommendation-by-recommendation format. The Committee respectfully requests that the Department review this document and do its best to address recommendations on the timeline that the Group and Committee assigned to each recommendation.

To summarize what we felt were key issues and priorities, in no particular order, we offer these observations:

There was a tendency to see their work on some of the recommendations as "done" rather than ongoing which the Group saw as problematic. While it is human nature to work on a task and when there is improvement to move on to other pressing challenges, the reality is that changing behavior or cultural bias, implicit or explicit, is always a work in progress. Engaging with the community is not "done" but sets a tone, a first step to embedding that tone into the Department.

The Committee believes that the recommendations illuminate that DD040 must be redrafted with significant changes made as soon as practicable but prioritized to be done within the next year at the latest. While no timeline was discussed, based on the need to address citizen complaints and internal investigations, and their importance to community trust, this must be a priority.

Community engagement is paramount in building trust. Even a few meetings in neighborhoods to allow for greater dialogue would be a great first step. This effort is going to take all of us as a community supporting both the disenfranchised and our Department.

The Report recommends that the Department should consider the possibility that disparities in traffic stops and use of force incidents are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or Department practices. Given the resources that have been appropriated toward training, it is important to acknowledge that this dynamic will only change in a fundamental and meaningful way when the 'tone at the top' sends a clear message that anything short of this change is unacceptable and will not be tolerated in any officer. Practice is more important than training.

Like many communities, there have been human costs from the pandemic beyond the lives tragically lost. Calls that require mental health responses, increased substance use disorder incidents and overdoses, and the challenges brought on by houselessness which has tripled in the past three years in Burlington have all led to the absolute need for appropriate responses that do not always necessitate an officer response. Moving alternative responses must be a top priority. The program modeled after the CAHOOTS program, increasing use of CSLs and CSOs, are critical if we are to meet the need for this response, allow our sworn officers to tend to high level crime and incidents that demand a sworn officer response. The Committee recommends that the mental health summit, higher standards of training in this area, prioritizing the crisis response similar to CAHOOTS, and increased presence of CSLs and CSOs is paramount both from a community safety aspect as well as allowing sworn officers to respond where appropriate.

While not imperative, it would be helpful for the Department to engage in a longer-term project of developing a strategic plan. Over the next 3 years, the Department could allot time and resources to such a plan that would involve community engagement, meetings, surveys, work with all stakeholders from various populations, civic groups, NPAs, and the downtown community.

As we stated, the Group approached its work in a holistic manner. That said, all members of the Group came from many perspectives and there was tension at times over which priority in our community should carry greater weight. The downtown community of merchants and employees, as well as their clientele, report not feeling safe in the downtown core. It was the hope of the Group that as we transform our Department and there is a greater presence of alternative policing coupled with sworn officers that this concern will abate. Similarly, it was the Group's hope that those who have felt traditionally marginalized and even targeted will see the transition we are actively making to be a step forward in greater safety. The conclusion in all our work was that the holistic approach was the only way for all to be valued and that is reflected in our recommendations.

This report is not meant to take the place of the extensive matrix that was completed by the Working Group. The matrix is the foundation for this report. This report is meant to accompany and synopsize the recommendations and to note recurring themes that we discovered, themes we hope will help the community to take action and move forward with the high points of the report that will bring greater community to our collective relationship with those who have devoted their lives to public safety, to ensuring that we stand by our commitment to a safety model that protects all of us and treats everyone with respect and humanity.

Many thanks to the members of the Working Group: Police Commissioners Jabulani Gamache and Melo Grant, Church Street Marketplace Commissioner Jeff Nick, and Mutual Aid community leader Hannah Breslin.

We are also appreciative of the time and efforts of Acting Chief Jon Murad and Detective Oren Bryne, Vice President of the Burlington Police Officers Association, to provide feedback and lend their expertise to this process.

The Group and Committee was supported by Assistant City Attorney Jared Pellerin and Thomas Musinski, the Legal Administrative Assistant in the City Attorney's office. Their work was invaluable to completing this process, for keeping all the materials organized through all our many meetings and documenting and ensuring a well-functioning committee.

CNA MATRIX IN TIMELINE FORM AS PRIORITIZED BY THE PUBLIC SAFETY COMMITTEE AND WORKING GROUP - COMPLETED MARCH 29, 2022 (Updated 03.23.2023)						
	Rec #	CNA Recommendation	Suggested Timeline	Committee Conclusion (training in light blue)	Assigned to	Update (if any) since March 29, 2022
ITEMS COMPLETED						
16	3.6.1	The BPD should hire a PIO to develop a departmental communication policy, prioritize information sharing, bolster legitimacy, and build public trust.	Q1	Unanimous support for PIO by committee.		A Public Information and Engagement Coordinator has been hired by the department
ITEMS DEEMED IN PROGRESS						
1	8.9.6	Consider a traditional co-responder model (clinician riding out with an officer or deputy)-This is a similar model as the above but is a clinician; specialized police officer team who will respond in real time to 911 calls for service when law enforcement response is required. This model is often useful as a police based specialized response.		Moving forward with CAHOOTS model.		The Crisis Response Team (CAHOOTS inspired program) has a \$400,000 allocation, with additional state support amounting to a 50/50 cost share. Implementation is in progress between BPD, BPD, and Community Stakeholders.
2	8.10.7	Determine if a mobile crisis response team(s) would be a useful part of a robust diversion from law enforcement response plan. A non-law enforcement response (mobile crisis response teams) typically formed by community mental health centers to respond to calls not requiring police response. Response times (as quickly as possible) are important to consider. These mobile crisis response teams can sometimes also be successfully utilized for police call outs by officers on scene of a call not requiring law enforcement response. These teams tend to be staffed by community mental health center professionals and can be dispatched by the call center, by families calling in directly, or from police who are already on scene.		Moving forward with CAHOOTS model.		The Crisis Response Team (CAHOOTS inspired program) has a \$400,000 allocation, with additional state support amounting to a 50/50 cost share. Implementation is in progress between BPD, BPD, and Howard Center.
3	9.3.1	The BPD and related public safety partners should pioneer programs that conduct outreach to the Burlington refugee population to increase refugees' trust in public safety. Staffing must support this type of community engagement.		We now have two CSIs that work with refugees specifically so hopefully this will be improved over the next few years		Two CSIs currently working with refugee communities specifically, but not exclusively. More conversations to come on improving department outreach to refugees.
1	1.1.1	The BPD should consider adding cultural competency training to those listed in section VII of directive D003.		To be completed by April 1st: adding and approved by police commission. For next steps, see 1.42.1		Work to amend D003, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
6	1.27.1	Though self-evident, BPD might consider adding language to D003 Section IV.D specifying that family members and particularly children do not constitute professional interpreters and should not be used as translators.		Between Oren and HR and with involvement from CEOD with language access plan, this may be possible		
2	1.2.1	Although it is encouraging that BPD includes a requirement that supervisors will be alert for indications of potential bias in its Fair & Impartial Policing policy, the department should include examples for their officers of what these indicators may be.		To be completed by April 1st: PSC asks to have draft of amendment by BPD-PC to invite original drafters for input before approval		Will be included in the revision of D003
3	1.20.1	In line with 21st century policing best practices, BPD should modify directive D001 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules to include a requirement for BPD employees to report any arrest or contact by outside law enforcement agencies while off duty. This requirement should be restated in the revised Internal Investigations directive, with reference to D001.		To be completed by May 1st: Adding and approved by police commission.		Work to amend D001, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
8	1.4.1	BPD should rewrite this directive [D043] to set the standard to be "reasonable suspicion" to reduce the role of the reporting employee and leave the investigative task with the internal investigation division.		To be completed by April 1st: adding and approved by police commission.		Work to amend D001, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
4	1.23.1	In D013.2 Interacting with Persons with Disabilities, under officer response, "effective communication" should be expanded to include "professional and effective communication," meaning treating people with dignity and respect. In D013.2 Section HC: Mental health referral is indicated in this directive but is covered under a separate directive: D013.3 Interacting with Persons with Diminished Capacities. Consideration should be given to integrating the two directives. • The term "citizen" should be replaced with a term inclusive of all people, for example "community member". • "Persons with Diminished Capacity" should be changed to a less negative term, such as "Persons with Disabilities." • "HR: Handling" should be changed to "responding to," and "suffers" should be changed to "living with." The phrase "officers should" is used throughout the directive, and when appropriate, this should be changed to "officers will." • "IE: Dealing with" should be changed to "responding to." • IE-3: Expand the best practice of describing to the person the activity the officer will be doing before doing it (this is a trauma informed practice) to custodial escort actions (e.g., handcuffing, transport).		To be completed by May 1st: Adding and approved by police commission.		Police Commission working to complete these revisions in collaboration with BPD
5	1.23.2			To be completed by May 1st: Adding and approved by police commission.		Police Commission working to complete these revisions in collaboration with BPD
1	1.21.1	Review D013.3 Interacting with Persons with Diminished Capacities and include partners with both professional and lived experience such as the Howard Center, Street Outreach, and NAMI.		To be completed by May 1st: Adding and approved by police commission.		
2	1.21.2	Ensure D013.3 reflects current department operations. For example, the policy indicates that street outreach personnel carry a police radio, and it describes the general expected function of the street outreach personnel.		To be completed by May 1st: Adding and approved by police commission.		
13	1.6.1	The BPD should include a specific rule in directive D001 that requires department personnel to intervene or report excessive force when witnessed or learned about.		To be completed by April 1st: adding and approved by police commission.		Work to amend D001, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
12	1.5.1	The BPD should add language to assist employees in understanding the choice between the four reporting mechanisms.		To be completed by April 1st: adding and approved by police commission.		Work to amend D001, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
14	1.7.1	The BPD should continue to use the above language, which reflects best practices for use of force policies. The statements on duty to care, duty to intervene, and duty to report should also be added to D001 - Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules.		To be completed by April 1st: adding and approved by police commission.	BPD	Work to amend D001, 03, 043 happening in collaboration with BPD, Police Commission and Public Safety Committee - to be completed in Spring 2023.
ITEMS DEEMED ONGOING						
1	5.2.1	BPD should conduct further analysis and review BWC footage to understand these disparities in traffic stop rates and outcomes and address them to reduce disparities.		BPD to continue to monitor stops, ticketing, and searches to ensure lack of disparity achieved in later years of CNA's overall data pool continue to be the case in later years while also meeting public safety goals with 87% drop in traffic stops (2016 to 2021)		The need for ongoing monitoring and vigilance regarding disparities in calls and responses for service is work in progress and must continue. The greater the emphasis from the top, the greater the chance that possibilities for implicit and explicit bias are acknowledged and addressed and no tolerance policy for bias becomes embedded policy.
2	5.2.2	BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementing training and reviewing BPD practices.		Move forward with review and try to keep current statistics		The need for ongoing monitoring and vigilance regarding disparities in calls and responses for service is work in progress and must continue. The greater the emphasis from the top, the greater the chance that possibilities for implicit and explicit bias are acknowledged and addressed and no tolerance policy for bias becomes embedded policy.
3	5.1.1	BPD should implement a traffic stop data system that captures, in addition to the current information, the following: • Reason for stop • Stop start and end time • Reason for each ticket and warning • Passenger information • Officer special assignment or task force • Open comment field for officer explanations and brief description of the stop BPD reports that the department's record management system contains this information; however, this information was not provided to the assessment team.		This work is being captured		The need for ongoing monitoring and vigilance regarding disparities in calls and responses for service is work in progress and must continue. The greater the emphasis from the top, the greater the chance that possibilities for implicit and explicit bias are acknowledged and addressed and no tolerance policy for bias becomes embedded policy.
4	1.3.1	BPD should revise this policy [D040] so that all complaints, even those immediately resolved with an explanation, are documented in the same complaint system. Such documentation ensures that BPD can accurately understand complaint demographics, complaint types, and adjudication outcomes, particularly in relation to disparities. These incidents need not negatively affect an officer's record, but they should be documented for the purposes of recordkeeping, complete analysis of complaint activity, and accountability to the community and to ensure BPD can identify officers who continually engage in minor transgressions and provide them with more stringent interventions if required.		Some disagreement with the BPD conclusion that explanations mean there is no complaint. Find a different way to categorize or dismiss complaints so when "involved" they don't stay as complaints on records. We are aware that PC is following up with a redraft we expect by April to be shared with PSC.		One of the key observations in the Report on the CNA recommendations was the need to prioritize revising D040
15	2.5.1	BPD should prioritize the use of communication platforms in everyday operations so that when critical incidents occur, community trust in information sharing has already been built.		Unanimous support for PIO by committee.		The hiring of a Public Information and Community Engagement Coordinator is part of the Rebuilding Plan, a corollary to the FY23 budget
HIGHEST PRIORITY ITEMS - WORK TO BE STARTED AS SOON AS POSSIBLE						
	1.42.6	Provide the opportunity for community mental health advisory committee CMAHC (and, when appropriate, members of the community) to review and/or observe non-police tactical training such as Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias. Doing so promotes transparency and provides opportunities for public feedback.		See 1.42.1		Following the Mental Health Summit, which took place over two days in August 2022, BPD should work with community partners and other City departments to establish the Community Mental Health Advisory Committee
17	4.2.1	BPD should investigate use of force incidents thoroughly, including reviewing BWC footage, to better understand the reason for these disparities for Black community members.		High priority. Need a change in policy to note that all uses of force should be investigated (Acting Chief Disagrees). Police Commission thinks we should do more on understanding why Black people experience higher levels of force as well as higher uses of force. Ask the department to create a review process to try to understand. Importantly, disparities (gender, racial, ability) should be added to the contract as a reason for cause to review (internally and externally) detailed use of force data. Police commission needs ability to see use of force info (videos, depositions, etc) for court cases and BPD needs to use disparities as strategy in improving community relationships. Need policy change to have open conversation and decision with PC on what UOF should be investigated		
HIGH PRIORITY ITEMS - WORK TO BE STARTED NO LATER THAN Q2						
3	1.21.3	As the City of Burlington and BPD work to develop and operationalize alternative responses both within and outside of the BPD, consideration should be given to the development of additional policies related to responding to persons in crisis (see additional examples in Section 8: Specialized and Alternative Responses).		To be completed by May 1st: Adding and approved by police commission.		
7	1.42.7	The Use of Force training required by the State of Vermont and delivered by BPD should be formalized, with the BPD readily able to demonstrate how the required four hours are spent.		See 1.42.1		
8	2.1.1	BPD should develop or acquire a complaint tracking data system that includes, at a minimum, the following information about each complaint in separate, closed response data fields: complaint demographics, the demographics and personnel information (e.g., rank, tenure, role) of the target of the complaint, process-related dates (date received, date of incident, date reviewed by supervisor, date resolved), specific details of the accusation (e.g., associated policy), and the discipline directed (when applicable).		Next steps: striking a balance in the middle. We need to track complaints effectively. In terms of building trust, we need to prioritize these complaints. Whatever is not being done in considering demographics, we need to. Tracking info for purpose of data is one thing. Tracking info for discipline, that is a question of bargaining. Explore idea of keeping info on discipline longer. (Also add this to union tab/1.36)		
9	2.3.1	BPD should clarify its citizen complaint process and reference that process within the disciplinary policy. Consideration should be given to the following: • Complaints will be accepted from any source, including by person, mail, email, BPD website, or telephone. Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party. • Every complaining party will be referred to a supervisor, the Internal Affairs Bureau, or Human Resources (HR) so the complaint may be received. • Without exception, every complaint that, if true, would constitute a violation of BPD policy must be thoroughly investigated and documented by an HR supervisor or senior official. • When the complainant's address is known, the supervisor receiving the complaint will complete the complaint acknowledgment letter and mail it to the complainant. If the complaint was received electronically or telephonically, the supervisor may respond in that same manner and document the communication. A scanned copy of the acknowledgment letter should be attached to the electronic IACMS case file. • Anonymous complaints will be accepted. The Internal Affairs Commander or his or her designee will review each anonymous complaint and determine the feasibility of further investigation.		There is a process being followed. Some parts are not perfect and are under review by police commission. PC will continue to work on this with union/Chief. Once things are in place, can be monitored on semi annual basis		
10	4.3.1	To the degree that multiple responding officers write accounts of the same incident, there should be policy and training instructing officers to independently write their own accounts of a UOF incident.		Should be an explicit policy to have people not discuss what happened AFTER the scene until the reports are written (i.e. on independent memory)		

		The BPD should change its requirements regarding UOF narratives in the following ways: • Ensure they include a precise description of the actions and statements of the subject that warranted the use of force. • Ensure that efforts are made and documented to obtain a subject account of the incident and have an accountability system in place for this. • Ensure that all officers who use force or witness force also write their own distinct reports and have an accountability system in place for this. • Ensure that officers include in their reports any efforts at de-escalation, and if no such efforts were made, include an explanation for why this was not feasible. In addition, there should be fields identifying tangible de-escalation strategies included in the report and evaluated. Including tangible de-escalation strategies not only assists officers in understanding what is meant by de-escalation, but also provides a guide for supervisors to utilize when reviewing BWC footage and coaching officers. This is not in place, often the term "de-escalation" becomes a diluted "check-the-box" term. Tangible de-escalation strategies include the following: - o Tone of voice (command vs. engagement) - o Introduce yourself, and ask the subject what name they would like to be called - o Physical stance (open vs. closed, authority vs. engagement) - o Eye contact (remove sunglasses, etc.) - o Turn down radio and siren whenever it is safe to do so to limit distractions - o Reduce onlookers or individuals who may be escalating the situation whenever possible - o Physically distance from the subject - o Use cover to buy time (both officer cover and physical barriers) - o Request specialized units whenever it makes sense, including social work response - o Request another on-scene officer to take over if there is no indication of de-escalation or engagement by the current officer in charge • Ensure that officers include in their narrative any knowledge of a mental health component and whether or how that affected their response. The narrative should provide a searchable field that BPD can use to easily identify use of force incidents involving a mental health component. In addition, the narrative should capture attempts to call for a specialized response, obtain information on treatment providers, and learn whether there is a person the subject trusts (case manager, family member, etc.) who can be called to support them. <i>See the attached document for the full list of recommendations and a full review of the current policy.</i>		BPD to create a checklist / new template with all of these bullets as part of the report. The exception may be a subject who has recently had UOF on them - both for practical and right to remain silent implications. Should err on the side of having a bystander account when possible. We also allow UOF subject account if the officers involved or their supervisor thinks it is a good idea for community engagement or restorative justice.		
11	4.3.2	o Initiate dialogue with surrounding communities who are currently implementing or researching CIT, such as Montpellier and Hartford. As recommended in Section 1, BPD should consult with the Team Two Statewide trainer/coordinator (Kristin Chandler, J. D.) to leverage her important knowledge of efforts underway in other parts of the state.		BPD to participate in Team 2 (training on resources available for officers to refer people to and also a coordinating body) and considering providing CIT training as part of that. Capacity will be expanded with CBOs.		
LOWER PRIORITY ITEMS - WORK TO BE STARTED NO LATER THAN Q3 OR INTO 2023						
1	1.4.2.1	BPD should design a structured systematic curriculum with full lesson plans, learning objectives, and goals as well as training aides and visual materials such as PowerPoint slides and handouts on activities, among others.		Next steps: by Aug 1, BPD create overview of training availability / priorities / attendance as a foundation for strategic training plan with review and input of PC and HR. There is a lot of disagreement on what is available and in place (on PC, CNA, etc) and what is easily available. Recommend twice annual meetings on training updates with attendance to the PC and a more high-level summary once a year to coucours		
2	1.4.2.1	BPD should review their training curriculum, structure, scheduling, and materials yearly to ensure trainings are meeting national best practices.		See 1.4.2.1		
3	1.4.2.3	BPD should ensure that the quality of its implicit bias training courses aligns with national best practices and continue to provide these trainings during the basic officer training and annual in-service training. BPD should also ensure that the entire organization receives annual in-service training on implicit bias.		See 1.4.2.1		
4	1.4.2.4	BPD should provide a comprehensive mental and behavioral health training course incorporating people with lived experience (e.g., those with autism, intellectual or developmental disabilities, or mental health conditions) and robust scenario-based training. Doing so will help officers become more familiar with the unique needs and individual considerations of people from these populations, which will better prepare them to respond to individuals in crisis. Scenario-based training will allow officers to practice the skills they have learned while receiving real-time feedback and evaluation.		See 1.4.2.1		
5	1.6.2	Consider employing Active Bystander for Law Enforcement (ABLE) training, aimed at creating a culture in which officers routinely intervene as necessary to prevent misconduct, avoid police mistakes, and promote officer health and wellness		See 1.4.2.1 (Next steps: by Aug 1, BPD with review of PC create overview of training availability / priorities as foundation for strategic training plan)	BPD	
6	2.1.2	BPD should ensure that all data fields contain only a single variable (i.e., complaint outcome and associated discipline should be tracked in separate fields).		Not sure how many fields this applies to: need to find out		
7	2.2.1	BPD should revisit its allegation categories to reduce or eliminate the "none" and "other" in the allegation field.		"none" is not descriptive enough. Not a police officer complaint-none.		
8	2.5.2	The Burlington city attorney should release public guidance around the constraints for releasing information during an ongoing investigation.		City Attorney report to PC and council with public guidance.		
9	2.6.1	The City should consider transparency and trust issues with the community when negotiating the next contract to allow for the release of specific information concerning officer complaints, findings, and discipline while maintaining the confidentiality of the investigation. Many cities allow for the release of overall complaint information and the disciplinary findings of officers, regardless of the situations in the union contract.		Priority, but dependent on DD40.		One of the key observations in the Report on the CNA recommendations was the need to prioritize revising DD40
10	2.7.1	BPD should develop a policy that directs how BIA will conduct an investigation, who conducts the investigation, and the expected timeline for the investigation. Best practice allows for different timelines for investigation completion that are established for different levels of complaints. Additionally, the BIA policy may include lower levels of complaints for which investigations are conducted at the supervisor or lieutenant level. A clear policy is important for the officers of the department to ensure they will know what happens in the event of a complaint or an internal investigation of an officer involved shooting, serious use of force, or in-custody death.		DD40		One of the key observations in the Report on the CNA recommendations was the need to prioritize revising DD40
11	4.7.2	In addition, tangible strategies for de-escalation should be assessed both in BWC footage and in required paperwork. For instance, one should assess verbal de-escalation vs. commands, the officer's tone of voice, the officer's body stance, whether the officer slowed things down, whether the officer created distance from the individual, whether the officer called for backup, and whether the officer used physical barriers to provide cover to buy more time. A common formula is that distance plus cover equals time, and time provides opportunities to slow things down, call in additional resources, and deploy more de-escalation strategies. This was not documented in either case.		Prioritize deescalation		
12	8.2.1	Utilize the CMAAC to review policies, specifically related to recognizing and responding to persons with mental or behavioral health conditions.		Police Commission reviewing related directives for now - For further possible work, see 8.2.1		
13	8.2.2	Provide a robust community forum for transparency and input into the policy review. Policies should be reviewed annually. Once emerging alternative response programs are solidified in Burlington, revisions should occur again. The community advisory committee is a good place to assign annual review and revisions and include a public review process.		Police Commission reviewing related directives for now - For further possible work, see 8.2.1		
14	8.2.3	Ensure a coordinated approach with policy review to include telecommunications and FIRE/EMS.		Police Commission reviewing related directives for now - For further possible work, see 8.2.1		
LOWER PRIORITY ITEMS - WORK TO BE STARTED IN 2023 BY MIDYEAR						
1	2.4.1	BPD should update directive DD40 - Quality Control, Internal Investigations & Discipline to identify additional means for citizens to file a complaint.		What is needed is DD40. General overall agreement this is priority, but DD40 needs to be updated first.		One of the key observations in the Report on the CNA recommendations was the need to prioritize revising DD40
2	1.19.1	BPD's commander of Internal Affairs should report directly to the chief of police.		See 1.18.1		
3	2.2.2	Citizen complaints should be separate from all other complaint processes.		What is needed is DD40. General overall agreement this is priority, but DD40 needs to be updated first.		One of the key observations in the Report on the CNA recommendations was the need to prioritize revising DD40
4	2.10.1	Department policy should specify who conducts the Internal/Administrative investigation, including the investigator's position and the supervisor's position (not by name, but by position in the policy). Internal/administrative investigations should be investigated the same way in every instance to eliminate the question of favoritism or bias. The policy should include direction on conflicts of interest (e.g., prohibiting friends or relatives from investigating a family member or a friend) and confidentiality.		What is needed is DD40. General overall agreement this is priority, but DD40 needs to be updated first.		
5	1.4.2.5	Fair and Impartial Policing, De-escalation, Procedural Justice, and Implicit Bias should all be required trainings, and these principles should be integrated across all other training courses.		See 1.4.2.1		
6	8.1.1	Key stakeholders in Burlington should be identified, and a Community Mental Health Advisory Committee formed. At minimum, this advisory committee must have BPD, community mental health, and a PRR (person with lived experience) and/or advocates group (e.g., NAMI) centrally involved. Identifying key stakeholders from the above list would be a more robust approach. These stakeholders should be high enough up the ladder to implement recommendations yet fluent with "on the ground" processes and barriers.		The Police Commission wants to a mental health summit and the person who is supposed to lead this is leaving. When this person starts, we ask the administration or Public Safety to ask the new person what would be most helpful in this and help them form a committee that is helpful. Maybe the advisory committee to the CAHOOTS model would be a body for this work? There will need to be someone at the state-level as well. National studies will also be monitoring Burlington data to verify effectiveness.		
7	4.2.2	Similar to the recommendation for traffic stops, BPD should consider the possibility that these disparities are driven by bias (implicit or explicit) and proactively address potential bias in officers' behavior or department practices by implementing training and reviewing BPD practices.		Various trainings have been done. More than the legal limit, some with just a few. Need to focus on PRACTICES as much as TRAINING. Asking BPD to come back to public safety and PC with practices that can be changed as well as trainings.		
8	8.10.1	Social service providers in the City of Burlington should submit clear scopes of their work and related budgetary needs to address staffing, and additional resources required to be more responsive to "live" needs. This should be considered as part of the specialized police based and alternative response models.		Outside of BPD's scope, consider reviewing as a council maybe through Public Safety. Consider a pared down version - similar to COMMSTAT	City Council	
LOWER PRIORITY ITEMS - WORK TO BE STARTED IN 2023 BY SEPTEMBER 2023						
1	1.10.1	BPD should provide guidance in another use of force section, DD05.02, about how to respond to resistance in interactions with people who have disabilities, who are under the influence of drugs or alcohol, or who have mental health conditions. BPD should review examples provided by the International Association of Chiefs of Police (IACP) Law Enforcement Policy Center. The Fayetteville, North Carolina, Police Department also has several		See 1.14.1		
2	1.11.1	BPD should update the language in the above policy to more clearly outline where the use of a baton falls on the use of force continuum.		See 1.14.1		
3	1.12.1	BPD should add a prohibition on the use of lethal force when the officer does not have a clear line of sight of the subject.		See 1.14.1		
4	1.14.1	BPD and the City of Burlington should create channels for Burlington community members to be involved in the review of its use of force policies so the community can understand why such use of force may be permitted and so the BPD can reconsider their policies and practices based on community input.		PC to annually review use of force, engage community as applicable, and provide recommendations to state.		
5	1.22.1	The BPD should update DD03.03 Interacting with Persons with Limited English Proficiency for grammar, spelling, and language best practices. Although including the community in most policy reviews is important to ensure public transparency, involving key community stakeholders in the review of this specific policy is of critical importance. Community stakeholders should include individuals and organizations representing this population who would have insight into best practice language and community resources.		Needs community input. So needs to be done separately in order to have those stakeholder meetings. For commission to take those on.		
6	1.24.2	BPD should specify that the "safe and friendly location" available for providing statements [and described in DD01] will be physically separate from any location where a suspect or perpetrator may be located.		Not current practice so deprioritize		
7	1.25.1	Since papers are not the way most individuals are currently contacted after hours, BPD should update this reference [in DD01] as currently appropriate.		Not current practice so deprioritize		
8	1.26.1	In DD01, BPD should consider whether individuals who receive special training on next-of-kin notifications should be the individuals doing so, with non-trained individuals assisting as appropriate.		See 1.4.2.1		
9	1.34.1	The BPD should continue to follow the best practice operational procedures outlined in DD04.1 and update the directive as new national best practices are released, continually reviewing new best practices added to the Bureau of Justice Assistance Body Worn Camera Toolkit.				
10	1.8.1	The BPD should continue to follow the prescribed protocol for where the use of canines falls on the use of force continuum.		See 1.14.1		
11	1.9.1	The BPD should rewrite this statement to replace "face-down prone" with "prone" only. The prone position refers to when someone is flat on their stomach or chest with the knees down. Someone can have their head or face up and still be in the prone position. The policy should also direct that as soon as wrist restraints are applied, the subject should immediately be moved to a sitting position and be closely monitored. In addition, this policy is documented only in the section on Excessive Force, but it should be documented elsewhere, possibly in a dedicated section on prohibited use of force in DD05.02.		See 1.14.1		
12	4.9.2	BPD should prioritize the review (including community review), revision, or development of relevant department policies, train on these policies, and provide updated training for UOF.		Again, disagree that this is only a training issue. BPD to create review and analysis and contemplate changes in policy in addition to		
FUTURE ITEMS TO BE REVISITED IN 2024-25 (INCLUDING ITEMS IN SECTION 7 (STAFFING AND WORKLOAD ANALYSIS NOT LISTED HERE)						
1	1.13.1	BPD should consider developing a separate reporting mechanism for the use of a firearm to kill a dangerous or seriously injured animal. Although reporting these incidents as use of force is inappropriate, they should be tracked in some system, particularly given longstanding community concerns about national reports of officer use of firearms against family pets.		Happens nationally, but has not happened here. Deprioritize.		

2	1.15.1	The BPD mission and values statement should be included in the directive [D001].		Chief to start internal process as he prefers. Important, but could take time to do collaboratively.	
3	1.16.1	BPD should research available police codes of ethics to review alternative, more contemporary iterations of the IACP Code of Ethics. The IACP also has a suite of model policies that can be used as a frame and then built upon. The BPD's current version must be updated.		Chief to start internal process as he prefers. Important, but could take time to do collaboratively.	
4	1.29.1	If the Victim's Advocate position maintained by the department [D01 Section A] is different from the county Victim Advocate referred to in Section B, this should be more clearly articulated (e.g., that these are distinct resources; if they are the same, they should be explained clearly.		BPD to work on updating advocate job description and changing directives in line with this update	
5	1.30.1	Generally, the strength of D011 Victim-Witness Assistance lies in the resources it lists that should be available to victims and witnesses. As for all policies, the accuracy of the resources listed should be updated and reviewed annually.		BPD to work on updating advocate job description and changing directives in line with this update	
6	1.31.1	Although D021.03 Domestic Violence by Law Enforcement Employees: strictly/clearly addresses the situation in which the subject is a BPD employee. BPD should provide additional guidance for domestic violence situations when the alleged perpetrator and the victim are both employees of the police department.		Lower priority based on incidence	
7	8.7.1	The City of Burlington and the BPD (through the stakeholder advisory committee) should conduct a thorough assessment of the ecosystem of Burlington and the State of Vermont, which will be required to develop a roadmap for training and specialized response (mandated and voluntary).		Nice to have once we get there. This also means dealing with the rapid diversification of Chittenden County	
9	9.1.2	Community policing should be embedded within BPD culture and at the forefront of all daily operations and community interactions. BPD should consider re-defining what community-oriented policing means and embed this within policy, training, and operational accountability. Members of the BPD should engage directly with members of the community and local stakeholders to ensure that the BPD is addressing the problems of concern to the local community. Community policing should "combine a focus on intervention and prevention through problem solving with building collaborative partnerships between enforcement agencies and schools, social services, and other stakeholders" (Final Report on 21st Century Policing 2015, 41).		This was happening more before COVID and with increased capacity, BPD should consider more of these activities again, especially with dedicated support of 8 new CSO.	
10	9.1.3	The BPD should work with Burlington community members to set up a recurring opportunity to engage in conversations that enable all involved parties to be seen, heard, and understood. Consideration should be given to recruiting, outreach, shared agenda development, participatory meeting formats etc.		Disagree that this is done. We recommend that BPD, maybe in support with the police commission, have more formal town halls with opportunities for engagement and feedback and understanding. For all parties to feel seen, heard, and understood there needs to be direct consistent outreach. CSOs can help with that. CSOs can help with that. This also means connecting to non-profits that have relevant outreach events	
11	9.2.1	When adopting its new Strategic Plan, the BPD should consider looking at the community engagement strategies of other similarly situated departments such as the Winooksi, and Montpelier, Vermont, Police Departments. As indicated throughout these recommendations, an adequate staffing model must support this kind of proactive engagement.		BPD does not usually do a strategic plan so may not be in a strategic plan. The recommendations in the CNA report and the work of this committee and the working group's conclusions will help shape a strategic plan going forward. So over time, looking at other departments more proactively to see how they are handling local challenges is a great Y21 inclusion	One of the observations in the report on the CNA recommendations speaks to the need for a strategic plan. Given all the priorities, this was not deemed an immediate priority but certainly something for future planning.
NOTE: SOME OF THE RECOMMENDATIONS IN THE CNA REPORT ARE DEPENDENT ON UNION BARGAINING. THOSE ITEMS WERE REPORTED TO THE CITY BARGAINING TEAM AND ARE IN A TAB IN THE ORIGINAL MATRIX UNDER "BPOA BARGAINING"					



OFFICE OF THE CLERK/TREASURER City of Burlington

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DECLARATION OF ELECTION RESULTS QUESTIONS ON THE BALLOT ANNUAL CITY ELECTION – MARCH 7, 2023

I, Katherine Schad, Presiding Officer for the March 7, 2023 Annual City Election for the City of Burlington, Vermont do hereby declare the following results for the Public Questions on the Ballot of the Annual City Election held March 7, 2023:

Question 1. APPROVAL OF SCHOOL BUDGET FOR FISCAL YEAR 2024

	<i>VOTES</i>	<i>% of VOTES</i>
YES	7,191	68.41%
NO	3,321	31.59%
Undervotes	183	
Overvotes	1	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

Question 2. IMPLEMENTATION OF A CARBON POLLUTION IMPACT FEE FOR NEW CONSTRUCTION AND LARGE EXISTING COMMERCIAL AND INDUSTRIAL BUILDINGS 50,000 SQUARE FEET OR LARGER

	<i>VOTES</i>	<i>% of VOTES</i>
YES	7,046	67.30%
NO	3,424	32.70%
Undervotes	224	
Overvotes	2	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

Question 3. CHARTER CHANGE RE WARD BOUNDARIES

	<i>VOTES</i>	<i>% of VOTES</i>
YES	7,076	72.52%
NO	2,681	27.48%
Undervotes	938	
Overvotes	1	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

DECLARATION OF ELECTION RESULTS
QUESTIONS ON THE BALLOT
ANNUAL CITY ELECTION – MARCH, 2023 (continued)

Question 4. CHARTER CHANGE RE REQUIREMENTS FOR LEGAL RESIDENT VOTERS WHO ARE NOT UNITED STATES CITIZENS

	<i>VOTES</i>	<i>% of VOTES</i>
YES	7,143	67.97%
NO	3,366	32.03%
Undervotes	186	
Overvotes	1	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

Question 5. CHARTER CHANGE RE QUALIFICATIONS OF VOTERS AND SITING OF POLLING PLACES

	<i>VOTES</i>	<i>% of VOTES</i>
YES	7,623	76.47%
NO	2,345	23.53%
Undervotes	728	
Overvotes	0	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

Question 6. CHARTER CHANGE RE ABILITY TO USE RANKED CHOICE VOTING FOR THE ELECTION OF MAYOR, SCHOOL COMMISSIONERS AND WARD ELECTION OFFICERS

	<i>VOTES</i>	<i>% of VOTES</i>
YES	6,702	64.42%
NO	3,701	35.58%
Undervotes	292	
Overvotes	1	
Total Ballots Cast	10,696	
RESULT	APPROVED	Simple Majority Required

Question 7. CHARTER CHANGE RE CREATION OF INDEPENDENT COMMUNITY CONTROL BOARD

	<i>VOTES</i>	<i>% of VOTES</i>
YES	3,864	36.74%
NO	6,653	63.26%
Undervotes	176	
Overvotes	3	
Total Ballots Cast	10,696	
RESULT	FAILED	Simple Majority Required

**DECLARATION OF ELECTION RESULTS
QUESTIONS ON THE BALLOT
ANNUAL CITY ELECTION – MARCH, 2023 (continued)**

Question 8. CHARTER CHANGE RE PROPOSITION ZERO

	<i>VOTES</i>	<i>% of VOTES</i>
YES	4,787	47.15%
NO	5,366	52.85%
Undervotes	541	
Overvotes	2	
Total Ballots Cast	10,696	
RESULT	FAILED	Simple Majority Required



Katherine Schad
Presiding Officer – March 7, 2023 Annual City Election

3/8/23

Date

2023-2024 Tobacco License and Tobacco Substitute Endorsement Renewals
Regular City Council Meeting, Monday, March 27, 2023

Tobacco:

Bern Gallery
Champlain Farms, 328 North Avenue
Champlain Farms, 315 Shelburne Road
Champlain Farms, 219 Main Street
JR's Corner Store
Kerry's Kwik Stop
Old North End Variety
Rotary Mart, 103 Shelburne Road

Tobacco Substitute Endorsements:

Bern Gallery
Champlain Farms, 328 North Avenue
Champlain Farms, 315 Shelburne Road
Champlain Farms, 219 Main Street
JR's Corner Store
Kerry's Kwik Stop
Old North End Variety
Rotary Mart, 103 Shelburne Road



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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To: Board of Finance and City Council

From: Rachel Jolly, Assistant Director, Community Justice Center
Brian Pine, CEDO Director
Tim Clancy, Human Resources Manager

DATE: March 13, 2023

RE: CEDO, Community Justice Center –Reclassification of three positions and creation of one position

Executive Summary

The Community Justice Center (CJC) is seeking approval for the reclassification of three positions:

1. A BARJ Coordinator, from a Limited Service, Full-Time, Non-Exempt, Union, Grade 16 position to a Regular Service, Full-Time, Non-Exempt, Union, Grade 16 position.
2. A Community Assistance Program Coordinator, from a Limited Service, Part-Time (24hr/week), Non-Exempt, Union, Grade 15 position to a Regular Service, Part-Time (32hr/week), Non-Exempt, Union, Grade 16 position
3. An Adult Restorative and Volunteer Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position to an Adult Restorative and Volunteer Manager, a Regular Service, Full Time, Exempt, Non-Union, Grade 18 position.

In addition, we seek to create a new position, an Adult Restorative Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position.

Background and Financial Impact

1. The BARJ Coordinator position was created in November 2021 to fulfill a subcontract with Spectrum Youth and Family Services on the restorative justice portion of a larger Balanced and Restorative Justice (BARJ) contract with the Department for Children and Families (DCF). Since July 1, 2022, Spectrum was no longer interested in holding this contract so the BCJC has been providing 100% of the required services through a subcontract. We responded to and were awarded the full

DCF contract, beginning January 1, 2023, and can now more sustainably fund the full-time BARJ Coordinator position. The contract covers 100% of the position's salary and benefits, at the Regular Service level.

2. The BCJC first launched the Community Assistance Program (CAP) in late 2021, thanks to a Justice Assistance Grant (JAG) from the US Department of Justice. The program was staffed with a half-time position, the Community Assistance Program Coordinator, and therefore, was limited in capacity for the amount of referrals the program could accept. When the former coordinator resigned for a position closer to her home in central Vermont, we took the opportunity to slightly expand the job description, as well as the number of hours, and to diversify its funding sources, to include the VT Department of Corrections (DOC). Our contract with the DOC includes a provision for providing "restorative justice strategies and programs that promote community awareness, improve citizen understanding and enhance public safety." This is in direct alignment with the CAP, and has allowed us to expand the coordinator's role to a 32 hour/week, as well as increase the position's responsibilities. The JAG and DOC contracts cover 100% of the salary and benefits of this position.
3. The Burlington CJC is adopting a new strategy to serve victims/impacted parties to better integrate the services given through our restorative processes and Parallel Justice Program. Rather than have a Victim Services "division" we are going to have case coordinators serve both responsible and impacted parties (though not the same individuals on the same cases). The slight reorganization requires the advancement of one of our coordinator positions to a manager position to oversee our restorative processes as well as our victim services. We will vacate the Victim Services Manager position at this time, and change the Adult Restorative Program Coordinator position to a Manager level which will now also manage our Parallel Justice program. See attached organizational chart. The new job description was reviewed and graded by the HR team using the Willis System, which gave it a Grade 18. The position will be covered in its entirety with a combination of Attorney General and DOC funding.

Additionally, the CJC would like to create the position of an Adult Restorative Coordinator to fill the gap of direct service work our Victim Services Manager used to hold. This position would report to the above Adult Restorative Program Manager position, and hold a caseload of pre-charge and diversion cases. This position will be paid for through DOC, AGO and VOCA dollars.

Board of Finance Motion:

Move to approve and recommend that the City Council approve and authorize the reclassification of the following positions within the City's Community Justice Center:

- A BARJ Coordinator, from a Limited Service, Full-Time, Non-Exempt, Union, Grade 16 position to a Regular Service, Full-Time, Non-Exempt, Union, Grade 16 position.
- A Community Assistance Program Coordinator, from a Limited Service, Part-Time (24hr/week), Non-Exempt, Union, Grade 15 position to a Regular Service, Part-Time (32hr/week), Non-Exempt, Union, Grade 16 position
- An Adult Restorative and Volunteer Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position to an Adult Restorative and Volunteer Manager, a Regular Service, Full Time, Exempt, Non-Union, Grade 18 position.

And approve and authorize the creation of an Adult Restorative Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position within the Community Justice Center.

City Council Motion:

Move to approve and authorize the reclassification of the following positions within the City's Community Justice Center:

- A BARJ Coordinator, from a Limited Service, Full-Time, Non-Exempt, Union, Grade 16 position to a Regular Service, Full-Time, Non-Exempt, Union, Grade 16 position.
- A Community Assistance Program Coordinator, from a Limited Service, Part-Time (24hr/week), Non-Exempt, Union, Grade 15 position to a Regular Service, Part-Time (32hr/week), Non-Exempt, Union, Grade 16 position
- An Adult Restorative and Volunteer Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position to an Adult Restorative and Volunteer Manager, a Regular Service, Full Time, Exempt, Non-Union, Grade 18 position.

And move to approve and authorize the creation of an Adult Restorative Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position within the Community Justice Center.