

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 targeting individuals that don't have the chance to rebut or clarify. This doesn't seem helpful. Councilors could comment at the end on how the Council or City can assist commenters. Thank you.

4.01 City Council Rules

Bergman: We left off on Rule 4b.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sharon Bushor: I concur with Councilor Traverse. Our rules previously were not always written down, but it usually would have been an hour and could then be extended. When the council worked on gun control, we had very length public forums. It would be undemocratic if the council did not listen to the general public, but there have to be limits. The Secretary of State said that two minutes was appropriate, but less than that wasn't ideal.

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

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

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

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

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

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

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

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

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

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

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

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

Attorney Sturtevant: Yes, I can do that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bergman: Councilor carpenter seconds. I cannot support, but it is an improvement. Motion passes with Councilors Traverse and Carpenter. Moving on to striking out the portion on councilor reflections. We have unanimous consent. Moving to section (d). Anyone have any changes?

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

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

5.0 Other Committee Business

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

6.0 Adjournment

Motion to Adjourn.

Motion by Councilor Traverse, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:57 PM.

APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL¹

- 1 Presiding officer.
- 1.A. Purpose and organization of city council meetings.
- 2 [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, 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.]

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 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:

- (1) By a two-thirds (2/3) vote of the council determines to take up a matter notwithstanding its continuing pendency in a committee;
- (2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week after subsequent to such vote ~~notwithstanding the matter's continuing pendency in a committee~~; or
- ~~(3)~~ (33) 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. **Individual councilors and committees shall not assign or request that require significant assignments be carried out by city departments without first receiving endorsement from the entire city council;** If any city department believes a request is significant then the department shall inform the individual councilor or committee. ~~hHowever, eCity departments may bring items to the committee for consideration without endorsement by the council.~~ All standing and ad hoc committees shall provide a copy of minutes of their meetings to the city council in a timely manner.

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

(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.

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

(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 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 or the council and up to five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. Priority in public forum should be given to those wishing to speak about an item on the agenda. Among those speaking, Ppriority will be given to Burlington residents first followed by Burlington property owners and organizations and then who may speak before other non-Burlington residents. Secondary priority may also be given to Burlington property owners and organizations. The president will announce at the beginning of public forum how long each speaker shall have, based in part on the number of speakers.

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

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

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

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 a~~Absences.]

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 City Council meetings in person with only rare exemptions. Attendance records will be published annually and posted on a consent agenda.

For committees, to assist in reaching full attendance, the committee chair shall accommodate councilor's schedules with proper notice. If an ad hoc or standing committee member misses three or more meetings within three months without receiving prior approval from the chair for exigent circumstances, the Council President may rescind the appointment and appoint another councilor to fill the vacancy. Additionally, committees may meet electronically without the need for rare exemptions.

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

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

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)~~. (for a time certain starting no earlier than 6:30 pm and no later than 7:30 pm for no longer than 60 minutes unless extended by the president or the council. The president will encourage those who do not have an opportunity to speak to submit comments in writing which will be posted on the next council agenda.
- ~~(e) 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)

1

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

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

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

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