

FY24 Budget Recommendation

January 17, 2023



BURLINGTON
SCHOOL DISTRICT

Agenda

- BTC Budget Update
- BSD Budget Recommendations
- Anticipated RISE Spending
- Tax Estimates (Updated)
- Timeline



Budgetary Assumptions

Full list of assumptions posted on budget website

Wages

- Most bargaining agreements are settled in the range of 6% increase.

Benefits

- Health insurance premiums are estimated to increase by 12%. HRA benefit is more costly due to district paying first dollar.

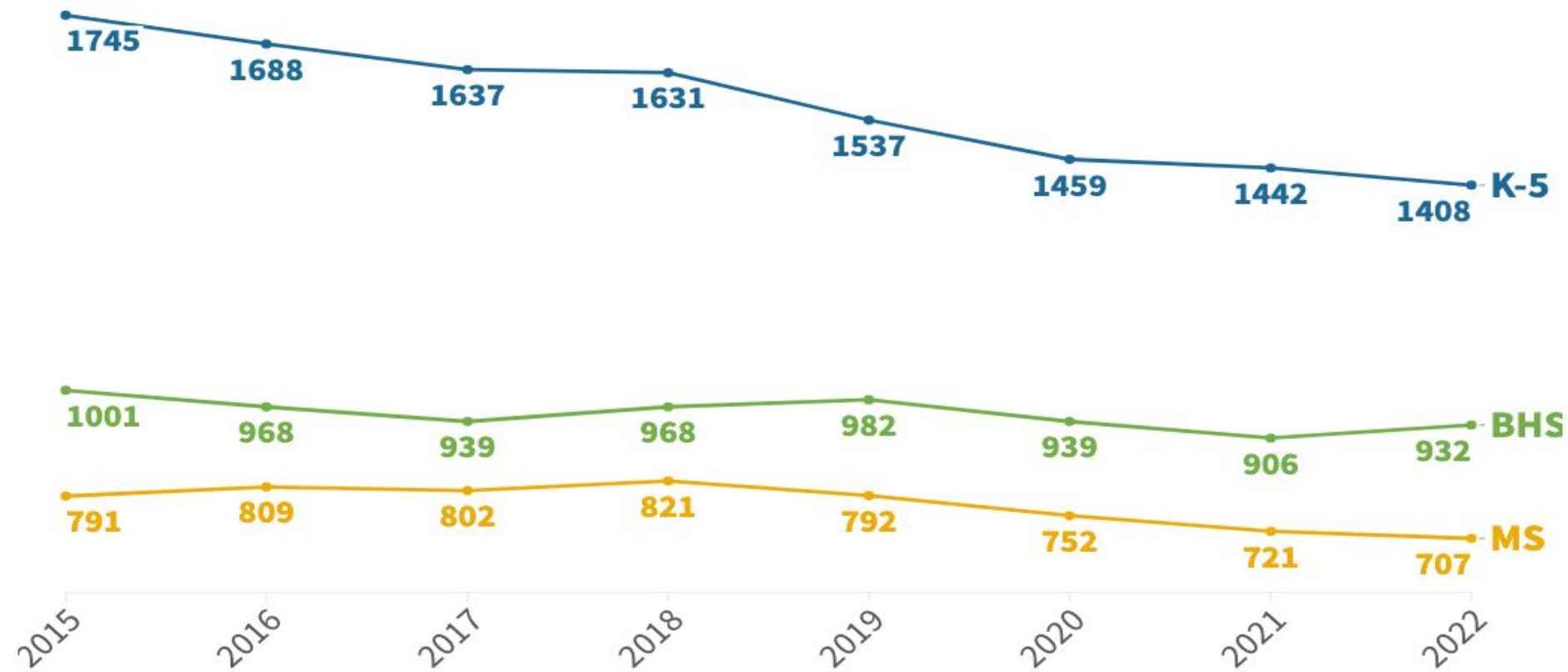
ESSER Funds

- Federal expenses not included in total budget estimate. FY24 is final year of these funds.



Enrollment History

■ K-5 ■ MS ■ BHS



Equitable Budgeting

A Brief History

- Research-based model created with input from the community.
- Overwhelming support for allocating resources to the students who need them most.
- Provides a foundational level of support plus RISE funds for investments unique to each school community.
- Recognize that our staffing level must be responsive to enrollment changes.

Community Survey: Who did we hear from?

We heard from...

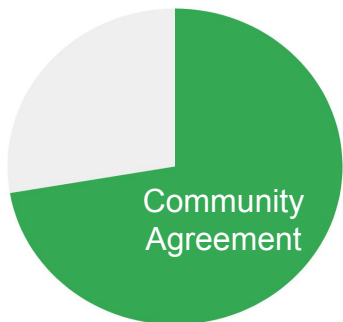
- 450+ students, family members, staff, and community members
- Individuals affiliated with every BSD school and program
- 43.2% of respondents' students receive free or reduced lunch
- 21.7% of respondents' students receive special education services
- 20.9% of our respondents self identified as BIPOC
- 14.4% of respondents speak a language other than English in their home



Community Survey: What did they say?

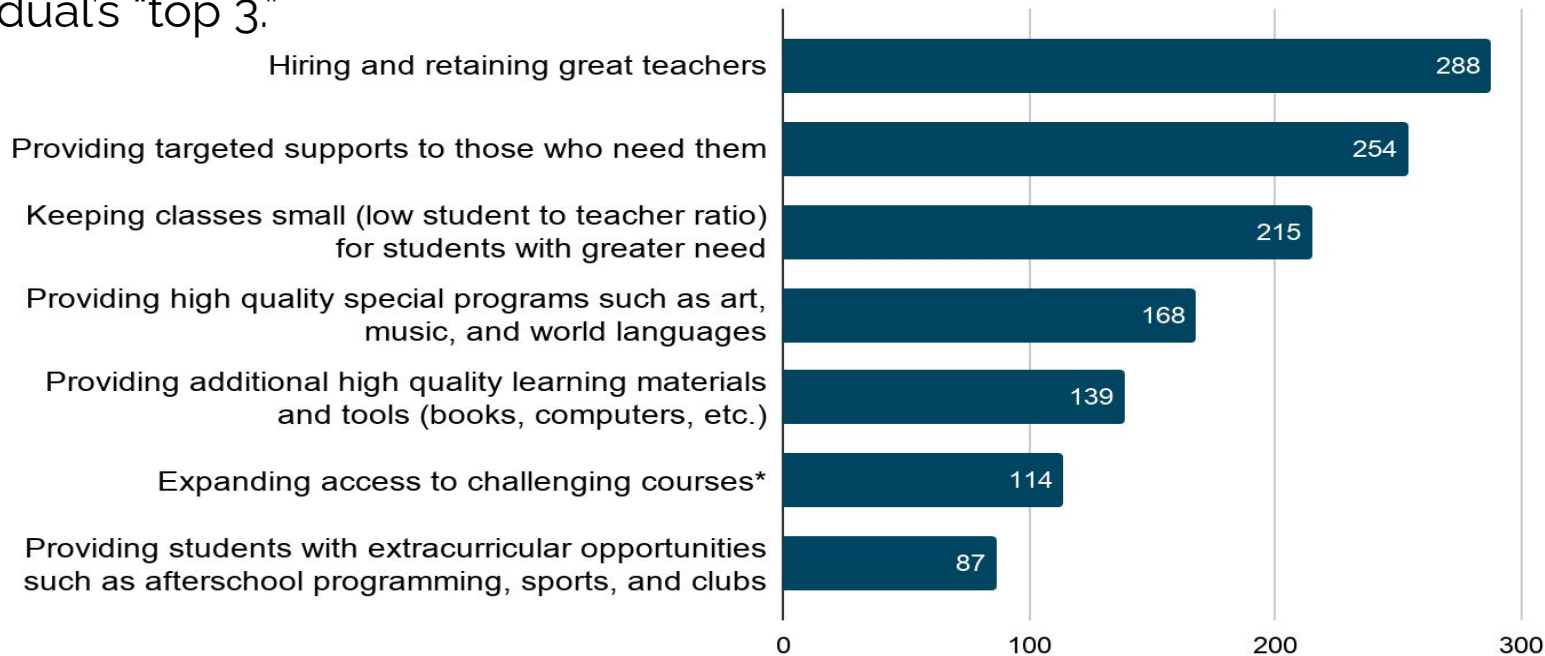
*72% of all respondents, including 79% of BSD staff,
strongly agree or agree that*

***resources should be allocated in a way that
supports the students who need them most - even
if it means reducing the resources at their school(s).***



Community Survey: What did they prioritize?

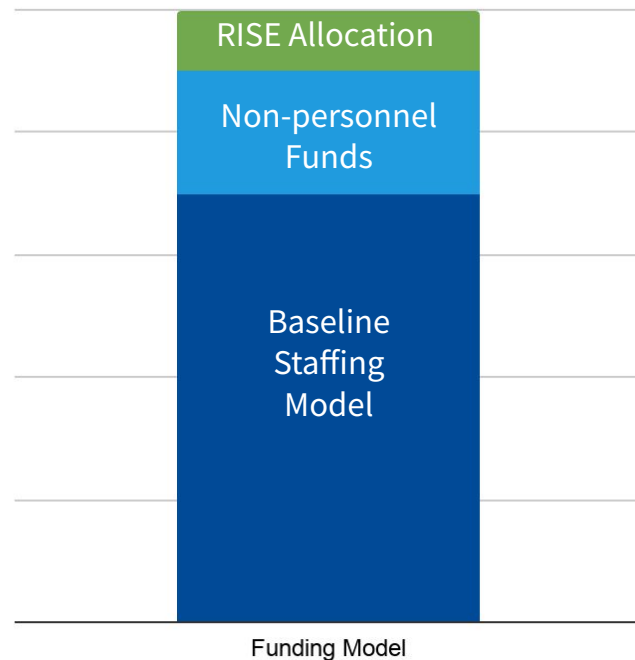
When asked to prioritize what is most critical to serve *students with the greatest need*, this chart shows how many times each option was ranked in an individual's "top 3."



* Expanding access to challenging courses was most frequently ranked **last** (128 times).

Our proposed model has three components

- A **staffing model** will provide each school with its core staffing, using staff:student ratios (e.g. 1 counselor staff for every 200 students)
- Non-personnel funds will be allocated based on a **per-student** basis
- An Equity Allocation will provide additional funding using a **weighted student formula**, meaning more funds in schools with greater need
 - Schools will have discretion in how best to serve their students using these funds
 - Intent and desired outcomes will be documented for future evaluation



Board Guidance

1. Recognize that our staffing level must be responsive to enrollment changes.
2. Limit budget growth due to increases in wages, benefits and pending BHS/BTC costs.
3. Ensure funding to meet strategic plan objectives.
4. Continue to offer robust programmatic offerings.
5. Consider multi-year impact of changes and minimize annual disruptions.

Staffing Allocations

1. The Equitable Budget model identified several schools with staffing levels in excess of the foundational level.
2. For the current year, extra staff positions were allowed to remain to facilitate the recovery from pandemic operations.
3. This year, we are recommending limited reductions in positions, but allowing overall levels to remain somewhat above the foundational model to smooth the transition and minimize disruption.
4. Schools may choose to devote RISE funds to preserving some positions that are not funded in the foundational allocation.

Summary of Anticipated Staffing Changes

- We are proposing a limited number of position reductions to align staffing with enrollment and ensure a sustainable budget.
- We expect to have positions available to impacted staff that want to continue working at BSD because vacancies occur every year as a result of teachers choosing to retire or leave the district.

We believe natural attrition will create sufficient vacancies to allow our educators in eliminated positions to remain with BSD.

Summary of Anticipated Staffing Changes

- Total additions to base allocation: 3.2 FTE
- Total reductions to base allocation: 10.0 FTE
- Net Reductions to base allocation: 6.8 FTE

We anticipate that natural attrition will create sufficient vacancies to allow people in eliminated positions to remain with BSD. Schools may use RISE funds to retain positions not in the base.

Reinvestment of Savings:

- Savings from FTE reductions will support maintaining school RISE allocations (since original RISE funding from ESSER is expiring).

Baseline Budget Recommendations

Simple Enrollment Based Changes

- Champlain: Reduce 1.0 FTE homeroom teacher. ***With one classroom teacher having left mid-year, this change will reduce a homeroom without affecting current Champlain teachers.***
- Smith: Reduce 1.0 FTE homeroom teacher. Rising 5th grade class requires only two homeroom teachers. ***Expecting one District-wide retirement to offset this.***

Baseline Budget Recommendations

Reallocations Based on Enrollment and Unmet Needs

- BHS: Reduce 2.0 FTE teacher positions based on enrollment.
 - Fund existing 1.0 FTE Instructional Coach position currently on School Improvement Grant.
- Edmunds Elementary: Reduce 1.0 FTE teacher position that is not needed for homeroom instruction and is being used to provide other services. ***One teacher at EES is retiring.***
 - Add 1.0 FTE special educator to formally launch a dedicated services classroom.

Baseline Budget Recommendations

Changes Based on Unique Situations

- IAA: Reduce 1.0 FTE unified arts position from baseline. IAA has 1.5 FTE more positions than the model allocates. One role (Drama) has never been part of the standard array of unified arts positions and is an addition to the base UA allocation. ***IAA plans to retain the position through RISE funds.***
- Flynn: Reduce 1.0 FTE unified arts position. Flynn has 1.5 FTE more positions than model allocates. One role (STEAM) has never been a part of standard array of unified arts positions and is an addition to the base UA allocation.

Baseline Budget Recommendations

Changes Based on Unique Situations

- EMS: Reduce 1.0 FTE band para position. ***Each Middle School will utilize a Paraeducator from the current allocation to provide support to classes that need additional support. EMS will use this position primarily to support its performance music program.***
- SA: Add 1.0 FTE homeroom position and 0.2 FTE unified arts position (as necessary). Goal is to create two class sections per grade to support long term enrollment. ***This opens a possible position for a current employee impacted by reductions.***

Baseline Budget Recommendations

Changes Based on Unique Situations

- HMS: Reduce 1.0 FTE Dean of Students position and 1.0 Academic Interventionist position.
 - Dean of Students position was a temporary reassignment intended to support the transition in school leadership. ***The original position was held for this employee to return to.***
 - HMS has two more interventionist positions than the baseline model supports. One position is supported by RISE.

RISE Allocation

Nearly \$1.5m of School-directed, Equity-oriented Investments

- Growth in student need factors call for increase in total RISE allocations of about \$40,000.
- RISE funds were previously supported by ESSER, which is expiring. Maintaining these funds is accomplished by directing savings from staff reductions to this need.
- RISE is designed to give flexibility to schools to make strategic investments unique to their school community.
- Principals are finalizing their RISE proposals. Proposals may include maintaining positions that are not funded through baseline allocations.

RISE Allocation Themes

School-based, equity-oriented investments

- Elementary: Interventionists, special educators, professional learning, counseling services, unified arts, coaching.
- Middle School: Interventionists, parent/family engagement, student leadership, guidance.
- High School: Mental health counselor, reading & STEAM interventionists, co-teaching training, Year End Studies

FY22 Audit and Fund Balance

FY22 Audit is in final phase of review

FY22 Audited Fund Balance

- \$2,350,000 available to support FY24 budget.
- This surplus is in line with prior year results.
- Represents about 2% of the total budget and occurs primarily due to vacancies.

Fund Balance is One Time Money

- Careful budget management should result in annual surpluses.
- Currently supports significant costs associated with rent for temporary spaces (DtBHS, BTC, etc.).

BTC Budget

Tuition increasing to reflect facility rental costs

\$3.8m FY24 budget.

- a. Includes \$662k of facilities rental costs to share this burden among sending schools.
- b. Reflects 134.35 “average” enrollment over six semesters.
- c. **Announced Tuition is \$23,067.** Since the program is half-day, the actual tuition cost is also halved.
 - i. This represents an 18% increase due to the inclusion of full cost of facilities rental.

Tax Rates

Tax rates are the result of four major inputs

- Education Spending: amount of Education Fund support a district's budget requires - something a district controls!
- Equalize Pupils: a weighted number of pupils that considers factors such as poverty and English Learners.
- Dollar Yield: a state variable reflecting the amount of money in the education fund.
- Common Level of Appraisal: a measure of property values in each community.

Tax Variable Estimates

Key Variables

Status

Education spending (updated)	\$78,964,438 (6.57% increase)
Equalized pupil count	3,702.88 (3.5.% decrease)*
Homestead dollar yield	\$15,479 (16.26% increase)*
Common level of appraisal	95.33% (8.7% decrease)*

*A decrease in these variables increases the tax rate

Estimated Tax Implications

Hypothetical Property Payer	Property Tax Impact
Property rate change	4.03%
Tax on \$370,000 homestead	\$ 5,347
Tax Difference from current rate	\$ 207

Hypothetical Income Payer - \$50k income	Income Tax Impact
Income Rate change	0.07%
Tax on \$50,000 household income	\$ 1,212
Tax Difference from current rate	\$ 1

Figures reflect rounding. For education taxpayers who pay based on income, the impact will be reflected on the fiscal year 2025 property tax bill. Existing law provides additional property tax relief for households with incomes below \$47,000. This is known as a “circuit breaker.” Once a taxpayer qualifies for the circuit breaker, additional school district spending does not increase the taxpayer’s tax liability.

Budget Increase Discussion

*Items driving the increase in estimated costs -
BHS/BTC Bond costs begin in this budget cycle*

Wages - 6%

- Most bargaining agreements are settled in the range of 6% increase.

Benefits - 12%

- Health insurance premiums are estimated to increase by 12%. HRA benefit is more costly due to district paying first dollar.

BHS/BTC 2025 Borrowing

- The cost of borrowing represents about 2.75% of the 4.03% increase in the estimated tax rate or **about 68% of the tax rate increase.**



Budget Summary

Year	Budget	Change
Total Budget	\$104,144,584	6.0%
Offsetting Revenue	\$22,830,146	3.61%
Surplus	\$2,350,000	11.9%
Education Spending	\$78,964,438	6.57%

Offsetting Revenue (federal grants, BTC funding, etc.) and Surplus reduce the needed Education Spending, which helps reduce the pressure on tax rates.

Ballot Language

Shall the voters of the school district approve the school board to expend \$104,144,584 which is the amount the school board has determined to be necessary for the ensuing fiscal year? It is estimated that this proposed budget, if approved, will result in education spending of \$21,325.14 per equalized pupil. This projected spending per equalized pupil is 10.43% higher than spending for the current year.

Spending at this level could produce a property tax rate increase of 4.03% (current estimate).

Budget Q&A

Why is spending per equalized pupil increasing by over 10%?

1. Education spending is increasing by about \$4.87 million (6.57%).
 - a. This is INCLUSIVE of the newly authorized spending on the BHS/BTC project.
2. The number of equalized pupils decreased by 134 (about 3.5%).

Budget Q&A

Since spending per equalized pupil increasing by over 13%, why is our tax rate expected to increase by only 4%?

The impact on taxes is expected to be much lower because the Education Fund has a large surplus that reduces the need to raise taxes to cover the cost of spending.

Looking Ahead

Two major federal funding challenges are on the horizon in the Fy25 budget cycle (next year at this time):

- End of ESSER funds means that activities and positions funded from this source will no longer have funding. (e.g., Restorative Specialists, ED School Leadership, Expanded Summer Programming, ML support positions)
- Title I funding will not be sufficient to continue paying for all Title-funded positions due to regular increases in wages and benefits. (e.g., Interventionists, Tech Integrationists)

New Weighted Pupil begins in FY25 and we will learn what this means for BSD in December 2023.

Emerging Issues

- **Magnet School Review to ensure they continue to thrive**
 - Review best practices for magnet schools in the region and country.
 - How are partnerships supporting programming?
 - How do we best integrate the magnet themes in classroom instruction?
 - How do staffing levels support the magnet mission?
 - How do magnet schools' approaches improve student learning?
- **Instructional Coaching and Mentoring**
 - How do the instructional coaching and mentoring models align to best practice?
 - How do we best ensure job-embedded professional learning, mentoring and support for our educators PreK-12?
 - How does coaching and mentoring impact student learning?

Recommended Motion

I move to approve the annual school budget of \$104,144,584 with an education spending per equalized pupil amount of \$21,325.14.

Budget Development Timeline

- 1/17** School Board meeting
- 3/7** Town Meeting Day budget vote

Full budget timeline available at:
<http://www.bsdt.org/district/budget/>



Sarah Montgomery

From: Sarah Montgomery
Sent: Friday, December 9, 2022 4:21 PM
To: Jake Schumann; amylmalinowski@gmail.com
Subject: Petitions

Good Afternoon,

We found both of the charter change petitions you submitted to have the required number of signatures.

Thank you,

Sarah Montgomery

*Associate City Clerk
Clerk/Treasurer's Office
City of Burlington
(802) 865-7020*

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

The undersigned registered voters of the City of Burlington hereby petition the Burlington City Council to add following article to the warning of the next annual meeting or general election for the purpose of voting on a proposed charter amendment, full text of which is on the other side of this page. The Council shall take all actions necessary on the article to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and precision in its phraseology, but shall not materially change its meaning and effect.

Shall the Burlington City Charter, Acts of 1949, No 298, as amended be further amended to grant voters the powers to initiate ballot questions, propose enactment and repeal of ordinances by majority vote, the substance of which is outlined on the other side of this page?

SIGNATURE	FULL NAME	STREET ADDRESS	PHONE/EMAIL (OPTIONAL)
------------------	------------------	-----------------------	-------------------------------

Powers Of The People

- **General authority for initiative and referendum**

- (a) **Advisory Question.** The qualified voters of the City shall have power to gauge public sentiment through nonbinding question relating to domestic, regional, statewide, national, or international concerns, **whether constituting the "business to be transacted" at any election or not.**
 - (b) **Binding Initiative.** The qualified voters of the City shall have power to **propose, for any lawful purpose, binding ordinances** to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, **to adopt or reject it at a City election.**
 - (c) **Referendum.** The qualified voters of the City shall have power to **require reconsideration by the Council of any adopted ordinance** and, if the Council fails to repeal an ordinance so reconsidered, **to approve or reject it at a City election.**
- **Petitions**
 - (a) **Number of signatures.** Petitions for ballot initiatives, referendums and questions must be signed by at least **five percent** of the legal voters of the City.
 - (b) **Form and content.** In addition to State requirements in **17 V.S.A. § 2642**, petition for inclusion in the warning of an article to reflect public sentiment shall clearly state to be advisory only. Petition for inclusion in the warning of an article to adopt or repeal an ordinance shall clearly state that it is to be binding.
 - (c) **Time for filing referendum petitions.** Referendum petitions must be filed within **45 days** after adoption by the Council of the ordinance sought to be reconsidered.
 - (d) **No alteration of substance.** The City Attorney is authorized, subject to the approval of the Council, to correct such proposal to enact ordinances so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and precision in its phraseology, but he or she **shall not materially change its meaning and effect.**

- **Action on petitions**

- (a) **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in this Article or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within **60 days** or fails to repeal the referred ordinance within **30 days** after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.
- (b) **Submission to voters.** The vote of the City on a proposed or referred ordinance shall be held during the next annual meeting, primary or general election or in a special meeting 30 days from the date of the final Council vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls.

- **Results of election**

- (a) **Initiative.** If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, **it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council.** If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) **Referendum.** If a majority of the qualified voters voting on a referred ordinance vote against it, **it shall be considered repealed upon certification of the election results.**

Town Meeting Day is March 7th!

Visit <https://www.bsdrv.org/budget> for complete budget and voting information.

BALLOT LANGUAGE

Shall the voters of the school district approve the school board to expend \$104,144,584 which is the amount the school board has determined to be necessary for the ensuing fiscal year? It is estimated that this proposed budget, if approved, will result in education spending of \$21,325.14 per equalized pupil.

Spending at this level could produce a property tax rate increase of 4.03% (current estimate).

PROPOSED BUDGET AT A GLANCE

FY 2023 Total Budget	\$98.2 million
Annual Increases to Wages, Health Insurance, Debt Service, Utilities, etc.	\$3.8 million
BHS/BTC 2025 Borrowing	\$2.1 million
TOTAL FY 2024 Budget	\$104.1 million
Increase from FY 2023	6%

TAX IMPACT ESTIMATES

Estimate based on a surplus in Vermont's Education Fund, which reduces the impact on local tax rates.

Property Tax Payer	4.03% Increase
Impact on \$370K homestead	\$207
Income Tax Payer	0.07% Increase
Impact Tax \$50k income	\$1

GUIDING PRINCIPLES

1. Recognize that our staffing levels must be responsive to enrollment changes.
2. Limit budget growth due to increases in wages, benefits and pending BHS/BTC costs.
3. Ensure funding to meet strategic plan objectives.
4. Continue to offer robust programmatic offerings.
5. Consider multi-year impact of changes and minimize annual disruptions.

Turn this document over to learn more about how we created this budget to support equity, engagement, and deep learning.

Cultivating caring, creative, and courageous people. Join the journey!



Town Meeting Day is March 7th!

Visit <https://www.bsdt.org/budget> for complete budget and voting information.

What is the story behind this budget?

We entered this year's budget season using our new equitable budgeting process for the second year, working to provide robust baseline allocations for schools that reflect best practices and consistency across schools. We knew this year's process would be challenging, as declining enrollment meant we would need to make some staffing reductions to ensure alignment between the two. This was especially important knowing that wages and benefit increases would be adding to the budget, Federal COVID recovery funding (ARP-ESSER) would be going away after this year, and we would begin borrowing for the new high school and technical center. Thankfully, we were able to look at creative ways to retain staff members impacted by cuts to avoid layoffs and put forth a budget with a modest tax impact.

Disciplined Spending Yields Surplus

Thanks to disciplined fiscal management, last year BSD operated with a surplus for our eighth consecutive year. Our proposed budget limits the impact on taxpayers by applying \$2.3 million of these funds directly to supporting the FY24 budget, reducing the need to ask taxpayers for this money.

Why are taxes increasing?

The primary drivers of this year's budget are increased costs for wages and benefits and borrowing for the BHS/BTC 2025 project. Those factors, combined with declining enrollment, put upward pressure on taxes. To keep the tax impact as low as possible, we made slight reductions in our staffing numbers and applied some of last year's budget surplus to offset costs. (We believe natural attrition will create sufficient vacancies to allow educators in eliminated positions to remain with BSD.)

Recognizing Injustice and Seeking Equity (RISE) Allocation

Our budgeting model includes a RISE Allocation for each school. Principals work with their school communities and advisory groups to create plans to use these resources to support our strategic plan goals. The following are some examples of the types of investments identified through this process.

Elementary Equity Supports

Interventionists - Special Educators - Professional Learning - Counseling Services - Unified Arts - Coaching.

Middle Equity Supports

Interventionists - Parent/Family Engagement - Student Leadership - Guidance

High School Equity Supports

Mental Health Counselor - Reading & STEAM Interventionists - Co-teaching Training - Year End Studies

	FY23 RISE	FY24 RISE	Change
SA	\$110,188	\$113,546	\$3,358
IAA	\$120,901	\$124,209	\$3,308
Smith	\$93,226	\$90,335	-\$2,891
Champlain	\$100,690	\$110,032	\$9,342
EES	\$114,814	\$111,805	-\$3,009
Flynn	\$114,763	\$150,586	\$35,823
Hunt	\$172,355	\$164,717	-\$7,638
EMS	\$170,343	\$177,332	\$6,989
BHS	\$421,061	\$415,546	-\$5,515



Development of the District budget is informed by the District's Strategic Plan and our North Star: every learner is challenged, empowered, and engaged. Turn this document over to learn more about the budget.

Resolution Relating to

IMPLEMENTATION OF A CARBON POLLUTION IMPACT
FEE FOR NEW CONSTRUCTION AND LARGE EXISTING
COMMERCIAL AND INDUSTRIAL BUILDINGS 50,000
SQUARE FEET OR LARGER

RESOLUTION 8.09

Sponsor(s): Transportation, Energy &
Utilities Committee

Introduced: 1/9/2023

Referred to: _____

Action: Adopted

Date: 1/9/2023

Signed by Mayor: 01/17/23

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 has declared a climate emergency exists, and on September 5th,
2 2019 the City and Burlington Electric Department issued the Net Zero Energy Roadmap (“the Roadmap”) to
3 guide progress in reducing greenhouse gas emissions in buildings and ground transportation; and

4 WHEREAS, the Roadmap identified emissions from buildings as the second largest source of
5 greenhouse gas emissions in the city; and

6 WHEREAS, the City enacted new ordinances in 2021 to address rental weatherization standards, and
7 require primary renewable heating systems in new construction; and

8 WHEREAS in 2022 Burlington’s neighboring community, the City of South Burlington, adopted a
9 similar primary renewable heating system ordinance and also include requirements for renewable domestic
10 water heating as well, aligning the two cities in both requiring the use of renewable systems and fuels for new
11 construction; and

12 WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that
13 would allow the City to create policies to regulate greenhouse gas emissions in buildings, and an advisory
14 ballot question focused on providing equity in the development of such policies; and

15 WHEREAS, on April 20, 2022, the Governor signed the charter change into law after it was approved
16 by the Vermont Legislature; and

17 WHEREAS, on May 9th, 2022, the City Council passed a Resolution seeking policy recommendations
18 under the charter change from Burlington Electric Department and the Department of Permitting and
19 Inspections; and

20 WHEREAS, The Burlington Electric Department and Department of Permitting and Inspections issued
21 an interim report July 18th, 2022, and final report December 5, 2022 to the City Council; and

22 WHEREAS, the Departments recommended proposed requirements to reduce fossil fuel use and
23 greenhouse gas emissions in buildings, including starting in 2024 for new construction to use renewable
24 energy systems or renewable fuels for all thermal energy uses (with the exception of using 2026 as a start date

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on
Transportation, Energy and
Utilities Committee

ORIGINAL

RESOLUTION RELATING TO

Implementation Of A Carbon Pollution
Impact Fee For New Construction And
Large Existing Commercial And Industrial
Buildings 50,000 Square Feet Or Larger

Adopted by the City Council

1 / 9 20 23

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

Attest:

* * * * *

IMPLEMENTATION OF A CARBON POLLUTION IMPACT FEE FOR
NEW CONSTRUCTION AND LARGE EXISTING COMMERCIAL AND
INDUSTRIAL BUILDINGS 50,000 SQUARE FEET OR LARGER

for larger multi-family buildings for domestic water heating), and for large existing buildings and City buildings to install renewable energy systems or conventional systems with renewable fuels when seeking a permit to replace a space conditioning system or domestic water heating system; and

WHEREAS, the Departments proposed the use of an upfront carbon pollution impact fee that would account for the environmental, health and societal impacts from greenhouse gas emissions from fossil fuel-based systems, as a means of alternative compliance for new construction buildings and large existing commercial and industrial buildings with 50,000 square feet or more of space conditioned area as one option to meet the proposed policy requirements when the building chooses to use fossil fuel systems; and

WHEREAS the charter change approved by voters in March of 2021 and subsequently approved by the Legislature and signed by the Governor requires the City to seek additional voter approval when it proposes to utilize a carbon impact or alternative compliance fee;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby requests, pursuant to the City Charter Section 48(66), that the following question be placed before the voters on the ballot of the Annual City Meeting to be held on March 7, 2023:

“Shall the City Council, in order to reduce greenhouse gas emissions in the City, be authorized starting January 1, 2024, to implement a carbon pollution impact fee in the permitting process, with the fee to be set by resolution starting at up to \$150 per ton and rising annually at the rate of regional inflation but capped at no more than a 5 percent annual increase, for:

- new construction buildings that install fossil fuel thermal energy systems instead of using renewable energy systems or renewable fuels, with the exception that the fee would not be implemented until January 1, 2026 for domestic water heating systems in new construction multi-family residential buildings with more than 4 units; and**
- for existing commercial and industrial buildings 50,000 square feet or larger when the building is installing fossil fuel thermal energy space conditioning or domestic water heating systems instead of using renewable systems or renewable fuels?”**

The fee proceeds could support one or more of the following: capital investments in converting the City’s vehicle fleet to electric vehicles; a new City fund to support clean heating technology installations for low-income Burlington households and renters; and/or in the case of existing building payors, greenhouse gas emissions reductions projects at their building or facilities in Burlington.

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on _____

* * * * *

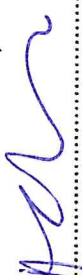
ORIGINAL

RESOLUTION RELATING TO

Implementation Of A Carbon Pollution Impact
Fee For New Construction And Large Existing
Commercial And Industrial Buildings 50,000
Square Feet Or Larger

Adopted by the City Council

1 / 9 , 2023

 Clerk

Approved.. January 17th, 2023

 Mayor

Attest:

Vol. _____ Page _____

* * * * *

Resolution Relating to

MARCH 7, 2023 ANNUAL CITY MEETING--PROPOSED
CHARTER CHANGE RE WARD BOUNDARIES

RESOLUTION 7.01

Sponsor(s): Councilor Hightower

Introduced: 01/23/23

Referred to:

Action: adopted

Date: 01/23/23

Signed by Mayor: 02/08/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That the following question be placed on the ballot of the Annual City Meeting to be held on March 7,
2 2023:

3 "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to
4 amend Article 2, City Election Areas Defined, thereto to read as follows:
5

6 ARTICLE 2. CITY ELECTION AREAS DEFINED

7 2 Election boundaries.

8 (a) City Districts Described. For the annual meeting of 2015~~24~~ and all City elections thereafter, the City of
9 Burlington is divided into four electoral districts, constituted as follows:

10 (1) East District. The East District shall include all that part of said City lying easterly and
11 northerly of the following described boundaries: Beginning at the common boundary between the
12 Cities of Burlington and Winooski in the Winooski River beneath the Central Vermont Railway
13 bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly in the
14 centerline of said railroad tracks, crossing Intervale Road, and continuing for 1043.42 feet to a
15 point where the centerline of Hyde Street extended northeasterly intersects said railroad track
16 centerline (approximately -73.20456 longitude, 44.4912 latitude); thence southerly along the
17 extension of the centerline of Hyde Street, continuing on the centerline of Hyde Street to the
18 intersection of the centerline of North Willard Street; thence southerly along the centerline of
19 North Willard Street to the intersection of the centerline of Pearl Street; thence westerly along the
20 centerline of Pearl Street to the intersection of the centerline of South Winooski Avenue; thence
21 southerly along the centerline of South Winooski Avenue to the intersection of the centerline of
22 Maple Street; thence easterly along the Maple Street centerline for 1573.5 feet to a point where the
23 eastern property boundary of 315 Maple Street extended northerly intersects Maple Street
24 (approximately -73.2064 longitude, 44.4739 latitude); thence southerly along the eastern property
25 boundary of 315 Maple Street for 276.5 feet (approximately -73.2064 longitude, 44.4734 latitude);
26 thence 281.4 feet westerly to a point where the southern property boundary of 315 Maple Street
27 extended westerly intersects with the western boundary of 251 South Willard Street extended
28 northerly (approximately -73.2071 longitude, 44.4733 latitude), thence 723.7 feet 177° southerly to
29 a point where it intersects the southern property boundary of 285 South Willard Street extended
30 westerly (approximately -73.2071 longitude, 44.4719 latitude); thence easterly along the southern
31 boundary of 285 South Willard Street for 696.5 feet until intersecting with the South Willard Street

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

Attest:

* * * * *

centerline (approximately -73.2051 longitude, 44.472 latitude); thence northerly along the South Willard Street centerline for 220.9 feet (approximately -73.2052 longitude, 44.4724 latitude); thence easterly along the southern property boundary of 262 South Willard Street for 557.6 feet (approximately -73.2037 longitude, 44.4725 latitude); thence northerly along the eastern property boundary of 262 South Willard Street for 89.6 feet to a point where the Juniper Terrace centerline extended westerly intersects the eastern property boundary of 262 South Willard Street (approximately -73.2037 longitude, 44.4726 latitude); thence following the Juniper Terrace centerline easterly until intersecting with the Summit Street centerline (approximately -73.2021 longitude, 44.4727 latitude); thence northerly along the Summit Street centerline until reaching the centerline of Main Street; thence following the Main Street centerline easterly 2339.6 feet (approximately -73.1964 longitude, 44.4753 latitude); thence southwesterly 214° for 136.1 feet (approximately -73.1966 longitude, 44.4751 latitude), thence southeasterly 98.2 feet (approximately -73.1964 longitude, 44.4749 latitude); thence southwesterly by 213° for 770 feet (approximately -73.1975 longitude, 44.4737 latitude); thence southeasterly by 123° for 477.4 feet until intersecting with the University Heights centerline (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1221.65 feet until intersecting with the PFG Road centerline, thence westerly by 79° until intersecting Main Street; thence easterly along the centerline of Main Street to the intersection of the western property line of 525 Main Street extended, containing the Main Street Water Reservoir (approximately -73.1992 longitude, 44.4763 latitude); thence southerly along the western property boundary of 525 Main Street to its southwestern corner approximately -73.1991 longitude, 44.4746 latitude); thence easterly along the southern property boundary of 525 Main Street to its southeastern corner (approximately -73.1984 longitude, 44.4746 latitude); thence southwesterly along the western property boundaries of 49, 55, and 59 University Terrace to the southwestern corner of 59 University Terrace (approximately -73.1987 longitude, 44.4742 latitude); thence southeasterly along the southern property boundaries of 59 University Terrace and 60 University Terrace, extended to the centerline of University Heights Road (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1,314 feet to its intersection with the extended centerline of the walkway serving the University of Vermont Southwick Hall and the Music Building from the Redstone Campus loop road (approximately -73.1968 longitude, 44.4698 latitude); thence westerly along the extended walkway and walkway centerline, with the Music Building to the north and Southwick Hall to the south, 367 feet to its intersection with the centerline of the Redstone Campus loop road (approximately -73.1982 longitude, 44.4698 latitude); thence northerly and then westerly along the centerline of the Redstone Campus loop road to its intersection with the centerline of South Prospect Street; thence southerly along the centerline of South Prospect Street to its intersection with the centerline of the Davis Road; thence northeasterly along the centerline of Davis Road to its intersection with University Heights Road, continuing easterly along the centerline of Davis Road to its intersection with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary between the City of Burlington and Town of Colchester in the Winooski River at the intersection of a point intersecting with the centerline of Institute Road extended northeasterly (approximately -73.213947 longitude, 44.508977 latitude);

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

Attest:

75 thence southerly along the common boundary between the City of Burlington and Town of
76 Colchester in the Winooski River to a point beneath the Central Vermont Railway bridge
77 downstream of the Lower Winooski Falls and Salmon Hole; thence ~~southerly~~westerly along the
78 East District ~~northern~~ western boundary to its intersection with the centerline of for 1043.42 feet to
79 its intersection with the westerly boundary of the East District; thence southerly along the westerly
80 boundary of the East District to its intersection with the centerline of Archibald Street, then
81 southerly along the East District western boundary to the intersection with the centerline of Pearl
82 Street; thence westerly along the northern boundary of the East District to the intersection with the
83 centerline of South Winooski Avenue; thence southerly along the western boundary of the East
84 District to the centerline of King ~~Main~~ Street; ~~thence westerly along the centerline of King Street~~
85 until its intersection with the centerline of Pine Street; thence southerly along the Pine Street
86 centerline until a point which intersects with the northern property boundary of 315 Pine Street
87 extended easterly; thence westerly along the northern property boundary of 315 Pine Street to Lake
88 Champlain (44.4706 latitude, -73.2152 longitude); ~~continuing southerly along the centerline of~~
89 South Winooski Avenue to its intersection with the centerline of King Street; ~~on the south along~~
90 the centerline of King Street extended westerly to Lake Champlain; on the west by Lake
91 Champlain; on the north, beginning at the intersection of the common property boundary between
92 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately -
93 73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary
94 between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the
95 Central Vermont Railway railroad track (approximately -73.2239 longitude, 44.4837 latitude);
96 thence northerly and easterly along the centerline of the Central Vermont Railway railroad track,
97 crossing North Avenue and the Burlington Beltline, to its intersection with the centerline of Spring
98 Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence
99 northwesterly along the extension of the centerline of Spring Street to its intersection with the
100 centerline of Institute Road extended northeasterly (approximately -73.2281 longitude, 44.4995
101 latitude); thence northeasterly along the extension of the centerline of Institute Road extended to its
102 intersection with the common boundary between the City of Burlington and Town of Colchester in
103 the Winooski River (approximately -73.2139 longitude, 44.5077 latitude).

104 (3) South District. The South District shall include all that part of the City south of the southern
105 boundaries of the East and Central Districts.

106 (4) North District. The North District shall include all that part of the City north of the northern
107 boundary of the Central District.

108 (b) Wards Described. Each of the City of Burlington's four electoral districts set forth in subsection (a) of
109 this section hereby comprises two wards, each of which is constituted as follows:

110 (1) East District - Ward 1 and Ward 8.

111 (A) The East District is divided into two wards by the following boundary: Beginning at the
112 center of the intersection of Pearl Street and South Willard Street; thence ~~southerly~~easterly along
113 the centerline of Colchester Avenue to the intersection of the centerline of Mary Fletcher Drive;
114 thence southerly along the centerline of Mary Fletcher Drive for 331.58 feet (approximately -

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

73.196 longitude, 44.4802 latitude); thence southerly along the western side and easterly along the southern side of the UVM Medical Center building for 1854.5 feet until a point at the center of the intersection of Beaumont Avenue and Mary Fletcher Drive (approximately -73.1932 longitude, 44.4788 latitude); thence south along the Beaumont Avenue centerline to the intersection of Carrigan Drive; thence following Carrigan Drive westerly for 199.1 feet (approximately -73.1932 longitude, 44.4756 latitude); thence travelling southwestwardly for 821.3 feet along the UVM service road on the eastern border the southeastern wing of UVM Jeffords Hall; thence northwesterly along the service road bordering the southern border of the southeastern wing of UVM's Jeffords Hall until a point at the intersection of the service road and the centerline of University Heights extended northeasterly (approximately -73.1947 longitude, 44.4751 latitude); thence southwestwardly along the centerline of University Heights 977.3 feet (approximately -73.1962 longitude, 44.4735 latitude); thence continuing southeasterly along the centerline of the driveway bounding the western side of the UVM Living/Learning Commons for 404.3 feet (approximately -73.1952 longitude, 44.4731 latitude); thence continuing south along the eastern side of UVM's University Heights dorms until intersecting with the service road between University Heights North and University Heights South (approximately 44.4723 latitude, -73.1951 longitude); thence continuing easterly at 84 degrees for 589.72 feet until intersecting with of South Willard Street to the intersection of the centerline of College Street; thence easterly along the centerline of College Street extended to the intersection of the centerline of University Place; thence southerly along the centerline of University Place to the intersection of the centerline of Main Street; thence easterly along the centerline of Main Street to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 1 lies to the north and east of the boundary described in subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.

(2) Central District - Ward 2 and Ward 3.

(A) The Central District is divided into two wards by the following boundary: Beginning at the intersection of the common property boundary between 85 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately -73.2252 longitude, -44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately -73.224 longitude, 44.4837 latitude); thence southeasterly along the centerline of the Central Vermont Railway railroad track to a point intersecting with the northwestern property boundary of 300 Lake Street extended southwestwardly (approximately -73.2234 longitude, 44.4832 latitude); thence northeasterly to a point at the intersection of the northwestern property boundary of 300 Lake Street extended northeasterly with the centerline of Depot Street (approximately -73.2223 longitude, 44.4837 latitude); thence northerly along the centerline of Depot Street to the intersection with the centerline of Lakeview Terrace; Beginning at the centerline of the Central Vermont Railway railroad track at the intersection of the centerline of Spring Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence southerly easterly along the centerline of Spring Street Lakeview Terrace extended northwesterly until intersecting, continuing along the centerline of Spring Street to its intersection with the

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

centerline of ~~Elmwood~~ North Avenue; thence ~~southerly-northerly~~ along the centerline of ~~Elmwood~~ North Avenue to its intersection with the centerline of ~~Pearl~~ North Street; thence easterly along the centerline of ~~Pearl~~ North Street until intersecting with the North Union Street centerline; thence southerly following the North Union Street centerline until intersecting with the Loomis Street centerline; thence easterly along the Loomis street centerline to the intersection of the centerlines of Loomis Street and South Willard Avenue.~~to the intersection of the centerlines of North and South Willard Avenue.~~

(B) Ward 2 lies to the east ~~north~~ of the boundary described in subdivision (A) of this subdivision (2), and Ward 3 lies to the west ~~south~~.

(3) South District - Ward 5 and Ward 6.

(A) The South District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of King Street and ~~Saint Paul~~ Church Street; thence southerly along the centerline of ~~Church Street~~ Church Street to the intersection with the centerline of Adams Street; thence westerly along the centerline of Adams Street to the intersection with the centerline of Saint Paul Street; thence southerly along the Saint Paul Street centerline ~~along the centerline of Saint Paul Street~~ to its intersection with the centerline of Shelburne Street; thence southerly along the centerline of Shelburne Street to its intersection with the centerline of Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended easterly to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 5 lies to the west of the boundary described in subdivision (A) of this subdivision (3), and Ward 6 lies to the east.

(4) North District - Ward 4 and Ward 7.

(A) The North District is divided into two wards by the following boundary: Beginning at the centerline of Institute Road extended southwesterly to Lake Champlain; thence northeasterly to the intersection of Institute Road with the centerline of North Avenue; Beginning at the intersection of the centerlines of North Avenue and the Central Vermont Railway railroad track; thence northerly along the centerline of North Avenue to its intersection with the centerline of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to its intersection with the western property boundary of 39 Westward Drive extended southerly (approximately -73.2685 longitude, 44.5257 latitude); thence northerly along the western property boundaries-boundary of 39 and 40 Westward Drive, until intersecting with the centerline of Westward Drive; thence southwesterly along the centerline of Westward Drive to the intersection with the Northshore Drive centerline; thence northerly along the Northshore Drive centerline until intersecting with the Clair Pointe Road centerline (point); ~~continuing northerly along the western property boundaries of properties fronting the west side of Hardy Avenue to the southern boundary of 35 Derway Drive; thence westerly along the southern boundary of 35 Derway Drive, extended to its intersection with the centerline of Derway Drive (approximately -73.2690 longitude, 44.5249 latitude); thence northeasterly along the centerline of Derway Drive to its intersection with the centerline of Claire Pointe Drive; thence northerly along the centerline of Claire Pointe Drive approximately 44 feet to~~

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

its intersection with the southern property boundary of the Claire Pointe condominium development; thence westerly along the southern property boundary of the Claire Pointe condominium development (approximately -73.2686 longitude, 44.5286 latitude) to the Waterfront Bike Path right-of-way approximately 537 feet (approximately -73.2707 longitude, 44.5253 latitude), and then extended to Lake Champlain.

(B) Ward 4 lies to the west of the boundary described in subdivision (A) of this subdivision (4), and Ward 7 lies to the east.

(5) Ward map reference. Reference is also made to a map entitled "Ward Redistricting, 8 Wards - 4 Districts, 12 Councilors, Requested Edits to December Map (City Edits v2), Map Date: January 20, 2023" ~~Ward Redistricting, 8 Wards - 4 Districts, 12 Councilors, Referred to City Council by CC Committee (v.3), Map Date: December 2, 2013~~ located in the Burlington Chief Administrative Officer's office in further aid of the description of the wards set forth in this subsection.

AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amended form and determines that the printed ballot shall utilize a short form question to read:

"Shall Article 2, City Election Areas Defined, Section 2, Election boundaries of the City Charter, Acts of 1949, No. 298, as amended, related to city elections be further amended to provide for the four city electoral districts and eight city wards to be redistricted to reduce the population deviation among the most populated and least populated district to no more than 10% as shown in a map entitled "Ward Redistricting, 8 Wards - 4 Districts, 12 councilors, Requested Edits to December Map (City Edits v2), Map Date: January 20, 2023", effective as of the annual meeting in March of 2024, and for all city elections thereafter.

* Material underlined added.

** Material stricken out deleted.

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

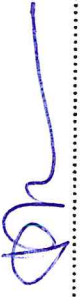
RESOLUTION RELATING TO

March 7, 2023 Annual City Meeting--Proposed Charter Change

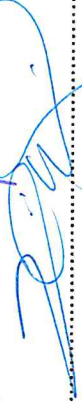
Re Ward Boundaries.....

Adopted by the City Council

January 23....., 20 23.....

..... Clerk

Approved..... 2/28/23....., 20 23.....

..... Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

MARCH 7, 2023 ANNUAL CITY MEETING—
CHARTER CHANGE RE: ALL LEGAL RESIDENT
VOTING IN LOCAL ELECTIONS

RESOLUTION 9.05

Sponsor(s): Councilors Traverse,
Bergman and Carpenter

Introduced: 11/21/2022

Referred to: _____

Action: Adopted

Date: 11/21/2022

Signed by Mayor: 11/29/2022

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, there are legal, full-time residents of Burlington who do not have full U.S. citizenship but
2 who live, work, pay taxes, parent, go to school, and are full members of our community; and

3 WHEREAS, these legal, non-citizen residents are impacted by local policy decisions in the same way
4 that residents who are full U.S. citizens are impacted by local policy decisions; and

5 WHEREAS, a cornerstone of democracy is that those impacted by policy decisions have a say in those
6 decisions; and

7 WHEREAS, voting in local elections is a critical way for Burlington residents to participate in our
8 local democracy and influence policy outcomes; and

9 WHEREAS, the cities of Montpelier and Winooski have passed similar charter changes that have been
10 recently enacted into law; and

11 WHEREAS, in 2019 the City Council approved that a charter change concerning the right of legal
12 residents who are not citizens to vote in local elections be warned for public hearing to be placed on the ballot
13 for the March 3, 2020, Annual City Meeting, but later chose to refer the issue to committee rather than placing
14 it on the 2020 ballot; and

15 WHEREAS, at its September 9, 2021 meeting, the City Council referred to the City Council Charter
16 Change Committee a proposed charter change to enable non-citizen legal residents of the City to vote in local
17 elections; and

18 WHEREAS, the Charter Change Committee held meetings on November 16th and December 6, 2021,
19 April 27th, May 11th, May 25th, June 15th, June 30th, July 21st, August 10th, August 25th, September 13th, and
20 November 3, 2022, received public comment, considered the referred proposed charter language, and amended
21 this language; and

22 WHEREAS, the Charter Change Committee has worked with the City's chief election officials and the
23 Community and Economic Development Office on a community engagement process which has included
24 getting feedback from these officials and those in Winooski and Montpelier, presentations at all the NPAs,

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20

..... Clerk

Approved....., 20

..... Mayor

Vol. Page

Attest:

* * * * *

meetings with the Trusted Community Voices committee and other stakeholder groups, and FAQs and other educational materials posted on a CEDO webpage that have been viewed thousands of times; and

WHEREAS, on November 3, 2022, the Committee voted to refer the charter change language back to the Council to be placed on the March 7, 2023 ballot;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the Annual City Meeting to be held on March 7, 2023 and the City Clerk to set public hearings on this question in accordance with Charter §303 and 17 V.S.A. §2645:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to add a Section 8a to Article 4 as follows:

8a Requirements for Legal Resident Voters Who Are Not Citizens:

(a) Notwithstanding sections 7 and 8 above and 17 V.S.A., Ch. 43, a legal resident who is not a citizen of the United States shall be a legal voter at a local City of Burlington or Burlington School District election if the individual meets the following qualifications: is a legal resident of the United States, is not less than 18 years of age, has taken the Voter’s Oath, resides in the City of Burlington as residency is defined in 17 V.S.A. § 2122, and has registered to vote with the Board of Registration of Voters no later than the deadline established by Vermont law for that election or meeting.

(b) For purposes of this section, a legal resident of the United States means any non-citizen who resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(c) This section does not change a non-citizen’s ability to vote in any state or federal election.

(d) A legal resident voter who is not a citizen may cast a ballot only for local officers and local public questions specific to a ward or City district of which the individual is a resident at the time of voting.

(e) The Chief Administrative Officer shall develop all necessary forms and procedures for implementation of this section, including identifying on the voter checklist those legal resident voters who are not citizens.”

* Material underlined added

** Material in brackets and stricken out deleted

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

March..7.,..2023..Annual..City..Meeting.....
Charter..Change..Re:..AlIlegal..Resident..
Voting..In..Local..Elections.....

Attest:

Adopted by the City Council

.....11../..21....., 20 22.....

 Clerk

Approved..November 28th 20 22.....

..... Mayor

Vol. Page

* * * * *

Resolution Relating to

MARCH 7, 2023 ANNUAL CITY MEETING—
CHARTER CHANGE RE: QUALIFICATIONS OF VOTERS AND
SITING OF POLLING PLACES

RESOLUTION 9.04

Sponsor(s): Charter Change

Committee

Introduced: 11/21/2022

Referred to: _____

Action: Adopted

Date: 11/21/2022

Signed by Mayor: 11/29/2022

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the City's charter calls for elections to be conducted within our wards, meaning that
2 each ward must have a polling place; and

3 WHEREAS, the City Council selects the polling location as part of the process for warning each
4 election and as such over the years the question of where best to site a polling place within a ward has come
5 up; and

6 WHEREAS, one of our polling sites is located in a religious institution, causing some consternation
7 among some voters over the years., and the size of the site, parking, accessibility, and competition with other
8 uses have all been issues the council has had to deal with when locating polling places; and

9 WHEREAS, because finding suitable polling sites within a newly drawn ward has also been an issue
10 when the council has considered redistricting, with Wards 6 and 8 coming to mind, to that a proposal on
11 adding flexibility to the siting of polling places was brought to the Charter Change Committee by Councilor
12 Carpenter based on discussions that had occurred in the redistricting process; and

13 WHEREAS, the Charter Change Committee has discussed this in many meetings since May 25th and
14 has consulted with its attorneys and the City's election administrator Sarah Montgomery, as well as ward
15 clerks and inspectors of election and members of the Board of Voter Registration, and discussed the proposal
16 in at least one NPA; and

17 WHEREAS, the Charter Change Committee held meetings on May 25th, June 15th, June 30th, July 21st,
18 August 10th, August 25th, September 13th and October 19, 2022, received public comment, considered the
19 referred proposed charter language, and amended this language; and

20 WHEREAS, on October 19, 2022, the Committee voted to refer the charter change language back to the
21 Council to be placed on the March 7, 2023 ballot; and

22 WHEREAS, additionally, early voting and mail-in ballots have changed some of the considerations
23 that go into the siting of a polling place. A large percentage of ballots have been mailed in or delivered to the

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20

..... Clerk

Approved....., 20

..... Mayor

Vol. Page

Attest:

* * * * *

clerk's office or drop off boxes prior to election day. State law was changed to allow those ballots to be fed into secure tabulators in City Hall, with the tabulators then transported to the ward polling site on election day before the polls open. Many people simply deliver their already filled in ballots to the polls on election day. These changes have consequently changed the spatial needs for polling places to a degree since with fewer election day voters less space is needed to accommodate check in lines, voting booths, and ballot casting lines; and

WHEREAS, the Charter Change Committee, with the concurrence of city and ward election officials, unanimously supports flexibility in the siting of polling places, including allowing a polling place to be located outside of a ward if it is in close proximity to the ward due to the difficulty of locating suitable places in every ward and the complications of finding new polling sites when ward boundaries are redrawn; and

WHEREAS, general state law governs all aspects of law that are not set out or covered in the city's charter and requires that if and when different election areas, (for Burlington this is our wards and districts) have their polling sites within the same building, there must be separate voting areas for each distinct election area; and

WHEREAS, the committee has supported a reference to the applicable state law to make it clear that each ward will still be conducting its own election in a distinct polling location within a common building regardless of where the building is located, meaning that if Wards 4 and 7 or 6 and 8 were to have common buildings (i.e., The Miller Center or Edmunds Middle School), the polling places would have to be separate and distinct from each other;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the Annual City Meeting to be held on March 7, 2023 and the City Clerk to set public hearings on this question in accordance with Charter §303 and 17 V.S.A. §2645:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further have Title II, Article 4, Qualifications of Voters, and Article 8, Method of Conducting Elections, amended as follows:

TITLE II. ELECTIONS AND CTY MEETINGS—CITY ELECTIONS

ARTICLE 4. QUALIFICATIONS OF VOTERS

§8. ~~Person to vote in ward or City district in which the person resides; residence requirement. Person to reside in ward or City district if casting ballot for particular local officers or local public questions.~~

~~No such citizen shall vote except in the ward or City district of which he or she is at the time a resident.~~

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20

..... Clerk

Approved....., 20

..... Mayor

Vol. Page

Attest:

* * * * *

A legal voter may cast a ballot for local officers and local public questions specific to a ward or City district only if that legal voter resides in that ward or City district at the time of casting that ballot.

ARTICLE 8. METHOD OF CONDUCTING ELECTIONS

§19. ~~Where elections held; early voter absentee ballots.~~ Designation of Polling Places.

~~Annual and special elections shall be held in the several wards. Notwithstanding 17 V.S.A. chapter 51, the ballots of early or absentee voters may be returned to the ward clerks of the various wards within the City.~~
At least thirty days prior to a local, primary, or general election, the City Council, in consultation with the City Clerk's Office, ward clerks and inspectors of election, shall determine the number and location of polling places. Polling places shall be located in each ward unless a more accessible facility is available outside the ward which is in as close proximity as possible to the ward in which each voter resides. If more than one polling place is located within the same building, each shall be located so that it is separate and distinct from the others, in accordance with 17 V.S.A. 2501(e).

* Material underlined added

** Material struck out deleted

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

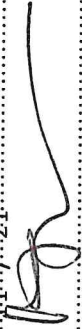
ORIGINAL

RESOLUTION RELATING TO

March 7, 2023 Annual City Meeting Charter
Change Re: Qualifications Of Voters And
Sitting Of Polling Places

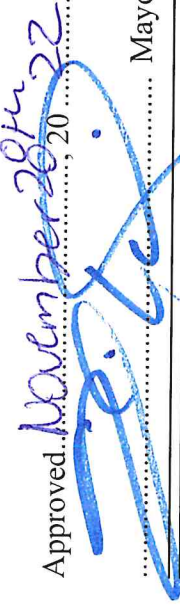
Adopted by the City Council

11/21, 2022



Clerk

Approved November 20, 2022



Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

MARCH 7, 2023 ANNUAL CITY MEETING—
CHARTER CHANGE RE: RANKED CHOICE VOTING FOR
MAYORAL, SCHOOL COMMISSIONER AND WARD
ELECTION OFFICER ELECTIONS

RESOLUTION 9.06

Sponsor(s): Councilor(s) Bergman,
Shannon, Hightower, Magee, Charter
Change Committee

Introduced: 11/21/2022

Referred to: _____

Action: Adopted

Date: 11/21/2022

Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, under our current municipal electoral system, a candidate receiving just 40% of the vote
2 can be elected as mayor, resulting in candidates being elected despite a majority of voters preferring one or
3 more other candidates; and

4 WHEREAS, a ranked choice voting system requires a candidate to receive over 50% support to win;
5 and

6 WHEREAS, a ranked choice voting system encourages participation in the electoral process, because
7 additional candidates can run without fear of “vote-splitting” or “the spoiler effect” in which, by pulling away
8 voters from a top-tier candidate closer to their values, lesser-known candidates end up increasing the chance of
9 victory for a top tier candidate who is even further away from them ideologically; and

10 WHEREAS, a ranked choice voting system discourages negative campaigning and instead encourages
11 candidates to focus on their positive vision for voters, because there is an incentive to seek the second or third
12 round votes of another candidate's voters, and attacking that candidate would undermine that effort; and

13 WHEREAS, a ranked choice voting system eliminates the need for separate runoff elections, which are
14 costly to the taxpayer and typically have lower voter turnout; and

15 WHEREAS, Robert’s Rules of Order, which the Burlington City Council uses for City Council
16 meetings, recommends ranked choice voting as superior to our current “plurality” voting system; and

17 WHEREAS, ranked choice voting is being adopted in a growing number of jurisdictions, and is
18 currently in use in two U.S. States and fifty-three U.S. cities and counties; and

19 WHEREAS, in March of 2021, over 64% of Burlington voters voted to amend the City’s charter to
20 adopt ranked choice voting for the election of City Councilors; and

21 WHEREAS the legislature and Governor approved the aforementioned charter change, and ranked
22 choice voting will be implemented in City Council races beginning with a special election on December 6,
23 2022; and

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20

..... Clerk

Approved....., 20

..... Mayor

Vol. Page

* * * * *

WHEREAS Burlington voters have not had the opportunity to vote on the adoption of ranked choice voting for Mayoral elections in over 12 years; and

WHEREAS, the Charter Change Committee held meetings on October 3rd, October 19th, and November 3, 2022, received public comment, considered the referred proposed charter language, and amended this language; and

WHEREAS, on November 3, 2022, the Committee voted to refer the charter change language back to the Council to be placed on the March 7, 2023 ballot;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby places the following question on the ballot of the Annual City Meeting to be held on March 7, 2023 and asks the City Clerk to set public hearings on this question in accordance with 17 V.S.A. § 2645:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to adopt ranked choice voting for the election of the City’s Mayor through the amendment of City Charter § 5 as follows:

§ 5 Election to be by ballot; method of election; runoff elections

~~a) The election of the Mayor and school commissioners shall be by ballot, and the person or persons receiving a plurality of all votes cast for any office aforesaid shall, except as hereinafter provided, be declared elected thereto. However, if no person receives at least 40 percent of all votes cast for any office aforesaid, no one shall be declared elected and a runoff election shall be held. The only candidates in the runoff election shall be the two persons receiving the greater number of votes or, in case of a tie, the persons receiving the greatest number of votes or the persons receiving the second greatest number of votes. The Chief Administrative Officer shall within seven days warn a runoff election to be held not less than 12 days nor more than 20 days after the date of the warning. The warning shall be published in a newspaper of general circulation in the City and posted in a public place. The person or persons receiving a plurality of all the votes cast in a runoff election shall be declared elected.~~

b) All elections of the Mayor, and City Councilors, school commissioners and ward election officers shall be by ballot, using a system of ranked choice voting without a separate runoff election. The Chief Administrative Officer shall implement a ranked choice voting protocol according to these guidelines:

- (1) The ballot shall give voters the option of ranking candidates in order of preference.
- (2) If a candidate receives a majority (over 50 percent) of first preferences, that candidate is elected.
- (3) If no candidate receives a majority of first preferences, an instant runoff tabulation shall be performed by the presiding election officer.
- (4) The City Council may adopt ordinances consistent with this subsection to implement these standards.

*Material underlined added

** Material in brackets and stricken out deleted

TM/JP/JH/Resolutions 2022/Ranked choice voting in mayoral elections
11/17/2022

* * * * *

DISTRIBUTION:

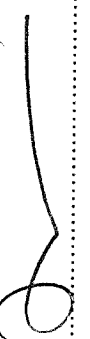
I hereby certify that this resolution
has been sent to the following
department(s) on
Charter Change Committee

ORIGINAL

RESOLUTION RELATING TO

March 7, 2023 Annual City Meeting Charter Change
Re: Ranked Choice Voting For Mayoral, School Commissioner
And Ward Election Officer Elections
.....

Adopted by the City Council

..... 11/21/2022
 Clerk

Approved....., 20

Attest:

..... Mayor
.....

Vol. Page

* * * * *

Sarah Montgomery

From: Sarah Montgomery
Sent: Friday, December 9, 2022 4:21 PM
To: Jake Schumann; amylmalinowski@gmail.com
Subject: Petitions

Good Afternoon,

We found both of the charter change petitions you submitted to have the required number of signatures.

Thank you,

Sarah Montgomery

*Associate City Clerk
Clerk/Treasurer's Office
City of Burlington
(802) 865-7020*

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

Petition Relating to Charter Change re: Police Community Oversight

1 *Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to*
2 *provide for an independent office with the power to investigate and an independent board with the power to*
3 *hear and decide complaints and impose discipline regarding a police officer's actions or inactions through*
4 *the amendment of Article 64 Appointment of Police Officers, Section 189 and Article 65 Removal or*
5 *Suspension, Section 190 as follows:*

6 **189 Members of force to be retained as long as they remain competent.**

7 The members of said regular police force now serving, or who shall hereafter be appointed thereto, shall, after
8 the expiration of the one-year probationary period above provided, and so long as they shall remain
9 competent, efficient and capable in the performance of their respective duties be retained as such, subject to
10 the rules and regulations adopted under Section 184 of this Charter and provided that any member may be
11 removed for cause as hereinafter provided. Any non-probationary member may be disciplined or removed if
12 found to have become incompetent, inefficient or incapable from any cause, is or has been negligent or
13 derelict in their official duty, is guilty of any misconduct in their private or official life, or for any other just
14 cause.

15 **ARTICLE 65. ~~REMOVAL OR SUSPENSION~~INDEPENDENT COMMUNITY CONTROL BOARD**

16 **190 ~~Chief may remove.~~ Composition, jurisdiction, powers, and duties**

17 (a) ~~Whenever it shall appear to the chief that any member of said force has become incompetent, inefficient~~
18 ~~or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of~~
19 ~~any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to~~
20 ~~such effect are made in writing to the chief by a responsible person against such member, the chief may~~
21 ~~investigate and, after appropriate notice and hearing, dismiss such member from the force, order a reduction in~~
22 ~~rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with~~
23 ~~any possible dismissal, demotion, or suspension for more than 14 days, the chief's notice to the member shall~~
24 ~~be given at least 48 hours prior to any hearing and shall include a description of the charges being considered.~~
25 ~~In connection therewith, the chief shall have the power to subpoena witnesses and to administer the oath to~~
26 ~~such witnesses. The board of police commissioners shall hear any appeal filed in a timely manner with respect~~
27 ~~to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be~~
28 ~~as determined by such board of regulation. Following its consideration of any such appeal, the board may~~
29 ~~affirm, modify, or vacate the decision made by the police chief.~~

30 (b) ~~Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable~~
31 ~~from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in~~
32 ~~his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made~~
33 ~~in writing to the mayor by a responsible person, the mayor may suspend the chief from duty pending a hearing~~
34 ~~thereon by the city council. The city council shall forth with notify the chief of the charges preferred by them,~~
35 ~~or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed~~
36 ~~to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and~~
37 ~~charges so made, shall give the chief reasonable notice of the same, not less than 48 hours, and the city council~~
38 ~~shall have the power to subpoena witnesses and to administer the oath to such witnesses.~~

39 ~~(e) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss~~
40 ~~the chief from the force, demote him or her in rank, or suspend him or her without pay for a period not to~~
41 ~~exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with~~
42 ~~section 129 of this Charter as pertains to the removal of the chief.~~

43 ~~(d) The chief may, without notice or hearing for any infraction, violation, or disobedience of any of the rules~~
44 ~~and regulations of the police department that may seem to the chief sufficient, suspend from duty without pay~~
45 ~~any member of the police force for a period not to exceed 14 days.~~

46 **(a) Board Established.**

47
48 A community police department control board consisting of no less than seven (7) members and no more than 9
49 members is established. The board shall be an independent department of the city. A quorum of the board shall
50 be four (4) members, and when a quorum exists a valid majority is the majority of those present and voting.
51 Members shall be entitled to fair compensation for their time spent working on the board through a stipend that
52 shall be no less than that set by the city's livable wage ordinance in effect at the time.

53
54 **(b) Board Members Term, Qualifications and Selection.**

55
56 (1) Term. Board members shall serve a term of three (3) years and shall be eligible to serve for no more than
57 three (3) terms. Notwithstanding this term, members shall serve until their replacement has been qualified and
58 appointed.

59
60 (2) Diversity and Qualifications. This board is intended to serve the public and community interest and, in
61 particular and consistent with its jurisdiction, allow for the real redress of harms to those persons who have been
62 historically harmed by police misconduct and those who have been underserved by public safety systems.

63
64 **(A) Diversity.**

65
66 The board shall have a diverse composition, and to the extent possible, have members that
67 represent a diversity of age, race, socioeconomic status, gender, geographic residence, legal immigration
68 status, and professional and lived experience. This shall, to the extent possible, include members who are Black,
69 Indigenous, or other people of color, members who have lived experience with houselessness, mental
70 health conditions, sex work, domestic violence, substance use disorder and/or arrest or conviction records,
71 members who have experience working with an organization that supports Black, Indigenous, or
72 other People of Color, and members who are affiliated with an organization in the field of civil
73 rights, mental health, youth advocacy, LGBTQ advocacy or alcohol and other substance use. Individual
74 members may represent more than one of the categories listed above.

75
76 **(B) Qualifications.**

77
78 (i) No member shall have ever been employed by a law enforcement agency. All previous employment and
79 relevant relationships shall be disclosed at the earliest practicable time.

80
81 (ii) Members shall be residents of the city of Burlington, regardless of legal immigration status, at the
82 time their board service begins. Members who move outside of the city may remain on the Board for the
81 duration of their term, provided that they still reside in Chittenden County, but may not be reappointed if they
82 reside outside the city at the end of their term.

83

84 (3) Selection. Annually, the City Council with Mayor Presiding will choose a set of seven community-based
85 organizations that have an interest in civil rights, immigrant rights, disability rights/mental health, racial equity
86 and social justice, and that also have an interest in the safety of the city and criminal justice reform. Three (3)
87 organizations, to the extent possible, should be Black-led or majority Black membership. Each organization
88 shall appoint a representative to an appointment committee. The committee shall appoint qualified persons to be
89 members of the board. The Director of the Racial Equity Inclusion & Belonging Office, or their designee, and one
90 City Councilor, appointed by the City Council President, shall also be on the appointment committee. This
91 appointment committee shall be considered a public body that is subject to the Open Meeting Law and the Access
92 to Public Records Act. The City Attorney shall convene the first meeting of the committee and shall act as
93 committee staff. The committee shall make appointments based on a selection process that is open to the public
94 with regard to applications, nominations and selection.

95

96 (4) Initial Board. The initial board shall be selected so that no more than half of the members shall
97 serve a three-year term, and the remainder shall serve a four-year term; thereafter, each member shall serve a
98 three year term.

99

100 (5) Vacancies. Any vacancy during a term shall not be filled unless the membership of the board drops to five
101 members. The process for filling the seat shall be the same as that for the appointment of members.

102

103 **(c) Jurisdiction.**

104

105 (1) Board investigations and adjudication of misconduct. The board has the jurisdiction to discipline or
106 remove a member of the police force, including the chief, as it deems appropriate, including the right to order
107 a reduction in rank or suspension without pay for a specified period, pursuant to section 189, this section, and
108 all applicable rules and regulations related thereto. This jurisdiction includes the right to review and make
109 findings on any incident or complaint against a police officer, including the chief, on complaints of excessive
110 force, abuse of authority, unlawful arrests/stops/searches, other unlawful acts, discourtesy/disrespect, offensive
111 language, theft, discrimination, or untruthfulness by police officers. Any other incident or complaint shall be
112 heard at the discretion of the board. The board shall conduct investigations of alleged police misconduct into
113 those complaints, and in those cases hold hearings and issue final decisions with regard to police officer
114 discipline and removal pursuant to section 189. The procedures outlined in this section shall control in the
115 event of any conflict with section 129 of this Charter as pertains to the removal of the chief.

116

117 (2) Department investigation and adjudication of complaints.

118

119 (A) In those cases that are not taken up by the board, the investigation shall be conducted by the police
120 department. In such cases, the chief shall investigate and, after appropriate notice and hearing, may take
121 disciplinary action, including but not limited to dismissal, reduction in rank, or suspension without pay for a
122 specified time period. In connection with any possible dismissal, demotion, or suspension for more than 14
123 days, the chief's notice to the member shall be given at least 48 hours prior to any hearing and shall include a
124 description of the charges being considered.

125

126 (B) The chief may, without notice or hearing for any infraction, violation, or disobedience of any of the rules
127 and regulations of the police department that may seem to the chief sufficient, suspend from duty without pay
128 any member of the police force for a period not to exceed 14 days.

129

130 (C) Any decision made by the department pursuant to (A) or (B) above shall be submitted to the board for

131 review and approval. If the board disagrees with the department's decision, it shall vacate the decision and refer
132 the complaint to the investigative office for processing in the same manner as complaints heard by the board.
133
134 (3) Administrative suspension. Pending any investigation, the chief, in their discretion, may suspend an officer
135 from duty pending the applicable legal process. The board shall have such authority in the case of the chief,
136 based on the nature of the alleged offense. This suspension may be with or without pay.
137
138 (4) Retention of records. Officer performance records and or investigatory/disciplinary records, being relevant
139 to the adjudication of complaints shall be retained by the department for a period of seventy-five years,
140 notwithstanding any record retention policy to the contrary.
141
142 (5) Hiring. The board shall also have input into the hiring of the police chief and the hiring criteria
143 for police officers.
144
145 **(d) Powers and Duties**
146
147 The board shall have the following powers and duties:
148
149 (1) To establish rules and regulations for its operation, subject to approval by the city council;
150
151 (2) To meet and hold hearings. Disciplinary hearings held by the board at which evidence is taken shall be
152 open to the public, unless otherwise limited by the rule of the board.
153
154 (3) To hire employees or consultants, including legal representation.
155
156 (4) To administer oaths and take the testimony of any person under oath in connection with the jurisdiction of
157 the board.
158
159 (5) To issue subpoenas to compel testimony or access to or production of records, documents and other
160 evidence or possible sources of evidence or the appearance of persons, provided that the subpoena is issued
161 pursuant to an action under the jurisdiction of the board and there is reasonable cause to believe that those
162 materials or the testimony of the person are material to the complaint. Subpoenas issued under this subdivision
163 shall be accompanied with a notice that informs the person that the person has a right to contest the subpoena
164 at a hearing before a quorum of the board, and subpoenas shall be enforced as provided in 3 V.S.A. §§ 809a
165 and 809b.
166
167 (6) To discipline or remove a member of the police force, including the chief, and discipline may include a
168 reduction in rank or suspension without pay for a specified period, pursuant to section 189, this section, and all
169 applicable rules and regulations related thereto. Whenever it shall appear to the board that any member of said
170 force has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict
171 in their official duty, or is guilty of any misconduct in their private or official life, or whenever any well-
172 grounded complaints or charges to such effect are made in writing to the board by a responsible person against
173 such member, the board may investigate and, after appropriate notice and hearing, dismiss such member from
174 the force, order a reduction in rank, or suspend the member without pay for a specified time period that is
175 deemed appropriate by the board. In connection with any possible dismissal, demotion, or suspension for more
176 than 14 days, the board's notice to the member shall be given at least 48 hours prior to any hearing and shall
177 include a description of the charges being considered. The board may, without notice or hearing for any
178 infraction, violation, or disobedience of any of the rules and regulations of the police department that may

179 seem to the board sufficient, suspend from duty without pay any member of the police force for a period not to
180 exceed 14 days. Any and all appeals of a decision by the board, including whether or not just cause exists to
181 warrant discipline and/or the punishment imposed, shall not be subject to grievance and arbitration but shall be
182 made on the record established by the board to the Vermont Superior Court pursuant to Rule 74 of the
183 Vermont Rules of Civil Procedure.

184

185 (7) To issue public reports on its work. The board shall issue quarterly reports that are publicly available in
186 accessible formats on the number of complaints and the nature of the complaints. It shall also provide an
187 annual report to the city council on all of its duties.

188

189 (8) To establish and maintain an investigative office.

190

191 (9) To attend and complete training sufficient to perform its duties.

192

193 **(e) Investigative Office.**

194

195 (1) If records are not provided or witnesses do not appear on request, the investigative office shall have the
196 power to issue subpoenas to compel testimony or access to or production of records, documents and other
197 evidence or possible sources of evidence or the appearance of persons, provided that the subpoena is issued
198 pursuant to an action under the jurisdiction of the board and there is reasonable cause to believe that those
199 materials or the testimony of the person are material to the complaint. Subpoenas issued under this subdivision
200 shall be accompanied with a notice that informs the person that the person has a right to contest the subpoena
201 at a hearing before a quorum of the board, and subpoenas shall be enforced as provided in 3 V.S.A. §§ 809a
202 and 809b.

203

204 (2) The investigative office shall have, on request:

205

206 (A) Access to any and all records of the police department, subject to any legal limitations (e.g., expunged
207 records) or legal confidentiality requirements;

208

209 (B) Full cooperation of the police department, its members, and relevant City staff (i.e., Human Resources,
210 City Attorney, etc.);

211

212 (C) Unfettered access to police command and internal affairs personnel; and

213

214 (D) Access to all policies and data created or maintained by the police department.

215

216 (3) The investigative office shall have the authority to:

217

218 (A) Receive, investigate, and present to the board any complaint against a police officer. Once received, this
219 process should be completed under normal circumstances within thirty days, but because the time required
220 may vary from case to case based on the nature of the allegation(s) and the complexity of the investigation, if
221 additional time is necessary to complete the investigation, the board may authorize an extension of up to sixty
222 days;

223

224 (B) In any case that the investigative office or the board does not investigate, monitor any investigation being
225 conducted by the police department with full access to interviews and any other pertinent materials;

226

227 (C) Be immediately notified so that an investigator may be sent to the scene of a police shooting or in-custody
228 death;
229
230 (D) Be allowed to interview officers less than 48 hours after an incident where deadly force is used;
231
232 (E) Access crime scenes, subpoena witnesses and files; and
233
234 (F) Set penalties for and enforce against non-compliance with the lawful orders issued pursuant to the duties
235 and powers of the office and board
236
237 (G) Employ a director hired by and at the discretion of the board, and hire other staff or consultants as
238 determined by its director and authorized by the city council, including independent legal counsel to advise the
239 board.
240
241 (4) The investigative office shall:
242
243 (A) Have an appropriation adequate to conduct the work of the office;
244
245 (B) Issue public quarterly reports analyzing complaints, demographics of complainants, status and findings of
246 investigations and actions taken as a result, as well as dispositions;
247
248 (C) Establish multiple in-person and online ways to submit, view and discuss complaints,
249 including hearing from the chief or their designee or any other person with pertinent
250 information and receiving recommendations deemed appropriate by that person;
251
252 (D) Provide complaint-related information and records to the public (without personally identifiable
253 complainant information);
254
255 (E) Be housed in a separate location from the police department.
256
257
258 * Material underlined added.
259 **Material ~~stricken out~~ deleted.
260
261