

# CHARTER CHANGE COMMITTEE

Monday, February 27, 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 7:02 PM.

## 1.0 Agenda

### 1.01 Motion to amend agenda

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

## 2.0 Adopt Minutes from 11/03/2022 and 02/13/2023

### 2.01 Adopt Draft Minutes from 11/03/2022

*Motion to Adopt Minutes from 11/03/2022 without changes.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous.*

### 2.02 Adopt Draft Minutes from 2/13/2023

*Motion to Adopt Minutes from 02/13/2023 without changes.*

*Motion by Councilor Carpenter, Seconded by Councilor Traverse*

*Final Resolution: Motion Passes*

*Yes: Unanimous.*

## 3.0 Public Forum

Sharon Bushor: I have a few comments on Councilor Rules. Starting with Rule 15, Order of Business, (d) and (e). Part (d) has to do with when the public forum occurs and it was proposed to change from a start time of 7:30PM to a general time span of 6:00-7:30. I have changed my mind since I spoke with the Council. Older people may take public transit or younger people that have young children. The proposed rules are for an hour of public forum. I think having public comment for two or more hours is excessive. I think a max flexibility of 30 minutes or so would be best. Later meetings are less convenient for the general public. I want to encourage participation.

The second item you're proposing is councilor reflections. The City has seen public forum as a chance for members of the public to speak and not a dialogue. Councilors could end up target individuals that don't have the chance to rebut or clarify. This doesn't seem helpful. Councilors could comment at the end on how the Council or City can assist commenters. Thank you.

#### 4.01 City Council Rules

Bergman: We left off on Rule 4b.

Carpenter: Can you remind me of who worked on this draft set of rules?

Bergman: Councilors Paul, Shannon, Barlow, and Hightower.

Carpenter: So four of us have already looked at these rules. This is a second pass on these rules.

Bergman: The proposed rules were not adopted unanimously, so I feel fine adding our own changes. We are on Rule 4b. There were not changes except for the numbering for this rule. Anyone have any comments on 4b?

Attorney Sturtevant: Before we move on, is everyone comfortable with the rule changes I made after our last meeting per the committee's instructions?

Bergman: I think we should clarify if undue burden is the same as significant when talking about committees giving City departments tasks.

Traverse: I think if a City department thinks a task is burdensome they should let us know. I think committees should be able to ask departments to do things, but the Council can actually assign it.

Carpenter: I thought we agreed that requests are fine, but assignments are only from the Council.

Bergman: Perhaps the however clause should be its own sentence. A task could be 'significant and unduly burdensome.' There could be requests that are significant but not necessarily be burdensome.

Traverse: I agree. We should drop the semi-colon, make a new full sentence. Before all this is completed we should go back and make sure we are in agreement on what exactly 'full Council' means.

Bergman: I think it should be a majority of those councilors present, just like any other vote. I think we should delete the word entire in this rule. Is there anything in the new (b) that needs to be changed? Looks fine to me. Moving on to absences. Is missing three council meetings in a year the magic number?

Carpenter: I'm fine with that, and it also says 'may' so the President does not have to rescind an appointment.

Traverse: The President appoints the committees as they choose. Does this rule indicate that the President does not have the authority otherwise? I think this should be moved down to Councilor responsibilities. There are plenty of reasons the President may want to move a Councilor off a committee.

Bergman: I am not sure if we should be vesting the President with the power to remove Councilors off committees at will. I am concerned about an abuse of power. I think President Paul is doing a good job, but not everyone is as considerate. I remember way back that there were Councils that were problematic. There are plenty of reasons a person may want to be removed, but we have to be careful.

Carpenter: I think if someone misses three out of nine meetings or so, it is not fair to the committee to not have regular attendance. How do we rectify that?

Bergman: Let's highlight this and come back to it when we get to Councilor responsibilities. Moving to Rule 5. I oppose limiting the public forum to 60 minutes and I believe it is a violation of the Open Meetings Law.

Carpenter: The legislature is like this. All are time limited and those that didn't get to speak can submit in writing. Perhaps we could have public forums nights. We need a new or different way to allow people to speak and get to our work. We could have more meetings, I suppose. Something I like in the legislature is that you aren't allowed to comment the same thing 8 times in a row.

Bergman: Limiting the public forum to 60 minutes is not the way.

Carpenter: I would like to see more public forums on specific questions or specific items. A guided public hearing differs from a public comment that is all over the place.

Bergman: Open Meeting Law allows us to limit topics to items that are being covered that night. We could even limit people to 1 minute each, but I still don't want a 60 minute cap.

Carpenter: At some point there has to be an end point. Hours and hours of public comment is not reasonable. The legislature has a sign up list and they know if the same person is coming back again and again so others can speak.

Traverse: I think it's appropriate to cap length. The model rules put out by the VLCT says a cap on public forum is appropriate, but they do not provide a length. I think we could extend the length by a vote, but I think we should have a cap.

Sharon Bushor: I concur with Councilor Traverse. Our rules previously were not always written down, but it usually would have been an hour and could then be extended. When the council worked on gun control, we had very length public forums. It would be undemocratic if the council did not listen to the general public, but there have to be limits.

The Secretary of State said that two minutes was appropriate, but less than that wasn't ideal.

Bergman: I see a compromise here. I am opposed to there being a time limit, however. I will move to strike the 'up to 60 minutes' portion of this rule. I see no second, it fails. I would entertain any other motion.

Traverse: Are we amending the amendment or the rules themselves? I move to remove the strikethrough about the president, and add after that that the council can also extend the time.

Carpenter: I will second that. It all depends how many people that want to speak.

Traverse: The president could extend for just a few people, but a full council would have a path to overrule the president.

Bergman: I still do not think 60 minutes is long enough. This appears to be undemocratic to me. All in favor of the amendment as proposed? I see two ayes, Traverse and Carpenter. I oppose. The ayes have it. Moving on.

Carpenter: We could have the first 60 minutes for comments related to the night's agenda and then have unrelated comments after that.

Traverse: I believe the intent of the prioritization of Burlington residents is not quite clear. Do we want to update that? It's imperfect, but let's just move on. I see on subsection (c) there is a note from Karen Paul.

Bergman: I think leaving the deletion as it stands accomplishes that. Everyone is good with the deletion? I see unanimous consent. I don't see any charges to the duty of the presiding officer and I don't think there is any need for changes. Any one else? No, okay. I think this could be a good place to put in the attendance requirement so that committees are functional.

Traverse: I think this is a good place to add attendance language. We might want to take a look at what other municipalities are doing for their legislative bodies. We should also update our conflict of interest rule to include more circumstances.

Carpenter: I think we should an intro paragraph to lay out the basic requirements of councilors and then following that something more specific about committee attendance, etc. I do think presidents should have the power to remove someone from a committee since it can muck things up.

Bergman: Should missing three meetings be characterized as absenteeism? Assuming committee chairs are properly scheduling meetings. This seems prone to abuse.

Carpenter: There has to be an arbiter to solve these issues.

Bergman: Some committees meet a lot, like this committee. If the chair schedules meetings when someone is not available, that is also an issue.

Carpenter: Another issue could also be the chair not calling meetings.

Bergman: I think the other councilors should reach out to the president to solve an issue like that.

Carpenter: I just think that missing three meetings should not be a hard and fast rule, but relative to the number of meetings and other factors.

Bergman: I think I would fine with changing it to missing three meetings within three months would require action. After that point the chair of the committee will need to bring it to the president.

Carpenter: And we should include that the chair should accommodate councilors' schedules and give proper notice.

Bergman: Kim, could you craft something regarding this? We are looking to ensure that committees function and that the president will help with that.

Attorney Sturtevant: Yes, I can do that.

Sharon Bushor: There have been times when committee members have asked to be excused for one reason or another. I don't think councilors should be removed if someone is up front about not being able to make it to meetings.

Bergman: Yes, let's include that. Moving to rule 8. The last sentence is the loophole for this rule. I don't have a problem with rule 8, anyone else?

Carpenter: Many of these rules are reminders for councilors rather than being hard and fast.

Traverse: I move to strike the words 'when necessary.' Fine with everything else.

Bergman: I believe we have unanimous consent to strike that. Rule 9 has not been changed. I don't see any interest in amending rule 9. Moving to rules 10 and 11, which also have no changes.

Traverse: I think we should perhaps amend our voice vote system. Maybe not in this section.

Carpenter: If someone is on Zoom or via phone, then all our votes have to be roll call.

Bergman: Moving to rule 12. Minor changes to a few things, but mostly the same.

Traverse: This is where our rule on councilor absences could be.

Bergman: We may want to clarify here that committees are fine to be remote, and that only council meetings are prioritizing in-person. How about rules 13 and 14? No issues with these myself. Rule 15?

Carpenter: I think the flexibility here is important. I don't have any issues with this rule.

Traverse: I think 6 PM is too early and would prefer 6:30.

Bergman: We could move up a lot of materials to before public comment such committee reports.

Traverse: I think there should be a time certain for public forum. The time certain should be between 6:30-7:30.

Carpenter: Most people speak through Zoom and sign up beforehand and could adjust themselves.

Bergman: I move to make the time 6:45 PM.

Traverse: I move to create a time certain between 6:30-7:30PM.

Bergman: Councilor carpenter seconds. I cannot support, but it is an improvement. Motion passes with Councilors

Traverse and Carpenter. Moving on to striking out the portion on councilor reflections. We have unanimous consent.

Moving to section (d). Anyone have any changes?

Carpenter: Do we do secret ballot votes? I can't think of anything.

Bergman: I don't believe we do anything these days by secret ballot. Any other items to take up on these rules? I see nothing else. I will close this agenda item.

## **5.0 Other Committee Business**

Bergman: Does March 23<sup>rd</sup> at 7:00 PM work for everyone? Let us plan for then.

## **6.0 Adjournment**

*Motion to Adjourn.*

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

*Final Resolution: Motion Passes*

*Yes: Unanimous*

The meeting was adjourned at 8:57 PM.