

# CHARTER CHANGE COMMITTEE

Wednesday, November 3, 2022

Via Zoom (Remote)

## DRAFT MINUTES

**Members Present:** Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

**Staff Present:** Kim Sturtevant (Acting City Attorney), Gillian Nanton (Assistant Director, Community & Economic Development Office (CEDO))

**Others in Attendance:** Sam McGinty

Meeting called to order at 5:35 PM.

### 1.0 Agenda

#### 1.01 Motion to amend agenda

*Motion to Amend Agenda to have two (2) public forums before each discussion topic.*

*Motion by Councilor Traverse, Seconded by Councilor Bergman*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

### 2.0 Adopt Minutes from 10/19/2022

*Motion to Amend and Adopt Minutes from 10/19/2022 with one change.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous.*

### 3.0 Public Forum

No comment.

#### 4.01 Discussion of All Legal Resident Voting

Gillian N: Put a number of posts on social media to spread the message of what all legal resident voting is, around 3,000 views in total on Twitter so far. They will also be hosting 2 community meetings after the New Year as well. Additionally, working to translate the education videos and flyers into six different languages to maximize the messaging to more of the public. Outreach will be sent to superintendent and school board members. A communication will be drafted for the business community as well. A carry-size brochure will be made for ease of access to the information and easy to hand out to public.

Councilor Traverse: Thanked Gillian for the update and the tremendous work both she and the CEDO team have put in to the spread the word of all legal resident voting. Councilor Bergman agreed and believes the work is making a real impact.

*On Sarah Montgomery's informational email posted under the discussion item.*

Councilor Bergman: The information in Sarah's email is valuable and should be included in CEDO's outreach process and in the FAQs designed around all legal resident voting.

*On the ALRV resolution posted under the discussion item.*

Councilor Traverse: While noting that this provision did not pass last time the vote was before the public, this time will be different. A lot of work has been done to mitigate the potential issues that could arise, and believes the general appetite for democracy/voting in the public eye has changed to allow for greater participation in the voting process. Councilor Carpenter reiterated the sentiment, Councilor Bergman as well.

*Motion to accept the resolution and send it back to the full Council for vote.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous.*

#### **4.02 Discussion of Ranked Choice Voting**

Sam M: If the RCV provision makes it all the way through the March 2<sup>nd</sup> ballot and becomes law, VPIRG is preparing a very robust program to educate and facilitate RCV's understanding amongst the public: phone calls, mailers, translation of materials, amongst other things. RCV will be used in the December special election so VPIRG has been working with the three candidates so they better understand how RCV will work.

Councilor Carpenter: To reiterate her previous position, does not believe this belongs in the City charter and thinks ordinances are enough to effectuate the change.

Councilor Traverse: Agrees with the Councilor Carpenter, would like to maintain the flexibility to make tweaks through ordinance changes.

Councilor Bergman: Emphasizes the ordinance language is consistent with the intended process as to how Ranked Choice Voting will function in mayoral elections. Believes that this is what voters want and is glad they will be able to effectuate into law should they choose to vote in favor of it again.

Councilor Traverse: Respects Councilor Bergman's position, but believes the language (lines 52-56) should be removed to allow for flexibility to adjust RCV tabulation that may be needed in the future as the voters of Burlington know what's in best interest of our community.

Councilor Carpenter: Agrees that putting too much specificity in the charter can be problematic. Urges caution in putting too much specific language into the charter.

Councilor Bergman: Respectfully disagrees that the language should be struck from the ordinance. Like the last time, the Legislature can strike the language if they so choose if this charter change makes it to their chambers.

*Motion to strike the language in lines 52-56 from the ordinance.*  
*Motion by Councilor Carpenter, Seconded by Councilor Traverse*  
*Yes: Councilor Carpenter, Councilor Traverse*  
*No: Councilor Bergman*  
*Final Resolution: Motion Passes*

Councilor Traverse: Recalled that ‘ward officers’ of the elections were omitted from the ordinance language, but could not remember the reason why. Notes it would be the one local elected position that is omitted from the ordinance.

Councilor Bergman: The committee chose the words ‘ward election officials’ instead of ‘ward clerks’. Councilor Carpenter agreed.

*Motion to strike the word ‘officials’ and insert the words ‘ward officers’.*  
*Motion by Councilor Traverse, Seconded by Councilor Carpenter*  
*Final Resolution: Motion Passes*  
*Yes: Unanimous.*

Councilor Carpenter: Cautioned against sending it back to the full Council for vote so soon in order to see RCV play out in the special election first. While noting her support for it, wants to give ample time for RCV to be used in action.

Councilor Traverse: Agreed with Councilor Carpenter that it may be a bit too soon to send this resolution back to the full Council for vote. Again, while noting his support, would prefer to see RCV in practice first so voters understand what is entailed in this process. Noted that despite the reservations, he would vote yes to move the resolution back before the Council but cautioned that the Mayor has vetoed this once and it may be in their interest to do it again.

Councilor Bergman: Echoes Councilor Traverse’s concerns about veto, but knows that bringing this resolution forward is important for his ward. Would like to see RCV as the method for the next mayoral election in March so is hopeful that the Council will act in its favor and is looking forward to voter feedback after the special election in December.

*Motion to accept the resolution as amended and send it back to the full Council for vote.*  
*Motion by Councilor Carpenter, Seconded by Councilor Bergman*  
*Yes: Councilor Bergman, Councilor Traverse*  
*No: Councilor Traverse*  
*Final Resolution: Motion Passes*

General committee discussion around other potential Charter Change Committee items occurred as most pressing items have now been addressed. Two other items in need of discussion: councilor compensation and non-charter redistricting.

**Scheduling of future meetings:**

January 19<sup>th</sup>, 2023 at 5:30 PM.

## **5.0 Adjournment**

*Motion to Adjourn.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

The meeting was adjourned at 7:01 PM.

DRAFT

# CHARTER CHANGE COMMITTEE

Monday, February 13, 2023

Via Zoom (Remote)

## DRAFT MINUTES

**Members Present:** Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

**Staff Present:** Kim Sturtevant (Acting City Attorney)

**Others in Attendance:** Sharon Bushor

Meeting called to order at 7:00 PM.

### 1.0 Agenda

#### 1.01 Motion to amend agenda

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

### 2.0 Adopt Minutes from 01/19/2023

*Motion to Adopt Minutes from 01/19/2023 without changes.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous.*

### 3.0 Public Forum

Sharon Bushor: I would like to focus on City Council Rule 15, particularly parts D and E. Part D is concerned with the time of the public forum. I appreciate that Council meetings are earlier so that councilors are less tired. That said, I think 6 PM is too early. The public has to juggle work, family, etc. I think that public forum should have a shorter window to begin so that the public can weigh in without sitting around. I think 7-7:30PM would be the best window. I think councilor reflections are sometimes used to comment on public forum speakers. I don't want people to be targeted or labelled as problematic. Thank you.

#### 4.01 City Council Rules

Bergman: I would to start going through the rules, but I think we may need another meeting to completely go through them.

Carpenter: I think if we find a particular rule that's got questions we can talk about it in another meeting.

Bergman: Okay, then let's go to number 1. I think this is pretty straightforward and we are flexible in our scheduling.

Traverse: The term 'body' is not used elsewhere and I think we need to be clear on how many councilors are needed.

Bergman: It seems to me that if there was a resignation between Town Meeting Day and April that that would be different from a councilor being absent when considering what a full council is.

Carpenter: If one person resigns, the full council would be 11 then, I think.

Bergman: But the council is composed of 12 officers.

Traverse: If the president has not designated another councilor and is absent, then what is the process?

Carpenter: If a position is vacated between the election and April, then we would still need to select a president.

Bergman: But the majority changes from 7 to 6 if a councilor has resigned. It seems like it should be the full body of 11 councilors.

Carpenter: That 12<sup>th</sup> seat won't be filled for a few months anyhow.

Traverse: I agree, but I don't like the term body in this instance.

Attorney Sturtevant: I can look into that before the next meeting.

Bergman: Perhaps focusing on sworn councilors would be the best language for this.

Carpenter: What's 'styled' as president mean?

Bergman: You will call them president. It's an older term, but it's in the charter. Rule 2 is about if the president is absent.

Traverse: A temporary president is elected by a majority of those president.

Bergman: Kim if you could share the document that you are editing that would be helpful. Moving to rule 3, the minutes are on the consent agenda. Rule 4 concerns committee assignments, any comments?

Carpenter: How does changing or adding committees work?

Bergman: The committees have been the same for a long time. The newer ones are Public Safety, TEUC, and REIB. The charter gives the Council the authority to create committees. We would need to amend our rules to add or create committees.

Traverse: I have no further comments on rule 4a.

Bergman: I have an issue with the last sentence of the first paragraph. I don't think committees should have to go to Council to receive authority on issues related to the committee.

Carpenter: I don't read it like that. I think that the idea is that any assignment to a committee from the Council must be addressed by the committee before the Council can move on it again.

Bergman: For this next part. I don't like that the full Council can muck into committee business. I think we need to delete this section.

Carpenter: I believe this section is more about informing the Council of what the committee is working on. We should be telling them what we think we will be working on and any updates that we might have. I would more in favor of a verbal update every month or so from each committee on what they are each working on.

Traverse: If I were to suggest an edit, I would think that if the Council requests a report from a committee that the chair could give one verbally or in writing. I don't have strong feelings one way or another.

Bergman: Moving to Rule 4(b). This wants committees to present written reports. No way. We do too much work as is and the minutes should be sufficient.

Carpenter: I agree. This should probably just be verbal rather than written.

Bergman: Our work shows through our resolutions and other products. These are the real products. Let's go back to the previous rule. I believe the committees should be able to assign City employees tasks without having to go to the full council.

Carpenter: I think something that requires significant employee time then we should go to the entire Council for endorsement.

Bergman: This does not define what a significant assignment is. I think we might just disagree on this issue. I don't think individual councilors should be able to assign tasks, but committees are different. This would slow down the process.

Carpenter: I don't think a committee should be able to demand a large enough workload to require additional staffing by themselves. Two councilors should not be able to set priorities of departments by themselves.

Bergman: The clause following this allows the executive branch to run city policy.

Carpenter: But the departments bring their requests to the council anyhow.

Traverse: I don't think individual councilors or committees cannot assign work to departments. The Council has to vote on something and the Mayor has to sign off to assign work. I don't think we should have any limits on what we can request, but we cannot assign work without the full Council.

Carpenter: If a department says a request is a significant amount of work, we should have to go to the full Council to assign projects to departments.

Traverse: If a department deems a request to be overly burdensome, the requesting councilor or committee can bring the item to the full Council to assign it to a department.

Bergman: This is good discussion. I would like to keep to our 8:30 end time.

Attorney Sturtevant: I believe Sharon Bushor raised her hand.

Sharon Bushor: I sent some information to Kim about a time when a councilor resigned and it made a mess. We had some work on how we figured out the issue around electing a Council president and the details are in the email.

Bergman: Looks like February the 27<sup>th</sup> at 7:00PM works best for everyone for a special meeting.

## **5.0 Adjournment**

*Motion to Adjourn.*

*Motion by Councilor Traverse, Seconded by Councilor Carpenter.*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

The meeting was adjourned at 8:39 PM.

## APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL<sup>1</sup>

- 1 Presiding officer.
- 1.A Purpose and organization of city council meetings.
- 2 [Order of succession.]
- 3 [Chief administrative officer of the council; minutes.]
- 4 Committee assignments.
- 5 Place and date of meetings; quorum.
- 6 [Duties of presiding officer.]
- 7 [Member responsibilities.]
- 8 Motions and amendments.
- 9 [Withdrawal of motion; motion to reconsider.]
- 10 Resolutions and reports to be in writing.
- 11 [Yeas and nays.]
- 12 [Absences.]
- 13 Meetings to be public, exception.
- 14 [Introduction of ordinances.]
- 15 Order of business.
- 16 [Agenda.]
- 17 [Business to be conducted in accordance with Robert's Rules of Order.]
- 18 Appointments to be by open ballot.
- 19 Request for legal assistance.
- 20 City councilor expense reimbursement.
- 21 Electronic devices.

### 1 Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected, by a majority of the sworn members of the council body, at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or, upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89; Res. of 12-21-11; Res. of 2-11-19)

**Charter reference**—Authority to elect president of council, § [36](#).

### 1.A Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

### 2 [Order of succession.]

**Commented [KS1]:** 1 V.S.A. 312(c)(1) requires a time for regular meeting to be stated.

In the absence of the president, the chief administrative officer shall, and if the chief administrative officer is not present, any councilor may, call the council to order. A temporary president shall be elected by a majority of those councilors present and voting.

(Res. of 12-21-11; Res. of 2-11-19)

### 3 [Chief administrative officer of the council; minutes.]

The chief administrative officer or designee shall be clerk of the city council and shall keep full and accurate minutes of the proceedings of the council. ~~A copy of such minutes shall be furnished to each councilor. The minutes shall be presented to the council for approval at the next meeting after such minutes have been distributed.~~ The minutes of each meeting shall be made available in accordance with Vermont Open Meeting Law and will be placed on the city council agenda for approval.

(Res. of 12-21-11; Res. of 2-11-19)

### 4 Committee assignments and rules.

(a) No later than the second meeting following the election of the president, the president shall appoint standing committees on racial equity, inclusion, and belonging, licenses, ordinances, human resources, charter changes, community development and neighborhood revitalization, public safety, transportation, energy and utilities, parks, art and culture, and tax abatements. The Council President shall serve as an ex-officio member of all committees and may serve as a voting member of a committee in the absence of an appointed committee member or as a result of in a vacancy on the Council. The president shall appoint all ad hoc committees unless the council votes by a majority of those present to shall designate the members. The president shall appoint the chair of a committee unless the motion or resolution authorizing its appointment shall designate the chair. All committees shall consist of at least three (3) persons unless otherwise ordered by vote of the council. Any matter which has been assigned to the jurisdiction of a standing or ad hoc committee of the council shall not be taken up by the council until a report and recommendation is made by the committee unless either of the following procedures occur:

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(1) By a two-thirds (2/3) vote of the council determines to take up a matter notwithstanding its continuing pendency in a committee;

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(2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week after subsequent to such vote ~~notwithstanding the matter's continuing pendency in a committee~~; or

~~(3)~~ Notwithstanding either of the above provisions, a matter may be taken up by the full council upon passage of the later of three (3) regular city council meetings after its referral to a council committee or the date when the council requested referral back to the council.

Such standing committees shall annually prepare a written mission statement to be submitted at the annual meeting of the city council and give timely updates as needed to the council. Following the council's organization day, each committee shall hold an organizational meeting to discuss how the committee will function and what work is to be done over the next year; if appropriate, the committee will present its plan in writing to the council for approval. It is the responsibility of the committee chair to verbally report out what they determines it appropriate on a regular basis. Additionally, the committee will send their approved minutes to the full City Council to be placed on the consent

agenda as a communication committee will prepare an end-of-year report in March to inform the next year's committee of the issues and work that were addressed during the year and those that remain outstanding. The city council shall designate which department or office of the city is to provide staffing for such standing or ad hoc committees, unless otherwise specified by Burlington City Charter. Committee staffing shall be by a policy level staff member who is able to participate in the committee's discussions and actively represent proposals. However, the staff shall not attempt to control debate or discussions at committee meetings, but instead assist the committee's work. If any city department believes a request is unduly burdensome then the department shall inform the individual councilor or committee. Individual councilors and committees shall not assign or request that request significant assignments be carried out by city departments without first receiving endorsement from the entire city council; however, city departments may bring items to the committee for consideration without endorsement. All standing and ad hoc committees shall provide a copy of minutes of their meetings to the city council in a timely manner.

~~(b) Committee chairs shall prepare a brief report or supply the minutes of their committee's meetings to the entire city council after each meeting. These reports will be submitted to the Clerk/Treasurer's Office and posted to the City Council agenda under item number 15 Order of Business (h) Reports from committees. The report shall briefly detail what happened at the meeting so councilors are kept apprised of what committees are working on and resolutions, ordinances, or communications that may come to the city council for consideration.~~

(eb) Ad hoc committees may also be established by the president or by a motion approved by the city council. Ad hoc committees may be established for a particular purpose and shall exist for a specified duration, which duration may be extended by the city council. At least once every three (3) months while an ad hoc committee is in effect, it will report to the city council with respect to its activities. Ad hoc committees shall present a written report to the city council which shall include the committee's recommendations upon completion of the committee's work.

(dc) Absences. If an ad hoc or standing committee member misses 3 or more meetings within a council year, the Council President may rescind the appointment and appoint another person councilor to fill the vacancy.

(Res. of 7-25-88; Res. of 5-8-95; Res. of 4-13-98; Res. of 4-22-02; Res. of 12-21-11; Res. of 2-11-19; Res. of 5-9-22)

## 5 Place and date of meetings; quorum.

(a) The meetings of the council shall be held in Contois Auditorium or in any other location designated by the council. ~~City Council~~~~The regular and adjourned~~ meetings shall be held on Mondays on dates identified on a schedule proposed by the president and approved by the council, unless the council shall fix another date, ~~for the regular meeting of that month.~~ A majority of the whole council shall constitute a quorum, but a smaller number may adjourn and may compel the attendance of absent members. Special meetings of the city council may be called at any time by the mayor and shall be called by the chief administrative officer on petition signed by a majority of the city council and filed with the chief administrative officer.

(b) The president in consultation with the chief administrative officer or designee shall prepare an agenda for each city council meeting. The agenda shall include preliminary time allotments for each agenda item and all business to be conducted in open session shall be completed by 10:30 p.m. A period of time shall be reserved for items which may be moved from the consent agenda to the deliberative agenda. Each councilor may speak for up to five (5) minutes, and the president may adjust the length of time based on the time allotted for the agenda item. The president should keep

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the time for each item as set in the agenda and encourage conclusion of the debate and resolution of the item in a timely manner. When the allotted time for an agenda item has been consumed, the president may immediately call for a vote upon a disposing motion unless the council votes to extend the time for consideration of such item. With respect to the agenda items relating to general city affairs, the mayor shall be allocated up to ten (10) minutes, the city council up to fifteen (15) minutes, the public forum up to sixty (60) minutes ~~unless otherwise extended by the president~~ and up to five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. Priority in public forum should be given to those wishing to speak about an item on the agenda. Priority will be given to Burlington residents who may speak before non-Burlington residents. Secondary priority may also be given to Burlington property owners and organizations. The president will announce at the beginning of public forum how long each speaker shall have, based in part on the number of speakers.

(c) Whenever meetings of the city council and the local control commission are scheduled for the same evening, the local control commission will convene at a time designated by the president. ~~At 7:30 p.m., if the business of the local control commission is not completed, the balance of the local control commission meeting shall then be suspended until the completion of the public forum, after which the local control commission meeting shall be completed. The city council meeting will then be reconvened and take up the business of the agenda.~~

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(Res. of 12-16-91; Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

**Charter reference**—Meetings of board, §§ [38](#), [39](#); quorum, § [40](#).

## 6 [Duties of presiding officer.]

The president or presiding officer shall preserve order and decorum and shall decide all parliamentary questions subject to appeal. The president shall put no questions to vote except upon motion of some member duly seconded. If any member questions the accuracy of the vote as declared by the president, the president shall request a show of hands or a roll call vote. The president may call any member to the chair for a period not to exceed a single session, and when out of the chair may participate in debate. The primary role of the president shall be to run the city council meetings and not to be a participant in the council's debate. As presiding officer, it is inappropriate to offer an opinion on an item under debate without passing the gavel, but the president may pass the gavel to participate in debate infrequently. Occasional comments by the president for the purpose of clarification and direction of the meeting are permissible. The president shall make sure that all commentary remains on the topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative discussion and to insist that all questions from the city councilors and the public be directed through the president. The president shall enforce parliamentary procedure and all time limits if so specified on the agenda. The president is responsible for compliance with the rules of the council. Any councilor not in compliance shall be notified by the president. Continued noncompliance will be brought to the attention of the full council.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19)

## 7 [Member responsibilities.]

Members are expected to be familiar with Robert's Rules.

No member shall make a motion or speak on any question until the member has addressed and has been recognized by the president. The member shall confine discussion to the question before the

council and shall refrain from impugning the character or motivations of any other member of the council, city staff, or any presenter, as the subject of debate is the action before the council, not that individual. No city councilor shall speak longer than five (5) minutes in a single round to the same motion. Members should refrain from profanity when speaking at a meeting; the president will inform a speaker who uses profanity that the speaker's time has ended and move on to the next speaker.

Each member present at a meeting shall cast a vote on each and every motion other than an appointment, unless a conflict of interest is present pursuant to Section 133 of the City Charter. Except for appointments, all motions should present a yes/no question so that councilors may vote either "yes" or "no" on the question or each councilor may be called on to vote in support of candidates by name until a majority of councilors present is declared.

For appointments made by the Council and by Council with Mayor presiding, nominations shall be accepted and then each nominated candidate voted on individually. When one (1) candidate for an office receives the vote of a majority of the council present at the meeting, that candidate is declared the winner. If no candidate receives a majority, the nominations fail, and the position is readvertised. Members need not vote for any candidate but may cast only one (1) affirmative vote per round.

Councilors are encouraged to stay at their seat during public forum except in emergencies. City staff and other presenters shall be treated with courtesy and respect by the council; when possible, councilors shall submit questions to staff and presenters in advance of the meeting. Councilors shall abide by these rules and respect rulings by the president, subject to the rights of appeal. Any member may request that the president enforce, or the president may on the president's own initiative enforce, the decorum of the meeting or the rules of this body.

(Ord. of 9-23-91; Res. of 12-21-11; Res. of 2-11-19)

## 8 Motions and amendments.

When a question is before the council no motion shall be entertained except as prescribed in Robert's Rules of Order. Generally, a motion addressing council procedures or internal operations, such as a motion to postpone or recess, should be made separately from any motion on the substance of a question, and such a procedural or operational motion should not be considered subject to the mayor's City Charter Article 18 veto authority. A motion to adjourn shall always be in order. Motions to adjourn, to lay on the table and to call the question shall be decided without debate. All amendments proposed must be germane to the subject under consideration. No proposal to amend shall be considered beyond an amendment to an amendment. No motion once seconded may be amended without debate unless the maker of the motion and seconder consent.

Amendments to resolutions should be sent to the Council Clerk to be posted on the City Council agenda in advance of the meeting. Every effort should be made to communicate amendments in advance, out of respect for colleagues and the public and in keeping with Rule 1.A. This does not preclude the possibility of amending on the floor, when necessary.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 3-27-17(1); Res. of 2-11-19)

## 9 [Withdrawal of motion; motion to reconsider.]

The mover of a motion may withdraw the same at any time prior to a decision or an amendment if the member seconding the motion also gives consent. Once a motion is made and seconded, however, amendments to that motion must be made as a motion to amend, and a vote must be held before the motion is amended; "friendly" amendments cannot avoid that process except for technical

corrections, at the president's discretion. A motion for the reconsideration of any measure must be made by a member who voted with the prevailing side, and a majority of the full membership of the council shall be necessary to secure reconsideration. A motion to reconsider may only be made at the same or the next succeeding meeting as the original motion and, if the vote on the original motion affirmatively approved some action, only if no action to carry out the original motion has yet been taken.

(Res. of 12-21-11; Res. of 3-27-17(2); Res. of 2-11-19)

## 10 Resolutions and reports to be in writing.

All resolutions and all final reports of committees shall be presented in writing. All resolutions must be sponsored by a city councilor(s). If the resolution pertains to a matter that has been previously considered and acted upon by a committee of the council or by another city board or commission, its text shall include a recital of the date of such action and the margin of approval if such action was taken by a less than unanimous vote.

(Res. of 12-21-11; Res. of 2-11-19)

## 11 [Yeas and nays.]

The yeas and nays (roll call) shall be taken on any question or motion relating to the passage of an ordinance or resolution which appears on the deliberative agenda and which is not adopted by a unanimous voice vote except that the president may choose to request a show of hands and identify for the record the councilors who voted in the minority. The yeas and nays shall also be taken on any question or motion upon the request of a member. Whenever the question before the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk shall call the roll of members and no member present shall be excused from voting except by unanimous consent, or unless the member disqualifies himself/herself thereon. So long as a quorum exists, a valid majority for taking city council action shall be a concurrence of a majority of those present and voting except as otherwise provided in these rules, the code of ordinances or the City Charter.

(Res. of 5-22-95; Ord. of 10-25-10(2); Res. of 12-21-11; Res. of 2-11-19)

## 12 [City councilor aAbsences.]

Because the council cannot carry on its business without a quorum, and citizens rely on their representatives to be present to act on their behalf, no member shall be absent without leave from any meeting unless the member is ill or otherwise necessarily detained, in which event the member shall notify the clerk or president of the member's inability to be present. A member who will be late or absent from a meeting is expected to notify the president as soon as possible. If a member desires to leave before the close of a session the member shall ask permission of the president. A member may participate in a meeting by electronic means ~~telephone~~, but must do so consistent with the requirements of Vermont law. The expectation is that members are expected to participate in person with only rare exemptions. Attendance records will be published annually and posted on a consent agenda.

(Res. Of 12-21-11; Res. Of 2-11-19)

**Charter reference**—Attendance may be compelled, § [40](#).

### **13 Meetings to be public, exception.**

All meetings of the council shall be public except that executive sessions may be held upon approval by two-thirds (2/3) majority of those present and voting. While in executive session, a councilor may ask for a vote to determine whether a two-thirds (2/3) majority of the council supports staying in executive session, and if a two-thirds (2/3) majority of the council does not support staying in executive session, the council will go out of executive session. Members of the city council and all persons invited to attend an executive session of the city council shall not discuss in any fashion the discussions occurring in executive session with any person who is not a member of such council and who was not present in the executive session except as such discussion may be compelled by proper legal process. The foregoing sentence shall not be applicable to any subsequent consideration of such discussions in a public session of the council. Any member of the city council who violates the foregoing standards shall be subject to censure by the city council if it is established that such violation has placed the city at a substantial disadvantage in its official business dealings. The burden of proof in such situations shall be borne by the member who makes the contention that another member should be censured. Any other city official who violates the foregoing standards shall be considered to be guilty of negligence or bad conduct, as the case may be, and subject to official reprimand. If such violation places the city at a substantial disadvantage in its official business dealings, or if the violating official has previously been reprimanded for improperly discussing executive session proceedings, such official shall be subject to disciplinary proceedings pursuant to Section [129](#) of the City Charter.

(Res. Of 12-21-11; Res. Of 2-11-19)

### **14 [Introduction of ordinances.]**

On introduction to the council, a proposed ordinance or amendment to an existing ordinance shall identify the city department or city councilor sponsoring the proposal. A proposed ordinance shall be read in full at two (2) separate meetings before being adopted. It shall be read the first time upon its presentation and may then be discussed. Upon proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be referred to the ordinance committee. Alternatively, upon a motion to suspend the rules a proposed ordinance may be adopted if approved by two-thirds (2/3) vote of those present and voting. If referred to the ordinance committee, such committee shall consider the proposal, consult with the city attorney and any department concerned, and report to the council no later than sixty (60) days following referral of the proposed ordinance to it. If the proposal remains in the committee beyond a sixty (60) day period, the committee shall report to the city council at least once every thirty (30) days on the status of its continuing review. The city council may adopt the proposed ordinance at any time following its second reading.

(Res. Of 10-29-73; Res. Of 11-13-95; Res. Of 12-21-11; Res. Of 2-11-19)

### **15 Order of business.**

At each regular meeting of the council (except as otherwise provided in the agenda prepared by the president) the order of business shall be as follows:

(a) Work sessions and/or executive sessions and/or non-deliberative updates and communications should start no earlier than 5:00pm or 6:00 p.m. or earlier, as the president decides.

(b) Presentation of awards and memorials.

(c) Climate emergency updates, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).

(d) Public forum (~~7:30 p.m. time certain~~). (starting no earlier than 6pm and no later than 7:30pm for no longer than 60 minutes. The president will encourage those who do not have an opportunity to speak to submit comments in writing which will be posted on the next council agenda.

(e). Councilor reflections on public forum (these comments must be in response to comments heard at public forum and for no longer than one minute per Councilor.)

(e) Action on consent agenda.

(f) Appointments (adjourn to city council with mayor presiding if required).

(g) Resolutions and ordinances dealing with the business of the city (unfinished business first).

(h) Reports from committees.

(i) Councilor and mayor general city affairs.

(Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19; Res. of 4-27-20)

## 16 [Agenda.]

(a) An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular meeting of the city council.

(b) All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than 4:00 p.m. of the third business day (normally Wednesday) preceding regular meetings.

(c) All requests for resolutions, ordinances, motions, and any materials to be prepared or reviewed by the city attorney must be in the city attorney's hands by 12:00 p.m. on the fourth business day (normally Tuesday) preceding a regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions, ordinances, motions, or other materials to be submitted no later than 12:00 p.m. of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one (1) packet for each councilor and shall post those materials at the close of the second business day (normally Thursday) preceding a regular meeting.

It is expected that councilors will submit all materials on time, and the council president may refuse to accept any materials outside of these time frames without extenuating circumstances.

(d) (1) The agenda prepared by the president with input from the chief administrative officer or designee shall be divided into two (2) parts; namely, a consent agenda and a deliberative agenda. The consent agenda is made up of items which are deemed not controversial or are for information only. The consent agenda shall also suggest the proposed action with respect to such items. The deliberative agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by the council. It is not appropriate to move an item from the consent to the deliberative agenda to provide general information. Councilors may use the councilor comment period to disseminate that information. All supporting documents for resolutions and other city policies are available to the public on BoardDocs [or other board management software](#).

(2) Any councilor may request that a particular item be removed from the consent agenda and placed upon the deliberative agenda.

(3) A single motion shall be sufficient to act upon the items listed in the consent agenda in the manner suggested by the chief administrative officer. The items on the deliberative agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(e) No matters of business other than those included in the agenda and provided to councilors in the packets or electronically provided by the city clerk's office shall be introduced and considered at any regular or adjourned regular meeting of the city council without a two-thirds (2/3) affirmative vote of the councilors present and voting.

(f) All meetings of the city council shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except as otherwise provided. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The president and chief administrative officer shall preview each agenda and endeavor to make sure that all time-sensitive items are placed as close as possible to the beginning of the meeting. Prior to adjournment at 10:30 p.m., the president shall call for a vote upon a disposing motion on the pending item unless a motion is made to suspend the rules to allow continuation of the meeting to complete all or a part of the agenda. If such a motion is made the president shall inquire about timely matters and the motion to suspend the rules to allow continuation of the meeting may include consideration of such matters warranting action. If such a motion fails to receive approval of two-thirds (2/3) of the councilors present and voting, even if after 10:30 p.m., the president may entertain alternative motions to suspend the rules to allow continuation of the meeting.

(Amended 2-7-72; 2-17-76; Res. of 6-12-89; Res. of 2-25-91; Res. of 6-24-96; Res. of 2-18-97; Res. of 12-21-11; Res. of 2-11-19)

## **17 [Business to be conducted in accordance with Robert's Rules of Order.]**

The business of the council shall be conducted in accordance with the recognized parliamentary rules as set forth in the current issue of Robert's Rules of Order, except as otherwise provided in these rules. No rules of this council shall be suspended except by a two-thirds (2/3) vote of those present. No rule shall be amended or repealed unless notice of such proposal has been given at the last regular meeting preceding, and such change must be adopted by a majority of the entire membership of the council. These rules shall be applicable to the city council with mayor presiding, the board of civil authority, the board of abatement of taxes and the local control commission.

(Res. of 4-27-92; Res. of 12-21-11; Res. of 2-11-19)

## **18 Appointments to be by open ballot.**

When dealing with commission and council appointments, under the City Charter or otherwise, members of the city council or city council with mayor presiding shall not use secret ballot unless two-thirds (2/3) of those present vote to use secret ballots. A commission or council appointment, under the City Charter or otherwise, must be approved by a majority of the city council or the city council with mayor presiding.

(Ord. of 5-23-83; Res. of 12-16-91; Res. of 12-21-11; Res. of 2-11-19)

## **19 Request for legal assistance.**

All requests for legal assistance, information and advice received by the office of the city attorney from either the mayor or a member of the city council, and all information received by the office of the city attorney in connection with research and drafting such a request, including any preliminary drafts not yet introduced to any committee of the city council, the council, or released to the public, shall be confidential, unless the person requesting or giving the information designates in the request that it is not confidential.

(Res. of 8-15-88; Res. of 12-21-11; Res. of 2-11-19)

## **20 City councilor expense reimbursement.**

The city council shall annually, as part of the budget and upon recommendation of the mayor, set an expense account for each city councilor. The expense account is for expenses including reimbursement necessary for the performance of city council business. Councilors may combine, or pool, expenses with other councilors. Funds not spent by a city councilor at the end of the councilor's term shall not be available to the succeeding councilor. A succeeding councilor who takes office during a fiscal year shall be provided with an expense account equivalent to a pro-rata share (based on the number of months remaining in the fiscal year) of the annual expense account allocated to each councilor for that fiscal year.

(Res. of 4-13-98; Res. of 12-21-11; Res. of 2-11-19; Res of 6-24-19)

## **21 Electronic devices.**

All electronic devices used by councilors, the public and others present shall be silenced (i.e., turned off or put on "vibrate") during council meetings.

(Res. of 12-21-11; Res. of 2-11-19)

**Editor's note**—Appendix B contains the rules of the city council as adopted by it and as amended from time to time. Amendments are indicated by parenthetical history notes following the amended sections; absence of such notes indicates that the section is as originally enacted. Catchlines have been added in brackets to facilitate usage and indexing. Other bracketed material in the text has been added for clarity and consistency.

It should be noted that Acts of 1989, No. M-20 effectively changed "board of aldermen," and other like references, to "city council," etc., throughout the Charter. The editor has changed references to "board of aldermen," etc., to "city council," etc., in Appendix B in order to reflect the enactment of Acts of 1989, No. M-20.

**Charter reference**—City council with mayor presiding and city council, § [36](#) et seq.

**Cross reference**—Administration, Ch. [2](#); personnel, Ch. [24](#).

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