

CITY COUNCIL ACCOUNTABILITY LIST

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

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

9-Mar-23

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

City of Burlington Job Description

Position Title: Customer Service Associate

Department: Clerk Treasurer Office

Reports to: Customer Service Supervisor

Pay Grade: 14

Job Code: 1000

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

Remote Work Rating: Tier 1

General Purpose: Responsible for providing courteous, attentive and accurate responses to all customer inquiries/problems regarding various Clerk Treasurer and other City services through phone contact and office visits in a professional, timely, and friendly manner. Position is responsible for processing initial Clerk Treasurer business transactions including, but not limited to cash receipts, recording, notary services and collections.

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

- Prepare, process, index and file all paperwork and reports associated with the provision of services in the Clerk Treasurer Office, including but not limited to birth, death and marriage certificates; permits and licenses; UCC and lien records; collection, processing and deposit of various payments, etc.
- Respond to basic inquiries and complaints regarding Clerk Treasurer and other City services in a professional, timely, and friendly manner.
- Refer more complex questions, complaints, and concerns to Customer Service Supervisor, other appropriate person or City Department in a professional, timely, and friendly manner.
- Perform basic bookkeeping duties including, but not limited to verifying cash receipts, reconciling cash drawer to deposit, accurate data entry, and daily cash deposits.
- Perform office and clerical duties including, but not limited to filing; copying; word processing; scheduling conference rooms; answering and routing telephone calls; and metering and routing mail.
- Provide support for Tax Collection, Elections, Land Records and City Council matters, as assigned.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- High School Diploma or equivalent and minimum of one (1) year of experience in an office environment that includes customer service and bookkeeping required.
- Satisfactory completion of skill tests in bookkeeping/mathematics, word processing and spreadsheet software, and 10 key calculators.
- Ability to work independently and as part of the customer service team in a fast-paced, complex, detail-oriented office environment that features many repetitive tasks and deadlines.
- Ability to be flexible and able to handle multiple tasks concurrently.
- Ability to provide all customers with prompt, and courteous service.
- Ability to operate standard and computerized office equipment.
- Ability to post data and make rapid, accurate mathematical computations.
- Ability to maintain a current Notary Public Appointment required.
- Municipal government experience preferred.
- Proficiency in Microsoft Office products and Paradox preferred.
- Ability to occasionally work overtime, nights and weekends.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical, Mental/Reasoning Requirements and Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed.

Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

x	seeing	x	ability to move distances within warehouses and offices
	color perception (red, green, amber)	x	lifting (specify 20 pounds)
x	hearing/listening	x	carrying (specify 20 pounds)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger		ability to mount and dismount forklift
x	reading – basic	x	pushing/pulling

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

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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

Approvals:

Direct Supervisor/Manager: _____ Date: _____

Human Resources: _____ Date: _____

This position description is provided to AFSCME for information only. The City has no obligation to negotiate with AFSCME regarding changes in position descriptions. The City's provision of revised position descriptions is in no way an admission of any obligation to negotiate or voluntary commitment to negotiate changes in position descriptions.

rev. Aug-27-99. Revised 5/19/2015. Revised February 2019. Revised January 2023 with Remote Work Rating.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Board of Finance/City Council

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: February 27, 2023

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

RE: 2023 VTRANS Highway Mileage Certificate Acceptance

Background

The Vermont Agency of Transportation (VTRANS) annually reviews and certifies accepted highway mileage in each Vermont municipality to be used towards determining the amount of state and federal aid each municipality is eligible for, and to ensure the Town Highway Map remains current.

As part of this process, additions, subtractions, modifications, and reclassifications of streets are reviewed. Any changes in mileage or classification are recorded and updated in the mileage certificate that is sent to each municipality for review and approval. The certificate, once accepted by the City Council, is then signed and returned to the state agency. The Certificate will be approved as described, and current mileage will be updated by VTRANS in the 2023 Town Highway Map.

Changes

This year, several streets will be added or adjusted to the 2023 City of Burlington Certificate of Highway Mileage. In order for a street to be added to the mileage certificate, warranty deeds and street acceptance documentation is provided to VTRANS for verification. Over the past year, DPW staff has worked to compile missing acceptance documentation for the following streets:

- Alexis Drive
- Arthur Court
- Birch Court Ext.

- Dorset Lane
- Eastman Way
- Grey Meadow Drive
- Hildred Drive
- Staniford Farms Road
- Shelburne Street Roundabout
- Valade Street

Adding or adjusting these streets to the City of Burlington Certificate of Highway Mileage will ensure the City receives the appropriate level of state and federal aid to maintain our public rights-of-way.

Recommendation

The Department of Public Works is recommending that following the requested motion, authorization be appointed to Chapin Spencer, Director of Public Works, to sign the 2023 Highway Mileage Certificate on behalf of the City Council and/or as their designee.

Attachments

- A. 2023 City of Burlington Highway Mileage Certificate
- B. Street Acceptance Documents and Warranty Deeds
- C. 2020 Town Highway Map

Motions

Board of Finance:

1. "To approve and recommend that the City Council accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2023 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council."

City Council:

1. "To accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2023 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council."

Board of Finance and City Council Submission ChecklistDepartment: Department of Public Works Submitter: Caleb MannaTitle/Subject: 2023 VTRANS Highway Mileage Certificate

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/9/23	Chapin Spencer
Mayor's Office informed and approved memo	Yes	2/10/2023	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/9/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Reviewed by CAO and Chapin S.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Mileage Certificate
Draft Resolution or Motion?	Yes	In Memo
If for submission to Council, are sponsors identified?	Yes	BOF

District 5
Certcode 0403-0

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2023

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2023 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section via email to: aot.mileagecertificates@vermont.gov or if necessary via mail to: VTrans PPAID - Mapping Section, 219 North Main Street, Barre VT 05641.

We, the members of the legislative body of BURLINGTON CITY in CHITTENDEN County
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	7.131	.201	.154	7.178	0.000
Class 2	21.727				0.000
Class 3	65.30	1.67		66.97	0.000
State Highway	0.195				0.000
Total	94.353	1.871	.154	96.07	0.000
* Class 1 Lane	4.161				
* Class 4	1.10				0.000
* Legal Trail	0.00				

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. **NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".

See Attached

2. **DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).

3. **RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).

See Attached

4. **SCENIC HIGHWAYS:** Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Place an X in the box and sign below.

☐

PART III - SIGNATURES - PLEASE SIGN.

Signatures of Selectmen/ Aldermen/ Trustees:

Signature of T/C/V Clerk: _____ Date Filed: _____

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

2023 VTRANS Highway Mileage Certificate – City of Burlington, VT

New Highways

Street Name	Class	Mileage	Description
Alexis Drive	Class 3	+.19 miles	Connecting Appletree Point Road and Sterling Place, beginning 700' East of Cumberland Road, continuing South then turning East over .19 miles to connect with Sterling Place 250' South from end of cul-de-sac on Sterling Place.
Arthur Court	Class 3	+.08 miles	Located on the North side of Queen City Park Road between the RR track bridge and Pine St, beginning 500' to the West of Pine St and continuing .08 miles to end of cul-de-sac.
Dorset Lane	Class 3	+.04 miles	Connecting Birch Court with Cayuga Court, beginning 1,350' East from North Avenue on Birch Court, then South .04 miles to Cayuga Court.
Eastman Way	Class 3	+.07 miles	Located off the Western most entrance on the West side of South Cove Road, 350' South of Austin Drive, continuing .07 miles to end.
Grey Meadow Drive	Class 3	+.39 miles	Located on the South side of Starr Farm Road, beginning 1,230' West of North Avenue, continuing South 365' where the road makes one 90 degree turn 230' East to end of cul-de-sac, and the another 90 degree turn West continues 650' before turning South to intersect with end of Tracy Drive, then continues South 370' to end.
Hildred Drive	Class 3	+.35 miles	Beginning from the Eastern most drive entrance on the East side of Hillside Terrace, 150' South from Riverside Ave, continuing Southeast and looping back over .35 miles.

Street	Class	Mileage	Description
Shelburne St Roundabout (US-7, Alt-7)	Class 1	+0.093 miles TH-2 southbound US-7 (U007-S) +0.037 miles TH-4 north approach US-7 (U007-NA003) +0.043 miles TH-4 south approach US-7 (U007-SA002) +0.028 mi CL1 TH-4 southbound Alt-7 (A007-S)	See Map
Staniford Farms Road	Class 3	+.19 miles	Located on the North side of Appletree Point Road, beginning 300' West of Stanbury Road, heading North to Appletree Point Lane and continuing for .19 miles to end of cul-de-sac.
Valade Street	Class 3	+.21 miles	Located on the North side of Sunset Drive, 300' East from Plattsburg Avenue, continuing Northeast for .21 miles to end of cul-de-sac.

Reclassified/Remeasured Highways

Street Name	Class	Mileage	Description
Birch Court	Class 3	+.15 miles	Remeasurement of Birch Ct from North Ave to include end of cul-de-sac east of Dorset Lane
Shelburne Street Roundabout	Class 1	-0.154 miles TH-4 for roundabout	Remeasurement of the ALT-7 portion

CL1 Mileage changes due to new roundabout at
Shelburne Rd/St and S Willard St

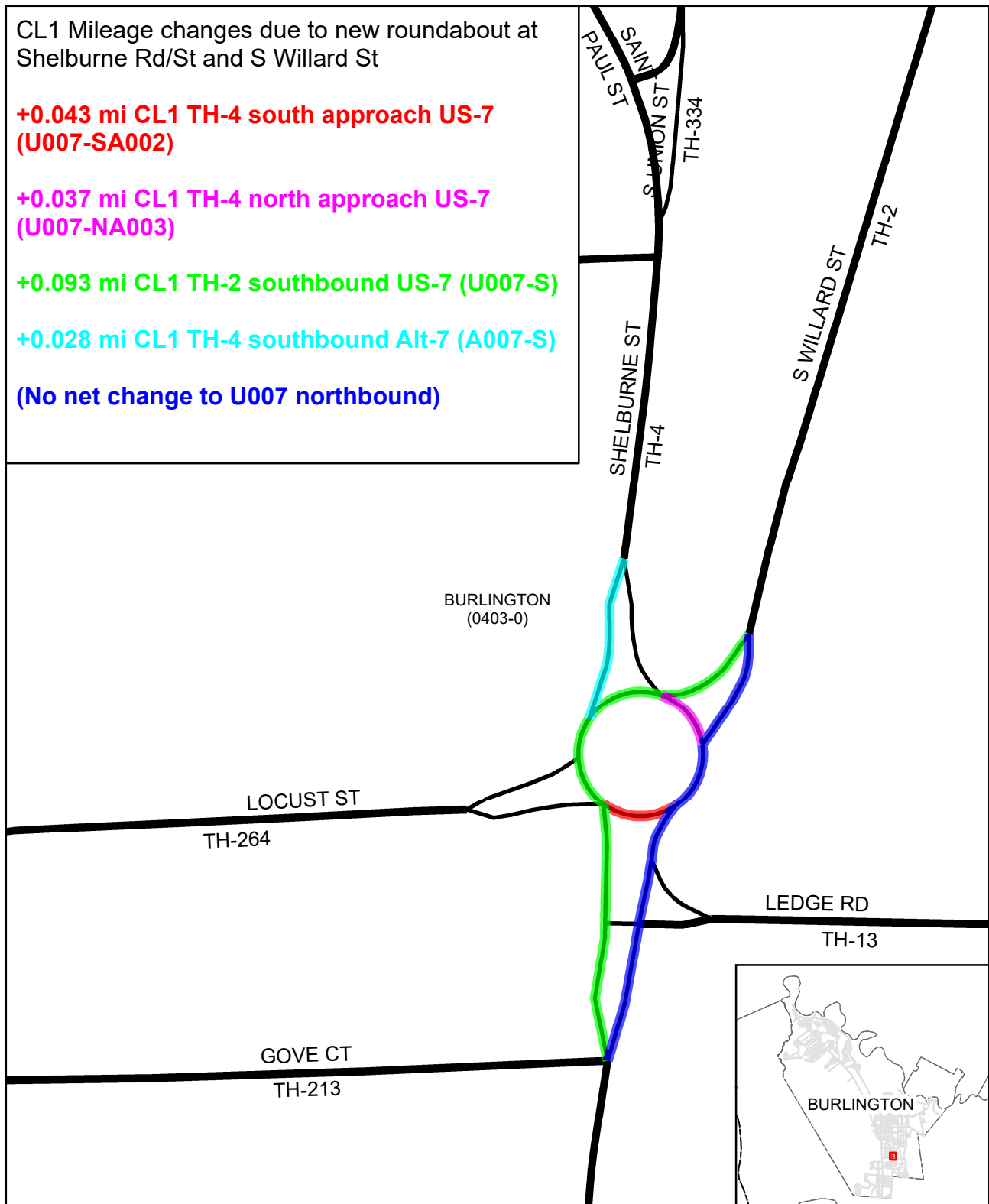
**+0.043 mi CL1 TH-4 south approach US-7
(U007-SA002)**

**+0.037 mi CL1 TH-4 north approach US-7
(U007-NA003)**

+0.093 mi CL1 TH-2 southbound US-7 (U007-S)

+0.028 mi CL1 TH-4 southbound Alt-7 (A007-S)

(No net change to U007 northbound)



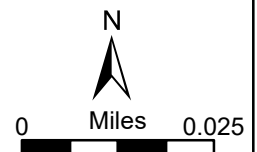
Mileage Certificate Changes 2023

BURLINGTON

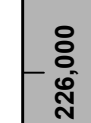
(CTUA:0403-0)

(CERTCODE:0403-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- January 30, 2023



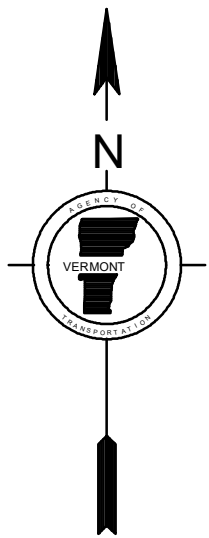
* The sections of the town highways listed above are legally Class 3, but have been deemed "Not Up To Standard" and are functionally Class 4 Town Highways



POLITICAL SUBDIVISIONS		
=====	STATE BOUNDARY	
-----	COUNTY BOUNDARY	
- - - - -	TOWN BOUNDARY	
- - - - -	VILLAGE BOUNDARY	
- - - - -	URBAN COMPACT BOUNDARY	
	WATER BODY	
	STREAM OR BROOK	
BRIDGE OR CULVERT		FED
	BRIDGE OR CULVERT > 20'	BLG
	BRIDGE OR CULVERT 6' - 20'	MIN
- - - - -	BIKE PATH STRUCTURE	PA
- - - - -	VT CULVERTS BRIDGE	
- - - - -	VT CULVERTS CULVERT > 6'	
14 / C34	STATE BRIDGE OR CULVERT IDENTIFIER	
334 / C34	TOWN BRIDGE OR CULVERT IDENTIFIER	

DISCLAIMER:
The untraveled highways (laid-out town highways), discontinued highways, and legal trails hereon are those of which the Agency of Transportation has record; others may exist.
Highway and bridge data by the Agency of Transportation. Town street structures are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOBCIT) database. All other data from the Vermont Center for Geographic Information. Only named streams are shown.

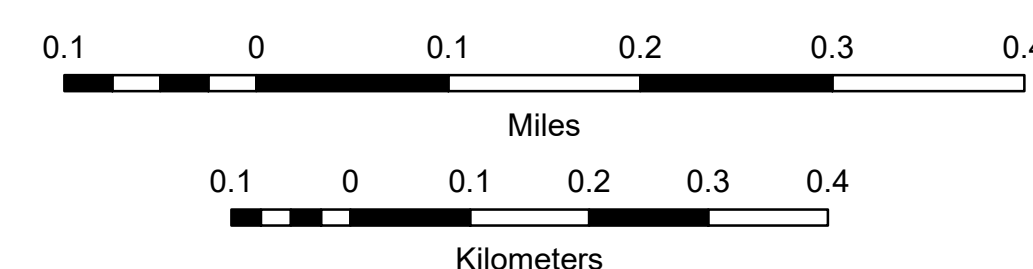
Vermont State Plane Coordinate System
North American Datum of 1983
SPCS_Zone_Identifier: 4400
Geodetic Reference System 80
2,000-meter grid, Easting - Northing



Transportation District #5

Prepared by the
Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10,
Map prepared October 29,
SCALE 1:6,336





HIGHWAYS

- INTERSTATE
- U.S. ROUTE
- STATE ROUTE
- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- LEGAL TRAIL
- PARK AND RIDE

INTERSTATE OR DIVIDED HIGHWAY

STATE - HARD SURFACE OR PAVED

TOWN - HARD SURFACE OR PAVED

GRAVEL

SOIL OR GRADED AND DRAINED EARTH

UNIMPROVED OR PRIMITIVE

IMPASSABLE OR UNTRAVELED

LEGAL TRAIL

DISCONTINUED

HIGHWAY CLASS CHANGE

RAILROAD

INACTIVE RAILROAD

PUBLIC LAND - NATIONAL FOREST

PUBLIC LAND - STATE/MUNICIPAL

NFR NATIONAL FOREST ROAD

SFH STATE FOREST HIGHWAY

POLITICAL SUBDIVISIONS

- STATE BOUNDARY
- COUNTY BOUNDARY
- TOWN BOUNDARY
- VILLAGE BOUNDARY
- URBAN COMPACT BOUNDARY
- WATER BODY
- STREAM OR BROOK

BRIDGE OR CULVERT

- BRIDGE OR CULVERT > 20'
- BRIDGE OR CULVERT 6' - 20'
- BIKE PATH STRUCTURE
- VIADUCTS BRIDGE
- VIADUCTS CULVERT > 6'

B34 / C34 STATE BRIDGE OR CULVERT IDENTIFIER

B34 / CM TOWN BRIDGE OR CULVERT IDENTIFIER

FEDERAL CLASSIFICATION IDENTIFIER

- MA MINOR ARTERIAL
- MNC MAJOR COLLECTOR
- MNC MINOR COLLECTOR
- PA PRINCIPAL ARTERIAL

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Vermont State Plane Coordinate System
North American Datum of 1983
SPCS Zone Identifier: 4400
Geodetic Reference System 80
2,000-meter grid, Easting - Northing

VERMONT
GENERAL HIGHWAY MAP
City of Burlington
Southern Section
(See northern section for mileage summaries)
CHITTENDEN COUNTY

Transportation District #5

Prepared by the
Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10, 2020
Map prepared November 05, 2020

SCALE 1:6,336

0.1 0 0.1 0.2 0.3 0.4
Miles
0.1 0 0.1 0.2 0.3 0.4
Kilometers

For more information contact: Vermont Agency of Transportation, Division of Policy, Planning & Intermodal Development - Mapping Section, 219 North Main Street, Barre, VT 05641 Telephone: 802-828-2600.

This map was funded in part through grants from the Federal Highway Administration, U.S. Department of Transportation. The representation of the authors expressed herein do not necessarily state or reflect those of the U. S. Department of Transportation.

Resolution Relating to

ACCEPTANCE OF STREETS --
ALEXIS DRIVE AND STERLING PLACE

RESOLUTION _____

Sponsor(s) _____
Councilor Peter Brownell

Introduced _____
Referred to _____

Action: Passed
Date: 3/16/92
Signed by Mayor _____

CITY OF BURLINGTON

In the year One Thousand Nine Hundred and ... Ninety-Two
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, upon inspection, Alexis Drive and Sterling Place, ...
as they lie in the City of Burlington, have been found in
compliance with the minimum design standards for the construction
of streets set by the City of Burlington as approved by the City
Engineer in June, 1968, as amended; and

WHEREAS, Antonio B. Pomerleau and Rita Pomerleau have deeded
their interests in Alexis Drive and Sterling Place to the City of
Burlington by Warranty Deeds dated January 21, 1992, to be
recorded in the Land Records of the City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the City Council of the
City of Burlington hereby declares that Alexis Drive and Sterling
Place are accepted as Burlington city streets; and

BE IT FURTHER RESOLVED that the Honorable Peter Clavelle,
Mayor, be and hereby is authorized to execute any and all
documents necessary to accomplish the acceptance of Alexis Drive
and Sterling Place as Burlington city streets.

WARRANTY DEED - STERLING PLACE

KNOW ALL PERSONS BY THESE PRESENTS, that We, Antonio B. Pomerleau and Rita Pomerleau, of Burlington, in the County of Chittenden and State of Vermont, hereinafter Grantors, in the consideration of TEN OR MORE dollars paid to our full satisfaction by the City of Burlington, a municipal corporation formed under the laws of the State of Vermont, hereinafter Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantee, the City of Burlington, and its successors and assigns forever, a certain piece of land in Burlington, County of Chittenden and State of Vermont, described as follows, viz:

A street and sidewalks associated therewith known as Sterling Place, as depicted on a Plan entitled "Historic Reproductions, Appletree Point, Burlington, Vermont," which Plan is dated May 1, 1984 and is revised as of February 13, 1985 and is recorded in Slide No. 148 of the Burlington Land Records. Sterling Place is more particularly described as follows:

Beginning at a concrete monument which marks the southeasterly corner of Lot #10;

Then proceeding along the westerly boundary of Lot #10 a distance of 48.21 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #10 in an arc a distance of 76.99 feet to an iron pin which marks the southwesterly corner of Lot #11;

Then proceeding along the westerly boundary of Lot #11 in an arc a distance of 76.81 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #11 a distance of 53.00 feet to an iron pin which marks the southwesterly corner of Lot #12;

Then proceeding along the westerly boundary of Lot #12 a distance of 9.00 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #12 in an arc a distance of 118.00 feet to an iron pin which marks the southwesterly corner of Lot #13;

Then proceeding along the westerly boundary of Lot #13 in an arc a distance of 40.26 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #13 a distance of 87.50 feet to an iron pin which marks the southwesterly corner of Lot #14;

Then proceeding along the westerly boundary of Lot #14 a distance of 29.21 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #14 in an arc a distance of 38.96 feet to a concrete monument;

Then continuing along the westerly boundary of Lot #14 in an arc a distance of 41.58 feet to an iron pin which marks the southeasterly corner of Lot #15;

Then proceeding along the southerly boundary of Lot #15 in an arc a distance of 37.84 feet to an iron pin which marks the southeasterly corner of Lot #16;

-2-

Then proceeding along the southeasterly boundary of Lot #16 in an arc a distance of 64.75 feet to an iron pin which marks the northwesterly corner of Lot #17;

Then proceeding along the easterly boundary of Lot #17 in an arc a distance of 54.35 feet to a concrete monument which marks the northwesterly corner of Lot #18;

Then proceeding along the easterly boundary of Lot #18 in an arc a distance of 38.96 feet to a concrete monument;

Then continuing along the easterly boundary of Lot #18 a distance of 116.71 feet to a concrete monument;

Then continuing along the easterly boundary of Lot #18 in an arc a distance of 31.51 feet to a concrete monument which marks the southeasterly corner of Lot #18 also being the intersection of the northeast corner of Alexis Drive and the southwest corner of Sterling Place;

Then proceeding across Alexis Drive in a southerly direction in an arc a distance of 60.18 feet to a concrete monument that marks the northwesterly corner of the common area lot;

Then proceeding along the easterly boundary of the common area lot in an arc a distance of 35.06 feet to a concrete monument;

Then continuing along the easterly boundary of the common area lot for a distance of 61.99 feet to a concrete monument;

Then continuing along the easterly boundary of the common area lot in an arc a distance of 81.42 feet to an iron pin which marks the northwesterly corner of Lot #9;

Then proceeding along the easterly boundary of Lot #9 in an arc a distance of 97.00 feet to a concrete monument;

Then continuing along the easterly boundary of Lot #9 a distance of 31.79 feet to a concrete monument which marks the southeasterly corner of Lot #9;

Then turning to the right and proceeding easterly across Sterling Place a distance of 62.20 feet to a concrete monument which marks the point or place of beginning.

Being a portion of the land and premises conveyed to Antonio B. Pomerleau and Rita Pomerleau by the following deeds:

1. A Warranty Deed from Donald Tatinelli, individually, and by Loreta H. Tatinelli and Donald Tatinelli as Co-Executors of the Estate of Palmer Tatinelli, and by Bernard Gilhuly, Joseph Roberto, and Zane Yost, dated May 19, 1982, and by Bernard Gilhuly, Joseph Roberto, and Zane Yost, dated May 19, 1982, and recorded in Volume 291, Page 431 of the City of Burlington Land Records.
2. A Warranty Deed to Antonio B. Pomerleau from Wynne S. Eastman, Marion H. Eastman, Andrew J. Reid, Ethel E. Reid, Oliver R. Eastman and Barbara S. Eastman, dated February 7, 1983, and recorded in Volume 291, Page 329 of the City of Burlington Land Records.
3. A Quit Claim Deed to Antonio B. Pomerleau from Wynne S. Eastman, Marion H. Eastman, Andrew J. Reid, Ethel E. Reid, Oliver R. Eastman and Barbara S. Eastman dated February 14, 1983, and recorded in Volume 291, Page 332 of the City of Burlington Land Records.

Said lands and premises herein conveyed are subject to Land Use "Act 250" Permit No. 4C0599, dated February 28, 1985, and recorded in Book 313, Page 657, of the City of Burlington Land Records.

Reference is hereby made to the aforementioned instruments, the records thereof and the references therein contained, all in further aid of this description.

This Deed shall also act as a Bill of Sale for all water pipes, sewer pipes, and storm-water sewer pipes in the Historic Reproductions at Appletree Point Subdivision located within the premises conveyed herein or within the easement areas previously conveyed to the City of Burlington by Antonio B. Pomerleau and Rita Pomerleau.

TO HAVE AND TO HOLD said granted premises, with all privileges and appurtenances thereof, to the Grantee, the City of Burlington, and its successors and assigns, to its own use and behoof forever; and we, the Grantors, Antonio B. Pomerleau and Rita Pomerleau, for ourselves and our heirs and assigns, do covenant with the Grantee, the City of Burlington and its successors and assigns, that until the ensealing of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid and as of record; and we hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid and as of record.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 21st day of January, 1989.

IN THE PRESENCE OF:

Nancy L. Bates
Brian Ward

Antonio B. Pomerleau
Antonio B. Pomerleau
Rita Pomerleau, by Antonio B. Pomerleau, pursuant to a Power of Attorney dated 10/28/85

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont, this 21st day of January, 1989, Antonio B. Pomerleau personally appeared and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of Rita Pomerleau.

Before me,

Nancy L. Bates
Notary Public

R4

Resolution Relating to

RESOLUTION _____

Sponsor(s): _____

Andrew Montroll

Introduced: _____

Referred to: _____

Action: Passed

Date: 9/19/94

Signed by Mayor: 9/21/94

ACCEPTANCE OF ARTHUR COURT

CITY OF BURLINGTON

In the year One Thousand Nine Hundred and Ninety-Four.....

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

That WHEREAS, upon inspection, Arthur Court, as it lies in the City of Burlington has been found in compliance with the minimum design standards for the construction of streets set by the City of Burlington as approved by the City Engineer in June, 1968, as amended; and

WHEREAS, Hauke Building Supply, Inc. has deeded its interest in Arthur Court to the City of Burlington by Warranty Deed dated November 15, 1993, to be recorded in the Land Records of the City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington hereby declares that Arthur Court is accepted as a Burlington city street.

BE IT FURTHER RESOLVED that the Honorable Peter Brownell, Mayor, be and hereby is authorized to execute any and all documents necessary to accomplish the acceptance of Arthur Court as a Burlington city street.

res001.pwd

To Bill Ellis 9/29/94
w/ note to record
documents.
J



Know all Persons by These Presents

That HAUKE BUILDING SUPPLY, INC., a corporation organized and existing under the laws of the State of Vermont, with offices and principal place

of business in Burlington in the County of Chittenden
and State of Vermont Grantor, in the consideration of
One and more - - - - - Dollars
paid to its full satisfaction by

CITY OF BURLINGTON,
a municipal Corporation with offices and place

of business in Burlington in the County of Chittenden
and State of Vermont Grantee, by these presents, does
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee,

CITY OF BURLINGTON,

and its successors and heirs and assigns forever, a
certain piece of land in Burlington in the
County of Chittenden and State of Vermont, described as
follows, viz:

This land is given to the within Grantee for public use as a road leading to and from ARTHUR COURT, so-called, lying northerly of Queen City Park Road and more particularly described as follows:

ARTHUR COURT is located on the north side of Queen City Park Road and is described as beginning at an iron pipe on the north edge of the right of way of Queen City Park Road and the southeast corner of Joseph and Marion Lendway property. Said pipe is 134.60 feet easterly of an iron pipe marking the easterly edge of the right of way of Vermont Railway Inc;

THENCE proceeding on a bearing of N 10°12'30" E along the easterly boundary of said land of Lendway a distance of 99.26 feet to an iron pipe;

THENCE proceeding on a bearing of S 70°26'10" E a distance of 11.09 feet to an iron pipe;

THENCE proceeding northerly along a curve with a radius of 375.50 feet an arc length of 137.82 feet to an iron pipe;

THENCE proceeding on a bearing of N 20°55'21" W a distance of 50.00 feet to an iron pipe;

THENCE proceeding on a bearing of N 43°53'29" W a distance of 62.98 feet to an iron pipe;

THENCE proceeding in a northeasterly direction along a curve with a radius of 42.00 feet an arc length of 186.84 feet to a concrete monument;

THENCE proceeding on a bearing of S 20°55'21" E a distance of 91.32 feet to a concrete monument;

THENCE proceeding in a southerly direction along a curve with a radius of 415.5 feet an arc length of 106.58 feet to a concrete monument;

THENCE proceeding on a bearing of S 14°45'36" E a distance of 19.09 feet to an iron pipe;

THENCE proceeding on a bearing of S 06°47'14" E along the westerly boundary of Kevin and Rebecca Lendway property a distance of 41.85 feet to an iron pipe;

THENCE proceeding on a bearing of S 07°50' W a distance of 102.80 feet to an iron pipe; and

THENCE proceeding on a bearing of N 70°13' W along the northerly edge of the right of way of Queen City Park Road a distance of 65.26 feet to the point of beginning.

The land herein conveyed for public purposes contains 0.50 acres as shown on plan entitled "Property Survey for Hauke Building Supply Inc., by Vermont Land Surveyors dated 2/19/90 with the latest revision date of 11/03/93, to be recorded in the Burlington Land Records.

This conveyance includes access to and from the drainage swales for the purpose of maintaining same in that area.

Being a portion of the land acquired by said Hauke Building Supply, Inc. in Warranty Deed of Joseph K. (Sr.) and Marion E. Lendway dated June 15, 1971 and recorded in Vol. 205 on Pages 258-261 of the City of Burlington Land Records. This conveyance includes lands acquired by said Hauke Building Supply in Quitclaim Deed of Joseph K. Lendway, Sr. and Marion E. Lendway dated December 14, 1992 and recorded in Vol. 471 on Pages 112-113; of Kevin P. Lendway and Rebecca J. Lendway dated December 14, 1992 and recorded in Vol. 471 on Pages 114-115, of said Land Records. A Warranty Deed was given by Hauke Building Supply, Inc. to said Kevin P. and Rebecca J. Lendway (boundary line adjustment) dated and recorded in Vol. 478

Reference is made to said deeds, plan and their records and to the deeds and instruments therein mentioned in further aid of this description.

To have and to hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantee,

CITY OF BURLINGTON,

its successors heirs and assigns, to their own use and behoof forever;
And it, the said Grantor,

HAUKE BUILDING SUPPLY, INC.,

for itself and its successors
executors and administrators, does covenant with the said Grantee, heirs,

CITY OF BURLINGTON,

successors
heirs and assigns, that until the ensembling of these presents the said Grantor is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that they are free from every encumbrance;

and it
hereby engages to Warrant and Defend the same against all lawful claims whatever,

In Witness Whereof, it hereunto sets its hand and seal
this 15th day of November, A. D. 1993.

In Presence of

HAUKE BUILDING SUPPLY, INC.

By

William R. Hauke, Jr.
William R. Hauke, Jr., President and
duly authorized agent



Zorva Fortune) As to
) H.B.S.
Mary C. Arthur) Inc. by
) W.R.H.
) Jr.



State of Vermont,
Chittenden County

ss. At

Burlington this
15th day of November, A. D. 1993

WILLIAM R. HAUKE, JR., President and duly authorized agent of HAUKE
BUILDING SUPPLY, INC.,

personally appeared, and he acknowledged this instrument, by
him sealed and subscribed, to be his free act and deed, and
the free act and deed of HAUKE BUILDING SUPPLY, INC.

Before me

Mary C. Arthur
Mary C. Arthur

My commission expires 2/10/95

Notary Public

(Title)

Warrant

WARRANTY

HAUKE BUILDING SUPPLY, INC.

TO

CITY OF BURLINGTON

Dated, NOVEMBER 15, 1993

CLERK'S OFFICE

RECEIVED FOR RECORD

AT _____ O'CLOCK _____ MINUTES _____ M. _____ A.D., 19 _____

AND RECORDED IN _____

BOOK _____ PAGE _____ OF LAND RECORDS

ATTEST _____

CLERK

RECORDERS FEE \$ _____

Resolution Relating to

ACCEPTANCE OF DORSET LANE AND
BIRCH COURT EXTENSION

RESOLUTION

Sponsor(s): Kurt Wright

Introduced: 2/17/98

Referred to: _____

Action: Passed

Date: 2/17/98

Signed by Mayor: 2/18/98

CITY OF BURLINGTON

Ninety-Eight

In the year One Thousand Nine Hundred and _____

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

WHEREAS, upon inspection, Dorset Lane and Birch Court
That _____
Extension, as they lie in the City of Burlington have been found
in compliance with the minimum design standards for the
construction of streets set by the City of Burlington as approved
by the City Engineer in June 1968, as amended; and

WHEREAS, Moe Dubois Excavating, Inc. has deeded its interest
in Dorset Lane and Birch Court Extension to the City of
Burlington by Warranty Deed dated June 4, 1997, to be recorded in
the Land Records of the City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the City Council of the
City of Burlington hereby declares that Dorset Lane and Birch
Court Extension are accepted as Burlington city streets.

BE IT FURTHER RESOLVED that the Honorable Peter Clavelle,
Mayor, be and hereby is authorized to execute any and all
documents necessary to accomplish the acceptance of Dorset Lane
and Birch Court Extension as Burlington city streets.

*Originals back
to Bill Ellis
2/19/98*

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that MOE DUBOIS EXCAVATING, INC., a Vermont corporation with its principal place of business in Williston, Vermont (the "Grantor"), in consideration of Ten or More Dollars paid to the Grantor's full satisfaction by THE CITY OF BURLINGTON, a Vermont municipal corporation with its principal place of business in Burlington, Vermont (the "Grantee"), by these presents does freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the Grantee, and its successors and assigns forever, certain land and premises in Burlington, Chittenden County, Vermont, described as follows (the "Property"):

Being a portion of the land and premises conveyed to the Grantor by Limited Warranty Deed of Norway Maple Real Estate, Inc., dated May 10, 1993, and recorded in Volume 479, Page 724 of the City of Burlington land records. Such lands and premises are identified on a plan entitled "Birch Court Extension, Burlington, Vermont," prepared by Trudell Consulting Engineers, Inc., and recorded as Map Slide 196E in the City of Burlington land records (the "Plat").

Dorset Lane and the portion of Birch Court conveyed by this deed are a 56 foot wide strip of land as depicted on the above-referenced survey, together with all sewer main, water main, force main, manholes, curbs and sidewalks located thereon, as more particularly set forth on the above-referenced plat.

The metes and bounds of such roadways are depicted upon the above referenced plat, and more particularly described as follows:

Beginning at a point being marked by an iron pin set in the southwest corner of Lot 1; thence proceeding N 65°45'34" E, a distance of 45.81 feet, more or less, to a point marked by a concrete monument; thence proceeding on a curve along the south side of Lot 1, a radius of 296.60 feet and a length of curve of 60.29 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 1 and the southwest corner of Lot 2; thence continuing on said curve a radius of 296.60 feet and a length of curve of 11.24 feet, to point marked by a concrete monument; thence continuing on said curve a radius of 237.00 feet and a length of curve of 54.81 feet, to a point marked by a concrete monument; thence proceeding N 66°19'42" E a distance of 29.09 feet, more or less, to point marked by an iron pin set in the southeast corner of Lot 2 and the southwest corner of Lot 3; thence proceeding N 66°19'42" E a distance of 92.60 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 3 and the southwest corner of Lot 4; thence proceeding N 66°19'42" E a distance of 92.60 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 4 and the southwest corner of Lot 5; thence proceeding N 66°19'42" E a distance of 92.60 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 5 and the southwest corner of Lot 6; thence proceeding N 66°19'42" E a distance of 92.60 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 6 and the southwest corner of Lot 7; thence proceeding N 66°19'42" E a distance of 92.60 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 7 and the southwest corner of Lot 8; thence proceeding N 66°19'42" E a distance of 6.63 feet, to a point marked by a concrete monument set in the south line of Lot 8; thence proceeding on a curve along the south side of Lot 8, a radius of 74.00 feet and a length of curve of 42.03 feet, more or less, to a point marked by a concrete monument; thence continuing on said curve a radius of 47.00 feet and a length of curve of 40.00 feet, more or less to a point marked by an iron pin set in the southeast corner of Lot 8 and the southwest corner of Lot 9; thence continuing on said curve a radius of 47.00 feet and a length of curve of 45.00 feet, more or less, to a point marked by an iron pin set in the southeast corner of Lot 9 and the northwest corner of Lot 10; thence continuing on said curve a radius of 47.00 feet and a length of curve of 45.00 feet, more or less, to a pointed marked by an iron pin set in the

southwest corner of Lot 10 and the northeast corner of Lot 11; thence continuing on said curve a radius of 47.00 feet and a length of curve of 71.05 feet, more or less, to a point marked by a concrete monument in the northwest corner of Lot 11 and the northeast corner of Lot 12; thence continuing on said curve a radius of 74.00 feet and a length of curve of 42.03 feet, more or less, to a point marked by a concrete monument; thence proceeding south $66^{\circ}19'42''$ W a distance of 66.19 feet, more or less, to a point marked by an iron pin set in the northwest corner of Lot 12 and the northeast corner of Lot 13; thence proceeding S $66^{\circ}19'42''$ W a distance of 102.99 feet, more or less, to a point marked by an iron pin set in the northwest corner of Lot 13 and the northeast corner of Lot 14; thence proceeding S $66^{\circ}19'42''$ W a distance of 113.05 feet, more or less, to a point marked by a concrete monument set in the northwest corner of Lot 14; thence turning to the left and proceeding along the westerly side of Lot 14, S $24^{\circ}29'03''$ E a distance of 78.01 feet, more or less, to a point marked by an iron pin set in the southwest corner of Lot 14 and the northwest corner of Lot 18; thence proceeding S $24^{\circ}29'03''$ E a distance of 140.50 feet, more or less, to a point; thence turning to the right and proceeding along the north line of the street known as Cayuga Court, S $65^{\circ}30'57''$ W a distance of 56.00 feet, more or less, to a point; thence turning to the right and proceeding N $24^{\circ}29'03''$ W a distance of 118.91 feet, to a point marked by an iron pin set in the northeast corner of land now or formerly of Lareau and the southeast corner of Lot 15; thence proceeding N $24^{\circ}29'03''$ W a distance of 100.40 feet, more or less, to a point marked by a concrete monument set in the northeast corner of Lot 15; thence turning to the left and proceeding S $66^{\circ}19'42''$ W a distance of 97.20 feet, more or less, to a point marked by an iron pipe set in the northwest corner of Lot 15 and the northeast corner of Lot 16; thence proceeding S $66^{\circ}19'42''$ W a distance of 63.29 feet, to a concrete monument set in the north side of Lot 16; thence proceeding on a curve a radius of 293.00 feet and a length of curve of 34.58 feet, more or less, to a point marked by an iron pipe set in the northwest corner of Lot 16 and the northeast corner of Lot 17; thence continuing on said curve a radius of 293.00 feet and a length of curve of 33.18 feet, more or less, to a point marked by a concrete monument set in the north side on Lot 17; thence continuing on said curve a radius of 240.60 feet and a length of curve of 58.03 feet, more or less, to a point marked by a concrete monument; thence proceeding S $65^{\circ}45'34''$ W a distance of 9.67 feet, more or less, to a point marked by an iron pin set in the northwest corner of Lot 17; thence turning to the right and proceeding N $24^{\circ}14'26''$ E a distance of 3.00 feet, more or less, to a point marked by an iron pipe in the northeast corner of land now or formerly of Davaris; thence proceeding along that portion of Birch Court previously conveyed to the City of Burlington, N $24^{\circ}14'26''$ E 41.00 feet, more or less, to a point; thence turning to the left and proceeding S $65^{\circ}45'34''$ W a distance of 36.14, more or less, to a point; thence turning to the right and proceeding N $24^{\circ}14'26''$ W a distance of 9.00 feet, more or less, marked by an iron pipe set; thence proceeding N $24^{\circ}14'26''$ W a distance of 3.00 feet, more or less, to the iron pin marking the point or place of beginning.

Also included herein is a sewer easement twenty-five (25) feet in uniform width, for the purpose of installing, repairing, maintaining, restoring and/or replacing sewer lines, together with all appurtenances thereto, including a certain pumping station, on, under and through said easement located on Lot 18, and more particularly depicted on the above referenced plat. This deed shall act as a bill of sale and does hereby convey the pipelines, gate valves, and other appurtenances, including a certain pumping station, located on, under and through the easement herein conveyed. Upon acceptance of this deed, the City of Burlington shall be responsible for maintaining said improvements and shall be entitled to recover directly from all lots owners in the Birch Court Extension Subdivision its customary and usual charges and assessments.

Reference is hereby made to the instruments referred to above and the records thereof, and the instruments referred to therein and the records thereof, in further aid of this description.

The Property is conveyed subject to the following:

1. All easements, covenants, conditions, permits, restrictions, declarations, and other matters of record;
2. state subdivision permit #EC-4-1268, recorded in Book 380, Pages 417-18 of the City of Burlington land records, as it may have been amended; and
3. Land Use Permit #4C0756, recorded in Book 380, Pages 419-21 of the City of Burlington land records, as it may have been amended.

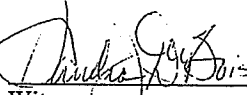
TO HAVE AND TO HOLD the Property, with all the privileges and appurtenances thereof, to the Grantee, and its successors and assigns, to its own use and behoof forever.

And the Grantor, for itself and its successors and assigns, does covenant with the Grantee, and its successors and assigns, that until the ensealing of these presents, the Grantor is the sole owner of the Property and has good right and title to convey the same in the manner described in this Deed; and that the Property is **FREE FROM EVERY ENCUMBRANCE**, except as provided in this Deed; and the Grantor hereby engages to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as provided in this Deed.

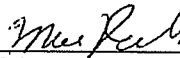
IN WITNESS WHEREOF, Moe Dubois Excavating, Inc., has caused this instrument to be executed by its duly authorized agent this 4th day of June, 1997.

IN PRESENCE OF:

MOE DUBOIS EXCAVATING, INC.



Witness

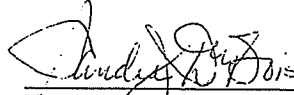
BY: 

Moe Dubois, President and
Duly Authorized Agent

STATE OF VERMONT
COUNTY CHITTENDEN, SS.

At Burlington, in said County, this 4th day of June, 1997, Moe Dubois, President and duly authorized agent of Moe Dubois Excavating, Inc., personally appeared, and he acknowledged this instrument, by himself subscribed, to be his free act and deed and the free act and deed of Moe Dubois Excavating, Inc.

Before me:



Notary Public
My Commission Expires: February 10, 1999

s:\wilestwd\birchct.txt

Resolution Relating to

AUTHORIZATION TO ACCEPT THE STREET
RIGHT-OF-WAY KNOWN AS EASTMAN WAY

RESOLUTION

Sponsor(s): Councilors Keogh,
Shannon

Introduced: 11/7/05

Referred to: _____

Action: Passed

Date: 11/7/05

Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Five.....

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

That WHEREAS, the Burlington Development Review Board (DRB) approved a subdivision entitled Final Plat "Eastman Estates" dated May 13, 2003 last revised July 27, 2004, and prepared by Krebs & Lansing Consulting Engineers; and

WHEREAS, the final approval of the DRB contains a condition that the Owners dedicate to the Municipality the public right-of-way, known and designated as Eastman Way; and

WHEREAS, Owners, Eric D. Chase, Alyson C. Hoar and Gail E. Westgate have offered Eastman Way to the City of Burlington; and

WHEREAS, Eastman Way is located off of South Cove Road in Ward 5;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the acceptance of the so-called Eastman Way by Warranty Deed pursuant to the review and approval of the form and substance of the deed by the City Attorney's Office and the Department of Public Works.

Resolution Relating to

ACCEPTANCE OF GREY
MEADOW DRIVE

RESOLUTION

Sponsor(s): Councilor

Kurt Wright

Introduced: 11/18/96

Referred to: _____

Action: Passed

Date: 11/18/96

Signed by Mayor: _____

CITY OF BURLINGTON

In the year One Thousand Nine Hundred and Ninety-Six
Resolved by the City Council of the City of Burlington, as follows:

WHEREAS, upon inspection, Grey Meadow Drive, as it lies in
That _____
the City of Burlington has been found in compliance with the
minimum design standards for the construction of streets set by
the City of Burlington as approved by the City Engineer in June
1968, as amended; and

WHEREAS, Antonio B. Pomerleau has deeded his interest in
Grey Meadow Drive to the City of Burlington by Warranty Deed
dated November 4, 1996, to be recorded in the Land Records of the
City of Burlington.

NOW THEREFORE, BE IT RESOLVED that the City Council of the
City of Burlington hereby declares that Grey Meadow Drive is
accepted as a Burlington city street; and

BE IT FURTHER RESOLVED that the Honorable Peter Clavelle,
Mayor, by and hereby is authorized to execute any and all
documents necessary to accomplish the acceptance of Grey Meadow
Drive as a Burlington city street.

Received 11-12 1996 at 3:09 P. M.
 and recorded in Vol. 556 on Page 86
 of Burlington Land Records.
 Vermont Property Transfer Tax 32 V.S.A. Chap. 231
 -ACKNOWLEDGEMENT-
 Return, Certificate & Payment Received

WARRANTY DEED

Attest:

Catherine H. Andrews
 Catherine H. Andrews, City Clerk

KNOW ALL PERSONS BY THESE PRESENTS, that I,

ANTONIO B. POMERLEAU

of Burlington, County of Chittenden and State of Vermont,
 Grantor, in consideration of the sum of Ten and More Dollars,
 paid to my full satisfaction by

CITY OF BURLINGTON, a Municipal
 Corporation chartered under the
 Laws of the State of Vermont,

Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY
 AND CONFIRM unto the said

CITY OF BURLINGTON

and its successors and assigns forever, a certain piece of land
 in Burlington, County of Chittenden and State of Vermont,
 described as follows, viz:

A strip of land being hereby conveyed for the use and purpose of
 a public street, and meaning herein to describe the centerline of
 all of Grey Meadow Drive and that portion of the entrance drive
 to Starr Farm Road as being a sixty foot (60') right of way to
 serve Lots 1 through 35 in The Neighborhood. Said right of way
 is the same right of way shown on a plat prepared by Pinkham
 Engineering Associates, Inc. and titled "Property Plan Section A,
 The Neighborhood at Grey's Meadow," Sheet 1 of 2, and "Property
 Plan Section B, The Neighborhood at Grey's Meadow," Sheet 2 of 2,
 both with a last revision date of December 18, 1995 and recorded
 as Slide _____ of the Burlington City Land Records, and
 described thereon as follows:

Beginning at a point marking the centerline of Grey Meadow Drive
 in The Neighborhood, said point being the center of the cul-de-
 sac at the easterly end of said Grey Meadow Drive with a cul-de-
 sac radius of 47.00 feet, said point also marking the point of
 curvature (PC) of a curve to the right; thence westerly in and
 along the centerline of said Grey Meadow Drive on said curve to
 the right having a radius of 889.59 feet, a tangent length of
 93.50 feet, and a curve length of 186.32 feet to a point being
 the point of tangency of said curve; thence continuing westerly
 in and along the centerline of said Grey Meadow Drive on a
 magnetic bearing of S 67°47'54" W 45.50 feet to a point being the
 point of intersection with the entrance road, so-called, from
 Starr Farm Road, which entrance road is further described at the
 end of this description for Grey Meadow Drive; thence continuing
 westerly in and along the centerline of said Grey Meadow Drive on

a magnetic bearing of S 67°47'54" W 75.93 feet to a point being the point of curvature of a curve to the right; thence continuing westerly in and along the centerline of said Grey Meadow Drive on said curve to the right having a radius of 763.94 feet, a tangent length of 50.07 feet, and a curve length of 100.00 feet, to a point being the point of tangency of said curve; thence continuing westerly in and along the centerline of said Grey Meadow Drive on a magnetic bearing of S 75°17'54" W 110.54 feet to a point being the point of curvature of a curve to the left; thence continuing westerly in and along the centerline of said Grey Meadow Drive on said curve to the left having a radius of 716.20 feet, a tangent length of 45.39 feet, and a curve length of 90.66 feet to a point being the point of tangency of said curve; thence continuing westerly in and along the centerline of said Grey Meadow Drive on a magnetic bearing of S 68°02'43" W 327.72 feet to a point where Grey Meadow Drive turns to the south; thence southerly in and along the centerline of said Grey Meadow Drive on a magnetic bearing of S 22°04'48" E 339.92 feet to a point being an angle point where Grey Meadow Drive turns slightly to the east; thence continuing southerly in and along the centerline of said Grey Meadow Drive on a magnetic bearing of S 26°00'00" E 443.42 feet to a point being the end of Grey Meadow Drive, said point being further described as a point in the northerly sideline of a parcel known as 10 York Drive and now or formerly owned by Roland A. Dion and Gail A. Dion.

Said end of Grey Meadow Drive connects with Cottage Grove, so-called, which city street heads in an easterly direction from Grey Meadow Drive.

Additionally from the point of intersection of said Grey Meadow Drive and the entrance road from Starr Farm Road as described above and proceeding on a magnetic bearing of N 22°42'06" W 196.68 feet to a point being a point in the southerly sideline of a parcel condemned by the City of Burlington as adopted and approved at a meeting of the City Council on January 25, 1993, said parcel being for roadway purposes.

The northerly endpoint of the entrance road to Grey Meadow Drive is further described as being 202.37 feet from the southerly sideline of said Starr Farm Road.

Said lands and premises are a portion of the lands and premises conveyed to Antonio B. Pomerleau by Guardian's Deed of Lorraine Besaw, Guardian of the Goods, Chattels and Estate of Frances R. Grey dated July 27, 1990 and recorded in Volume 420, Pages 134-135 of the Burlington City Land Records; ALSO, being a portion of the lands and premises conveyed to Antonio B. Pomerleau by Warranty Deed of First Healthcare Corporation dated July 25, 1990 and recorded in Volume 420, Pages 139-140 of the Burlington City Land Records.

Included in this conveyance are all waterlines, sewerlines or other utilities installed therein, curbing and sidewalks.

The within lands and premises are subject to easements, restrictions, conditions, covenants and state and local permits, including, but not limited to the following:

a. "The Neighborhood at Grey's Meadow Protective Covenants", dated February 1, 1993 and recorded in Volume 473, Pages 468-476 of the Burlington City Land Records.

b. State of Vermont Agency of Natural Resources Subdivision Permit Corrected, No. EC-4-1385, dated July 11, 1989 and recorded in Volume 402, Pages 717-720 of the Burlington City Land Records.

c. State of Vermont Land Use Permit No. 4C0799 dated June 6, 1989 and recorded in Volume 400, Pages 707-713 of the Burlington City Land Records, as amended September 4, 1990 and August 27, 1992 and recorded in Volume 421, Pages 558-559, and in Volume 461, Pages 266-277, respectively, of said Land Records.

Reference is hereby made to the above instruments and to their records, and to all deeds and records therein referred, in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee

CITY OF BURLINGTON

and its successors and assigns, to their own use and behoof forever; and I, the said Grantor

ANTONIO B. POMERLEAU

for myself and my heirs, executors and administrators, do covenant with the said Grantee

CITY OF BURLINGTON

and its successors and assigns, that until the ensealing of these presents, I am the sole owner of the premises and have good right and title to convey the same in manner aforesaid; that they are FREE FROM EVERY ENCUMBRANCE; except as aforesaid; and I hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, I hereunto set my hand this 4th day of November, 1996.

IN PRESENCE OF:

Brian Welch Antonio B. Pomerleau
[w i t n e s s]

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County and State, this 4th day of November, 1996, personally appeared ANTONIO B. POMERLEAU, and he acknowledged the within instrument, by him subscribed, to be his free act and deed.

Before me, Nancy L. Bates
Notary Public

SUBORDINATION AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

That, in consideration of one or more dollars, receipt of which is hereby acknowledged. VERMONT GAS SYSTEMS, INC., a Vermont corporation having its principal place of business in South Burlington, County of Chittenden and State of Vermont, does hereby subordinate to the City of Burlington the easement granted by Antonio B. Pomerleau in an Easement Deed dated October 22, 1992, and recorded in the City of Burlington Land Records in Volume 467 at Page 507, so that said easement shall be subordinated forever to the public streets constructed and maintained on the surface, and to the public sewer facilities constructed and maintained underground, in the residential development known as "The Neighborhood at Gray's Meadow" which is shown on a plat prepared by Pinkham Engineering Associates dated January 25, 1989, last revised April 28, 1989, and recorded on Hangers 211 and 212 of the City of Burlington Land Records.

Dated at South Burlington, Vermont, this 12th day of July, 1996.

In the presence of:

VERMONT GAS SYSTEMS, INC.

Lynn Crofts

By:

Michael E. Sullivan

Michael E. Sullivan
Duly authorized agent

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At South Burlington, this 12th day of July, 1996, personally appeared Michael E. Sullivan, Vice President of Operations and Customer Services and duly authorized agent of Vermont Gas Systems, Inc., and he acknowledged this instrument, by him subscribed, to be his free act and deed and the free act and deed of Vermont Gas Systems, Inc.

Before me,

Lynn Crofts

Notary Public my commission expires
2/10/99

Resolution Relating to

ACCEPTANCE OF HILDRED DRIVE

RESOLUTION
Sponsor(s): Councilors Carleton,
Bushor
Introduced: 7/11/05
Referred to: _____
Action: Passed
Date: 7/11/05
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Five.....

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

That WHEREAS, upon inspection, Hildred Drive, as it lies in the City of Burlington has been found in compliance with the minimum design standards for the construction of streets set by the City of Burlington as approved by the City Engineer in June 1968, as amended;

WHEREAS, RW Limited Partnership and River Watch Homeowners Association, Inc. have deeded their interests in Hildred Drive to the City of Burlington by Quitclaim Deed dated May 20, 2005, to be recorded in the Land Records of the City of Burlington; and

WHEREAS, Burlington Housing Authority has deeded its interest in Hildred Drive to the City of Burlington by Quitclaim Deed dated July 22, 2004, to be recorded in said Land Records;

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington hereby declares that Hildred Drive is accepted as a Burlington city street; and

BE IT FURTHER RESOLVED that the Honorable Peter Clavelle, Mayor, be and hereby is authorized to execute any and all documents necessary to accomplish the acceptance of Hildred Drive as a city street.

w ellis/c: Resolutions 2005/DPW – Acceptance of Hildred Drive as a City Street
7/6/05

See Public Works File # 7896 closed 11/16/05

Box 279

924 717

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that RW LIMITED PARTNERSHIP and River Watch Homeowners Association, Inc., Grantors, in the consideration of Ten and More Dollars paid to our full satisfaction by the City of Burlington in the County of Chittenden and State of Vermont, Grantee, have REMISED, RELEASED AND FOREVER QUITCLAIMED unto the said City of Burlington all right and title which they or their successors and assigns have in and to certain lands and premises described as follows:

All the lands and premises depicted as Hildred Drive on a Lot Plan entitled "286 Riverside Avenue" prepared by Krebs & Lansing Consulting Engineers dated February 14, 1990 and last revised September 8, 1994 and of record in Plat Hanger 283-A of the City of Burlington Land Records. Further being those portions of Hildred Drive as depicted on Plat entitled Boundary Line Agreement dated October 26, 1998, and prepared by Krebs & Lansing Consulting Engineers of record in Plat Hanger 357B. Being a portion of the land conveyed to us by Quitclaim Deed of John P. Larkin, Richard E. Tarrant, and Robert Hoehl dated January 2, 1998, and of record in Volume 583 at Page 344 of the Land Records of the City of Burlington.

Reference is hereby made to the aforementioned instruments, the records thereof and the deeds and references contained therein in further aid of this description.

Included herewith are all the rights and interest of RW LIMITED PARTNERSHIP under an Easement Agreement between Larkin, Tarrant & Hoehl and Burlington Housing Authority dated February 1, 1991, of record in Volume 430 at Pages 66-69 of the City of Burlington Land Records which RW LIMITED PARTNERSHIP obtained by virtue of an Assignment of Easement Agreement dated April 15, 2004, of record in Volume 891 at Page 588 of the City of Burlington Land Records.

This Deed shall also act as a bill of sale for water mains, sewer mains and hydrants located within the right-of-way of the aforesaid Hildred Drive. It shall further act as a bill of sale for the storm water system located within the right-of-way of Hildred Drive at River

7-20-2005 \$350.00
Val 924 on Page
of Burlington Land Records
of Burlington Land Records
Vermont Property Transfer Tax 32 V.S.A. Chap. 234
-ACKNOWLEDGEMENT-
Return, Certificate & Payment Received

Attest:
Jo LaMarche, Asst. City Clerk

924 718

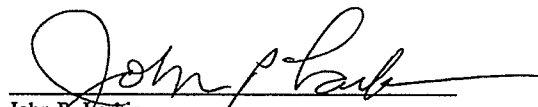
Watch Condominiums.

TO HAVE AND TO HOLD all right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said City of Burlington and its heirs and assigns forever. AND FURTHERMORE, the said RW LIMITED PARTNERSHIP and River Watch Homeowners Association, Inc., do for ourselves and our heirs, executors and administrators, covenant with the said City of Burlington and its successors and assigns, that from and after the ensealing of these presents the said RW LIMITED PARTNERSHIP and River Watch Homeowners Association, Inc., will have and claim no right in or to the said quitclaimed premises. River Watch Homeowners Association, Inc. joins in this conveyance to convey whatever rights it has acquired in the above-described land as a result of the dedication of said lands and premises to the condominium association.

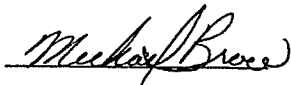
IN WITNESS WHEREOF, we hereunto set our hands this 20th day of May, 2005.

In the presence of:

RW LIMITED PARTNERSHIP
by its General Partner, HI-HO, INC.


John P. Larkin
Duly Authorized Agent of HI-HO, Inc.

RIVER WATCH HOMEOWNERS
ASSOCIATION, INC.



By: 
Duly Authorized Agent

924 719

State of Vermont
County of Chittenden, ss.

At the City of Burlington this 23 day of May, 2005, RW LIMITED PARTNERSHIP by its General Partner, HI-HO, Inc., and its duly authorized agent, John P. Larkin, who personally appeared and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of HI-HO, Inc., and RW LIMITED PARTNERSHIP.

Before me, Michael Brown

Notary Public

State of Vermont
County of Chittenden, ss.

At the City/Town of Burlington this 20th day of May, 2005, Joan Alexandre Goss, duly authorized agent of River Watch Homeowners Association, Inc., personally appeared and he/she acknowledged this instrument, by him/her signed, to be his/her free act and deed and the free act and deed of River Watch Homeowners Association, Inc.

Before me, Michael Brown

Notary Public

924 720

McNeil CITY CLERK'S OFFICE
Received 7-20-2005 at 3:50 P.M.
and recorded in Vol. 429 on Page _____
of Burlington Land Records
Vermont Property Transfer Tax 32 V.S.A. Chap. 231
-ACKNOWLEDGEMENT-
Return, Certificate & Payment Received

QUIT CLAIM DEED

Attest:

J. LaMarche
Jo LaMarche, Asst. City Clerk

KNOW ALL PERSONS BY THESE PRESENTS that **Burlington Housing Authority**, a public body corporate and politic, with offices at 65 Main Street, Burlington, Vermont, Grantor, in consideration of Ten or More Dollars paid to its full satisfaction by the **City of Burlington**, in the County of Chittenden and State of Vermont, Grantee, has **REMISED, RELEASED, AND FOREVER QUITCLAIMED** unto the said **City of Burlington** all right and title which it and its successors and assigns have in and to a certain parcel of land in Burlington, in the County of Chittenden and State of Vermont, described as follows, viz:

That portion of the lands and premises known as Hildred Drive which consists of a rhomboid-shaped parcel of land as described in an Easement Agreement dated February 1, 1991, and of record in Volume 430 at Pages 66-69 of the City of Burlington Land Records as the same may have been assigned in Volume 580 at Page 185 of the aforesaid land records. Said premises are further described and depicted on a Plat entitled Boundary Line Agreement prepared by Krebs & Lansing Consulting Engineers dated October 26, 1998, and of record in Map Hanger 357B of the City of Burlington Land Records. Said land is identified thereon as "parcel to be transferred from the Burlington Housing Authority to the City of Burlington for Hildred Drive, Area = 1,740 square feet."

Reference is hereby made to the aforementioned instruments, the records thereof and the deeds and references contained therein in further aid of this description.

"WAIVER OF DEVELOPMENTAL RIGHTS"

"In order to comply with the State of Vermont Environmental Protection Rules on the subdivision of lands and disposal of waste including sewage, the grantee shall not construct or erect a structure or building on the parcel of land conveyed herein, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities or convey this land without first complying with said State regulations. The grantee by acceptance of this deed acknowledges that this lot may not qualify for approval for development under the appropriate environmental protection or health regulations and that the State may deny an application to develop the lot."

TO HAVE AND TO HOLD all right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said **City of Burlington** and its successors and assigns forever. **AND FURTHERMORE**, the said **Burlington Housing Authority** does for itself and its successors and assigns, covenant with the said **City of Burlington** and its successors and assigns, that from and after the ensembling of these presents, that the **Burlington Housing Authority** will have and claim no right in or to the said quitclaimed premises.

IN WITNESS WHEREOF, **Burlington Housing Authority**, by its duly authorized agent, hereunto sets its hand this 22 day of July 2004.

In the presence of:

Burlington Housing Authority

Rosemary Carden
Witness

By: *[Signature]*
Duly Authorized Agent

924 721

STATE OF VERMONT
COUNTY OF CHITTENDEN, ss.

At the City of Burlington this 22 day of July 2004, personally appeared Paul Dettman, duly authorized agent of **Burlington Housing Authority**, and he/she acknowledged this instrument, by him/her signed, to be his/her free act and deed and the free act and deed of **Burlington Housing Authority**.

Before me


NOTARY PUBLIC
My Commission Expires: 2/10/2007

MEMORANDUM OF UNDERSTANDING AND AGREEMENT
FOR STORMWATER TREATMENT SYSTEM
OPERATION AND MAINTENANCE

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT is entered into by and between the City of Burlington, a Vermont Municipal Corporation, acting by and through its Department of Public Works (DPW), and an Association of homeowners representing the Riverwatch residential development located in the City of Burlington (Riverwatch), their heirs, successors or assigns.

FOR GOOD AND VALUABLE CONSIDERATION, the parties hereby understand and agree that:

WHEREAS, the construction of Riverwatch residential development included a stormwater system consisting of catch basins, underground collection pipes, drainage swales and inlet/outlet structures that discharge stormwater runoff to an on-site treatment pond. The outlet from this development discharges treated stormwater directly into the Winooski River, and

WHEREAS, a temporary pollution permit was originally issued by VTDEC to LTH Associates, 410 Shelburne Rd, S. Burlington, VT 05401, discharge permit number 1-0961. This permit was dated September 7, 1990 with an expiration date of June 30, 1995. To the best of both party's knowledge, it was never renewed, and

WHEREAS, in 2002 the VTDEC required that all expired permits for stormwater discharges to waters of the State apply for coverage under amended general permit 3-9010. Application for this permit includes submittal of a Notice of Intent (NOI) to abide by the terms of the permit, inspection and certification of the stormwater system by a licensed designer (professional engineer), payment of an application fee, and (if necessary) submittal of transfer of ownership or co-applicant forms. In addition, the permit requires submittal of annual inspections of said stormwater system, and

WHEREAS, it is the policy of DPW to assume operation and maintenance responsibility for stormwater systems within the right-of-way (ROW) of accepted city streets. DPW records indicate that Hildred Drive will shortly become an accepted city street with the ROW defined as

a 60 foot linear strip centered on the centerline of the street, PENDING cleaning by Riverwatch of the 16 catch basins in the ROW of Hildred Drive, and

WHEREAS, the Riverwatch Homeowner's Association limits of liability are defined as all property boundaries along Hildred Drive.

THEREFORE, DPW and RIVERWATCH shall be co-applicants on stormwater general permit 3-9010 for Riverwatch development. Each party is responsible and liable for maintaining its designated sections of the stormwater system. The system must be maintained in good working condition. DPW agrees to perform all operation and maintenance activities of Riverwatch's stormwater system within the ROW of accepted city streets. These components are limited to the cleaning, repair or replacement of catch basins, manholes and underground collection pipes and also the culvert that conveys water from the swale south of Hildred Drive to the northern swale and the drop inlet that is in the ROW for Riverside Avenue. RIVERWATCH agrees to perform or contract for the performance of all operation and maintenance activities of its stormwater treatment system outside of the city right-of-way and within the boundaries of its homeowner's association. This includes, but is not limited to, pipes, manholes, drainage swales, ponds, wetlands, and inlet/outlet structures. DPW and RIVERWATCH agree to jointly abide by all conditions in the attached general permit 3-9010 and submit the Notice of Intent with supporting documentation to VTDEC as soon as possible, but no later than July 1, 2005.

This permit requires both an application and annual fees payable to the State of Vermont. In lieu of monetary payment, DPW agrees to provide engineering support in preparation of permit application and to provide annual inspections as required. RIVERWATCH agrees to give DPW permission and legal authority to enter onto its premises in order to perform or complete all inspections. RIVERWATCH agrees to pay the application fee plus all annual fees for said permit. Both parties agree to maintain their portions of the stormwater system as outlined above.

This Agreement presumes that each co-applicant will fully perform all of the conditions outlined above. If, after an inspection is completed, it is determined that repairs and/or maintenance are required, or if either party asserts that the other is in breach of this Agreement for a failure to comply with a stated condition(s), then the first party shall give written notice to the second party

of the breach with request for a written correction plan to be submitted within ten (10) days of the original notice date. The second party shall submit a plan that includes the necessary work to be performed with a deadline for completion that takes unfavorable weather conditions into account. A failure to complete the planned correction(s) as outlined, shall be considered a default of the party's obligations under this Agreement. In the event of a failure by RIVERWATCH to perform its maintenance responsibilities as noted above, DPW may, if it determines that it is necessary, enter onto RIVERWATCH's premises in order to perform or complete the obligation that is in default. RIVERWATCH agrees that the DPW shall have permission to enter onto its premises to perform the obligations, and to assess all costs of such completion to RIVERWATCH, to include attorney's fees.

This Agreement shall be effective until the expiration date of general permit 3-9010. The Agreement shall automatically be renewed for the term of any successor permit unless either party gives written notice of its desire to modify or terminate this Agreement at the expiration of general permit 3-9010.

IN WITNESS WHEREOF, the parties hereto execute this instrument, on the 30 day of June, 2005.

IN THE PRESENCE OF:

CITY OF BURLINGTON, VERMONT
PUBLIC WORKS

Chauene O'Brien
Witness

By: [Signature]

Duly Authorized

IN THE PRESENCE OF:

RIVERWATCH ASSOCIATION

[Signature]
Witness

By: [Signature]

Duly Authorized

CL1 Mileage changes due to new roundabout at
Shelburne Rd/St and S Willard St

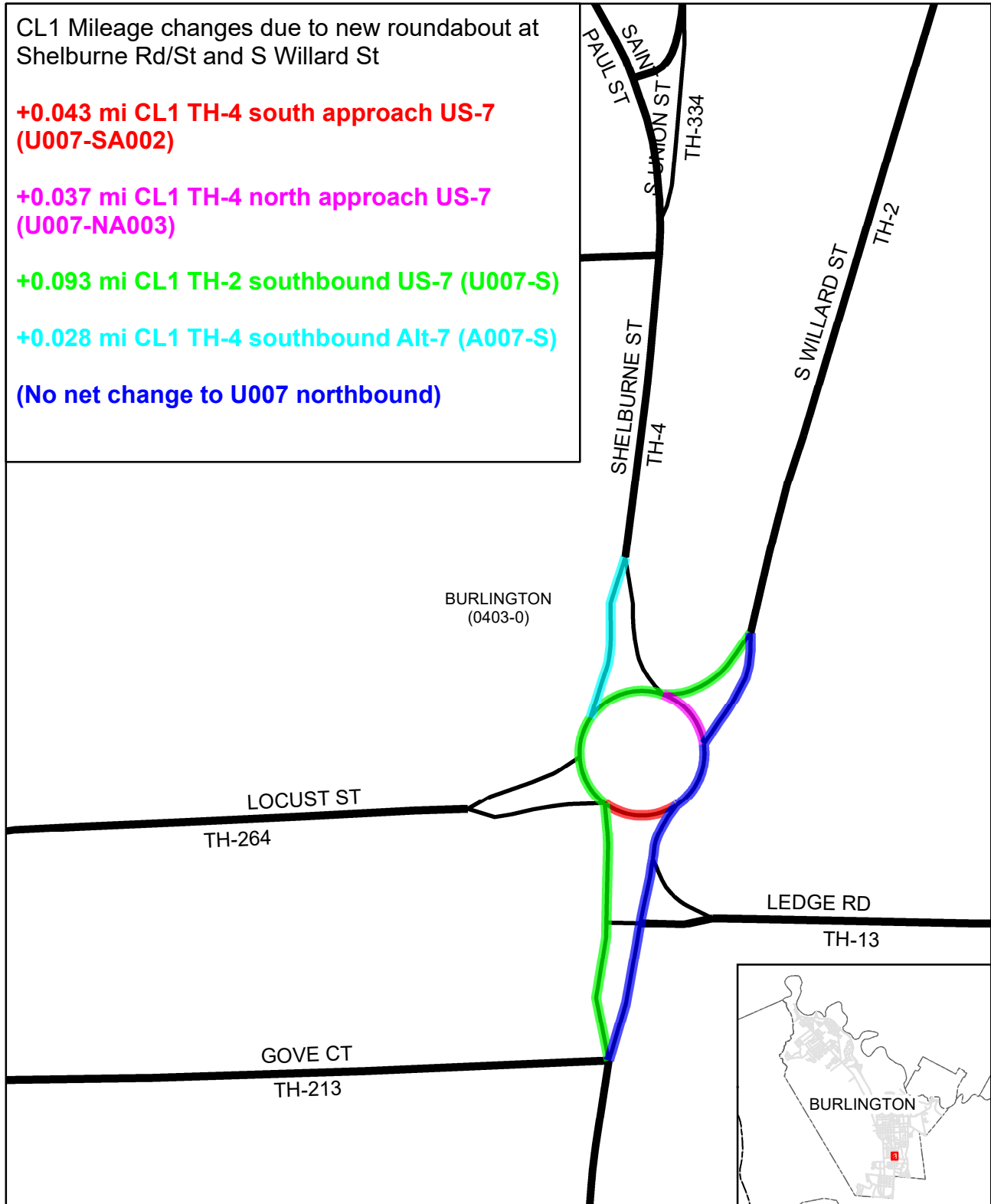
**+0.043 mi CL1 TH-4 south approach US-7
(U007-SA002)**

**+0.037 mi CL1 TH-4 north approach US-7
(U007-NA003)**

+0.093 mi CL1 TH-2 southbound US-7 (U007-S)

+0.028 mi CL1 TH-4 southbound Alt-7 (A007-S)

(No net change to U007 northbound)



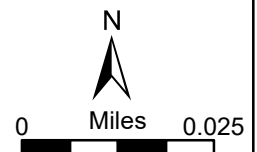
Mileage Certificate Changes 2023

BURLINGTON

(CTUA:0403-0)

(CERTCODE:0403-0)

Mapping Section
Division of Policy and Planning
Vermont Agency of Transportation -- January 30, 2023



WARRANTY DEED

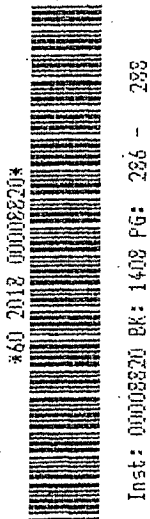
KNOW ALL PERSONS BY THESE PRESENTS, that It, **STANIFORD FARMS, LLC**, a Vermont limited liability company with its place of business in Colchester, County of Chittenden and State of Vermont, Grantor, in consideration of the sum of Ten and More Dollars paid to its full satisfaction by the **CITY OF BURLINGTON**, a Vermont municipality located in the County of Chittenden and State of Vermont, Grantee, by these presents, does freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the said Grantee, **CITY OF BURLINGTON** and its successors and assigns forever, a certain piece of land in the City of Burlington, County of Chittenden and State of Vermont (the "Property"), described as follows, viz:

Being a strip of land identified as "Staniford Farms Road" and "Staniford Farms Road (Proposed)" on a certain survey entitled "Plat of Survey Proposed Boundary Adjustments & Subdivision, Staniford Farms, LLC, Appletree Point, Burlington, Vermont," prepared by Civil Engineering Associates, Inc., dated August 22, 2011, last revised August 20, 2017 (the "Plan"), and recorded in Map Slide 536C of the City of Burlington Land Records (the "Land Records") and more particularly described as follows:

Beginning at a concrete monument set in the northerly sideline of a westerly extension of Staniford Road, 18.52 feet southwesterly of the southeast corner of the Staniford Farms subdivision ; thence N 47°55'24" W for 22.50' to a concrete monument set; thence in a curve to the left with a radius of 205.00' for an arc distance of 243.27' to a concrete monument set; thence in a reverse curve to the right with a radius of 325.00' for an arc distance of 60.92' to a concrete monument set; thence S 76°57'21" W for 35.38' to a point; thence N 64°34'08" W for 15.51' to a point; thence N 15°07'04" W for 204.30' to a concrete monument set; thence in a curve to the left with a radius of 625.00' an arc distance of 303.92' to a concrete monument set; thence N 42°58'43" W for 7.29' to a concrete monument set; thence in a curve to the right with a radius of 287.00' for an arc distance of 90.92' to a capped rebar set; thence N 47°52'09" W for 28.97' to a concrete monument set; thence S 51°23'49" W, through a concrete monument set, for 65.67' to point; thence S 24°02'12" E for 54.40' to a point; thence N 66°11'27" E for 21.72' to a point; thence S 42°58'43" E for 71.89' to a concrete monument set; thence in a curve to the right with a radius of 575.00' for an arc distance of 279.56' to a concrete monument set; thence S 15°07'04" E for 204.59' to a point; thence S 31°13'51" W for 27.64' to a concrete monument set; thence S 15°07'17" E for 42.00' to a point; thence N 74°52'50" E for 117.14' to a concrete monument set; thence in a curve to the left with a radius of 375.00' an arc distance of 70.29', to a concrete monument set; thence in a reverse curve to the right with a radius of 155.00' an arc length of 192.79', to a concrete monument set; thence N 57°18'55" E for 52.09' to the Point of Beginning. Containing within said bounds an area of 1.24 acres.

The Property is conveyed to Grantee for use as a municipal road. This Deed shall also be and act as a bill of sale to convey to Grantee all of the Grantor's right, title, and interest in and to any subsurface water, stormwater drainage and sewage lines, valves, equipment and any appurtenances thereto, located within said roadway, together with all improvements constructed thereon.

By acceptance of this Warranty Deed, Grantee acknowledges that it has received the necessary as-built certifications and test results and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is – where is" condition.



The Property is subject to the terms and conditions of (a) the City of Burlington Development Review Board's Final Plat Findings of Fact and Approval, dated October 16, 2012, as amended on May 10, 2013, May 19, 2014 and October 28, 2015 and City of Burlington Certificate of Appropriateness No. 12-1138PD issued July 29, 2013; (b) the State of Vermont Land Use Permit No. 4C1259, dated August 23, 2013 and recorded in Volume 1230, Page 100 of the Land Records, amended from time to time; (c) the State of Vermont Wastewater System and Potable Water Supply Permit No. WW-4-4033, dated July 1, 2013 and recorded in Volume 1236, Page 676 of the Land Records, as amended from time to time; (d) the Vermont Department of Environmental Conservation Authorization to Discharge Under General Permit No. 3-9015; Permit No. 6887-9015, Project ID No. EJ12-1006, issued October 4, 2012; Notice of which is recorded in Volume 1256, Page 562 of the Land Records; (e) the Vermont Department of Environmental Conservation Wetland Permit #2012-078 issued December 4, 2012 and recorded in Volume 1256, Page 563 of the Land Records; and (f) all easements, restrictions, rights of way of record, including those depicted on the Plan, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §601-611, both inclusive.

A portion of Staniford Farms Road is also depicted on a certain plat entitled "Boundary Adjustment, Staniford Farms, Lots 21, 22, 24 & Appletree Pt. Farm HOA Lot A, Appletree Point Lane, Burlington, Vermont," prepared by Civil Engineering Associates, Inc., dated August 20, 2017 and recorded in Map Slide 536B of the Land Records.

Being a portion of the lands and premises conveyed to Staniford Farms, LLC by the following two deeds: (i) Warranty Deed of Infill Woodbury Partners LLC, dated December 30, 2009 and recorded in Volume 1093, Page 173 of the Land Records, and (ii) Warranty Deed of F. Henry Adams, dated December 24, 2009 and recorded in Volume 1092, Page 752 of the Land Records.

Reference is hereby made to the above instruments, the records thereof and the references therein contained, in further aid of this description.

TO HAVE AND TO HOLD, the Property, with all the privileges and appurtenances thereto, to Grantee, CITY OF BURLINGTON, and its successors and assigns, to its own use and behoof forever, and Grantor, STANIFORD FARMS, LLC for itself and its successors and assigns, does covenant with the Grantee, CITY OF BURLINGTON and its successors and assigns, that until the ensembling of these presents, Grantor is the sole owner of the Property and has good right and title to convey the same in manner aforesaid; that the Property is **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid; and it does hereby engage to **WARRANT AND DEFEND** the same against all lawful claims whatever, except as aforesaid.

Staniford Farms, LLC, by its duly authorized agent, has caused this instrument to be executed on this 25 day of May, 2018.

STANIFORD FARMS, LLC

By: 
Its Duly Authorized Agent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington, in said County and State, this 25 day of May, 2018,
personally appeared Eric F. Farrell, Duly Authorized Agent of the Staniford Farms, LLC, and he
acknowledged the within instrument, by him subscribed, to be his free act and deed and the free act
and deed of the Staniford Farms, LLC.

Before Me:

James J. Zullo
Notary Public

My Commission Expires: 02/10/19

Received for Record at City of Burlington, VT
On Aug 01, 2018 at 02:02P
Beth Anderson, Interim CAO

Vermont Property Transfer Tax
32 V.S.A. Chap 231
-ACKNOWLEDGEMENT-
Return Received This Even Date

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that It, **STANIFORD FARMS, LLC**, a Vermont limited liability company with its place of business in Colchester, County of Chittenden and State of Vermont, Grantor, in consideration of the sum of Ten and More Dollars paid to its full satisfaction by the **CITY OF BURLINGTON**, a Vermont municipality located in the County of Chittenden and State of Vermont, Grantee, has REMISED, RELEASED, AND FOREVER QUITCLAIMED unto the said Grantee any and all interest that Grantor has in and to the following:

A 0.15 acre parcel of land, more or less, depicted as "Parcel Z" on a plat of survey entitled "Plat of Survey Proposed Boundary Adjustments & Subdivision, Staniford Farms, LLC, Appletree Point, Burlington, Vermont," prepared by Civil Engineering Associates, Inc., dated August 22, 2011, last revised August 20, 2017, and recorded in Map Slide 536C of the City of Burlington Land Records, and more particularly described as follows:

The property herein conveyed is a portion of the lands and premises conveyed to Staniford Farms, LLC by Warranty Deed of Infill Woodbury Partners LLC, dated December 30, 2009 and recorded in Volume 1093, Page 173 of the Land Records.

The Property is subject to the terms and conditions of (a) the City of Burlington Development Review Board's Findings of Fact, dated October 16, 2012, as amended on May 10, 2013, May 19, 2014 and October 28, 2015; (b) the State of Vermont Land Use Permit No. 4C1259, dated August 23, 2013 and recorded in Volume 1230, Page 100 of the Land Records, amended from time to time; (c) the State of Vermont Wastewater System and Potable Water Supply Permit No. WW-4-4033, dated July 1, 2013 and recorded in Volume 1236, Page 676 of the Land Records, as amended from time to time; (d) the Vermont Department of Environmental Conservation Authorization to Discharge Under General Permit No. 3-9015; Permit No. 6887-9015, Project ID No. EJ12-1006, issued October 4, 2012; Notice of which is recorded in Volume 1256, Page 562 of the Land Records; (e) the Vermont Department of Environmental Conservation Wetland Permit #2012-078 issued December 4, 2012 and recorded in Volume 1256, Page 563 of the Land Records; and (f) all easements, restrictions, rights of way of record, including those depicted on the Plan, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §601-611, both inclusive.

Reference is hereby made to the above-mentioned instruments, the records thereto, the references therein made, and their respective records and references, in further aid of this description.

TO HAVE AND TO HOLD all said right and title in and to said interest in said property, to the said Grantee, and its successors and assigns forever.

AND FURTHERMORE, the said Grantor, its successors and assigns, covenant with the said Grantee and its successors and assigns, that from and after the ensembling of these presents, the said Grantor will have and claim no right in or to said property.



60 2018 00008822

Inst: 00008822 BK: 1408 Pg: 289 - 290

IN WITNESS WHEREOF, Grantor has executed this instrument on the 25 day of May, 2018.

STANIFORD FARMS, LLC

By: Eric Farrell
Member and Duly Authorized Agent

Judi
Witness

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington in said County, this 25 day of May, 2018, personally appeared Eric F. Farrell and he acknowledged this instrument, by him signed and sealed, to be his free act and deed and the free act and deed of Staniford Farms, LLC.

Before me Judith L. Zarella
Notary Public
My commission expires: 2/10/2019

Received for Record at City of Burlington, VT
On Aug 01, 2018 at 02:02P
Beth Anderson, Interim CAO

Vermont Property Transfer Tax
32 V.S.A. Chap 231
-ACKNOWLEDGEMENT-
Return Received This Even Date

SEWER AND WATERLINE EASEMENTS

KNOW ALL PERSONS BY THESE PRESENTS that **STANIFORD FARMS, LLC**, a Vermont limited liability company with an office in the Town of Colchester, in the County of Chittenden and State of Vermont ("Grantor"), in consideration of payment of TEN AND MORE Dollars paid to its full satisfaction by the **CITY OF BURLINGTON**, a Vermont municipality situated in the County of Chittenden and State of Vermont ("Grantee"), by these presents, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, and its successors and assigns forever, perpetual easements for the purpose of constructing, repairing, replacing and maintaining sewer lines and waterlines through Grantor's property and being more particularly over, on and through land in the City of Burlington, in the County of Chittenden and State of Vermont, described as follows, viz:

Those easements depicted as (i) "E11 New Sewer Easement", (ii) "E15 New Water Easement", and (iii) "E19 20' Wide Water Ease." on a plat of survey entitled "Plat of Survey Proposed Boundary Adjustments & Subdivision, Staniford Farms, LLC, Appletree Point, Burlington, Vermont," prepared by Civil Engineering Associates, Inc., dated August 22, 2011, last revised August 20, 2017, and recorded in Map Slide 536C of the City of Burlington Land Records.

Grantee is also hereby granted a temporary easement and right-of-way over and on the area five feet on each side of said easement to enable the Grantee to exercise its rights hereunder.

Grantee agrees, for itself and its successors and assigns, that any premises of the Grantor affected by its entry pursuant to this easement shall be restored as near as reasonably practicable to their condition prior to such entry at its own cost and within a reasonable time.

The within Grantor, its successors and assigns, shall have the right to make use of the surface of the easements such as shall not be inconsistent with the use of said easements, but specifically shall place no structures or other improvements within said easements which shall prevent or interfere with the within Grantee's ability to use said easements.

The Property is subject to the terms and conditions of (a) the City of Burlington Development Review Board's Final Plat Findings of Fact and Approval, dated October 16, 2012, as amended on May 10, 2013, May 19, 2014 and October 28, 2015 and City of Burlington Certificate of Appropriateness No. 12-1138PD issued July 29, 2013; (b) the State of Vermont Land Use Permit No. 4C1259, dated August 23, 2013 and recorded in Volume 1230, Page 100 of the Land Records, amended from time to time; (c) the State of Vermont Wastewater System and Potable Water Supply Permit No. WW-4-4033, dated July 1, 2013 and recorded in Volume 1236, Page 676 of the Land Records, as amended from time to time; (d) the Vermont Department of Environmental Conservation Authorization to Discharge Under General Permit No. 3-9015; Permit No. 6887-9015, Project ID No. EJ12-1006, issued October 4, 2012; Notice of which is recorded in Volume 1256, Page 562 of the Land Records; (e) the Vermont Department of Environmental Conservation Wetland Permit #2012-078 issued December 4, 2012 and recorded in Volume 1256, Page 563 of the Land Records; and (f) all easements, restrictions, rights of way of record, including those depicted on the Plan, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §601-611, both inclusive.

Being portions only of the lands and premises conveyed to Staniford Farms, LLC by the following three deeds:



1. Warranty Deed of Infill Woodbury Partners LLC, dated December 30, 2009 and recorded in Volume 1093, Page 173 of the Burlington Land Records; and
2. Warranty Deed of F. Henry Adams, dated December 24, 2009 and recorded in Volume 1092, Page 752 of the Burlington Land Records; and
3. Warranty Deed of William T. Niquette and Timothy S. Sampson, dated December 30, 2009 and recorded in Volume 1093, Page 176 of the Burlington Land Records.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, CITY OF BURLINGTON, its successors and assigns, to its own use and behoove forever; And the said Grantor, for itself and its successors and assigns, does covenant with the said Grantee, CITY OF BURLINGTON, its successors and assigns, that until the ensealing of these presents it is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid; that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid; and Grantor hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this 4th day of June, 2018.

STANIFORD FARMS, LLC

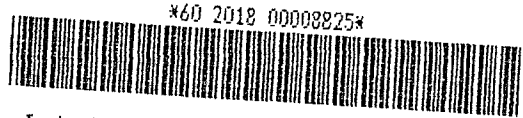
By: Eric Farrell
Its Duly Authorized Agent

STATE OF VERMONT
COUNTY OF CHITTENDEN, ss:

At Burlington, in said County and State, this 4 day of June, 2018, personally appeared Eric F. Farrell, Duly Authorized Agent of STANIFORD FARMS, LLC, and he acknowledged the within instrument, by him subscribed, to be his free act and deed and the free act and deed of STANIFORD FARMS, LLC.

Before me, Janice L. Zullo
Notary Public
Commission Expires: 2/10/2019

Received for Record at City of Burlington, VT
On Aug 01, 2018 at 02:02P
Beth Anderson, Interim CAO



Inst: 00008825 BK: 1408 PG: 293 - 293

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF BURLINGTON**, a Vermont municipality located in the County of Chittenden and State of Vermont, Grantor, in consideration of the sum of Ten and More Dollars paid to its full satisfaction by **STANIFORD FARMS, LLC**, a Vermont limited liability company with its place of business in Colchester, County of Chittenden and State of Vermont, Grantee, has REMISED, RELEASED, AND FOREVER QUITCLAIMED unto the said Grantee any and all interest that Grantor has in and to the following:

Being a portion only of a certain sewer easement obtained by the City of Burlington in a Right of Way Agreement by and between Oliver N. Eastman and Ethel S. Eastman to the City of Burlington, dated December 1, 1954 and recorded in Volume 148, Page 1 of the Burlington Land Records (the "Relinquished Parcel").

The Relinquished Parcel is depicted as "Part E2 to be Replaced w/ E11 and Extinguished" on a plat of survey entitled "Plat of Survey Proposed Boundary Adjustments & Subdivision, Staniford Farms, LLC, Appletree Point, Burlington, Vermont," dated August 22, 2011, last revised August 20, 2017, and recorded in Map Slide 536C of the City of Burlington Land Records. Reference is hereby made to the Sewer and Waterline Easement Deed from Staniford Farms, LLC to the City of Burlington of even date herewith, to be recorded in the City of Burlington Land Records.

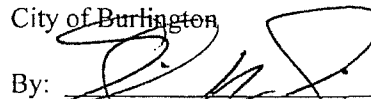
Reference is hereby made to the above-mentioned instruments, the records thereto, the references therein made, and their respective records and references, in further aid of this description.

TO HAVE AND TO HOLD all said right and title in and to said interest in said property, to the said Grantee, and its successors and assigns forever.

AND FURTHERMORE, the said Grantor, its successors and assigns, covenant with the said Grantee and its successors and assigns, that from and after the ensembling of these presents, the said Grantor will have and claim no right in or to said property.

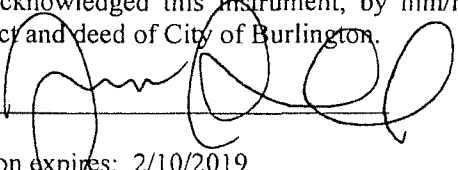
IN WITNESS WHEREOF, Grantor has executed this instrument on the 6 day of July, 2018.


Witness

City of Burlington
By: 
Mayor Miro Weinberger, Duly Authorized Agent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington in said County, this 6 day of July, 2018, personally appeared Miro Weinberger and he/she acknowledged this instrument, by him/her signed and sealed, to be his/her free act and deed and the free act and deed of City of Burlington.

Before me 
Notary Public
My commission expires: 2/10/2019

Received for Record at City of Burlington, VT
On Aug 01, 2018 at 02:02P
Beth Anderson, Interim CAO

Resolution Relating to

ACCEPTANCE OF VALADE STREET

RESOLUTION

Sponsor(s): Councilor
Blais

Introduced: 8/14/95

Referred to: _____

Action: Passed

Date: 8/14/95

Signed by Mayor: _____

CITY OF BURLINGTON

Ninety-Five

In the year One Thousand Nine Hundred and _____

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

WHEREAS, upon inspection, Valade Street, as it lies within
That the City of Burlington has been found in compliance with the
minimum design standards for the construction of streets set by
the City of Burlington as approved by the City Engineer in June
1968, as amended; and

WHEREAS, Hauke Development Company has deeded its interest
in Valade Street to the City of Burlington by Warranty Deed dated
June 9, 1995, to be recorded in the Land Records of the City of
Burlington.

NOW THEREFORE, BE IT RESOLVED that the City Council of the
City of Burlington hereby declares that Valade Street is accepted
as a Burlington city street.

BE IT FURTHER RESOLVED that the Honorable Peter Clavelle,
Mayor, be and hereby is authorized to execute any and all
documents necessary to accomplish the acceptance of Valade Street
as a Burlington city street.

dpw:res002.dpw

*Original W.D. back
to Bill Ellis
for recording 8/11/95*

W A R R A N T Y D E E D

KNOW ALL PEOPLE BY THESE PRESENTS

THAT HAUKE DEVELOPMENT COMPANY,

a Vermont Corporation with its principal place of business in Burlington in the County of Chittenden and State of Vermont, Grantor, in the consideration of TEN AND MORE DOLLARS paid to its full satisfaction by

the CITY OF BURLINGTON, a municipal corporation chartered under the laws of the State of Vermont,

in the County of Chittenden and State of Vermont, Grantee by these presents, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the Grantee

the CITY OF BURLINGTON, a municipal corporation chartered under the laws of the State of Vermont,

and its successors and assigns forever, a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows:

A strip of land for the purpose of a public street, shown as Valade Street on a Site Plan/Survey Plat by Allen J. Newton, Registered Land Surveyor and by Wheeler Engineering, dated June 26, 1992, Sheet 1 of 1, and recorded in Map Hanger 290-A of the City of Burlington Land Records. Such strip of land is further described as follows:

Beginning at a concrete bound set on the North side of Sunset Drive at the back of the sidewalk and 1' northerly of the new sidewalk constructed along Valade Street, said bound is also located S42°33'30"E, 20.59 feet, more or less from an iron pin located on the O'Conner property line.

Thence, N54°34'30"E along the northerly side of Valade Street 150.32 feet, more or less to a concrete bound set 1 foot northerly of the sidewalk.

Thence, continuing on an arc to the right with a radius of 440.30 feet along the north side of the sidewalk 406.19 feet more or less to a concrete bound set 1 foot north of the sidewalk.

Thence, running S72°35'E along the north side of the sidewalk 358.70 feet, more or less to a point.

Thence, continuing on an arc to the right with a radius of 66 feet, 352.41 feet, more or less to a point.

Thence, running N72°35'W along the south side of Valade Street 368.10 feet, more or less to a concrete bound.

Thence, continuing on an arc to the left with a radius of 380.40 feet, 350.86 feet more or less to a concrete bound.

Thence, running S54°34'30"W, 150.30 feet, more or less to a concrete bound set on the north side of Sunset Drive at the back of the sidewalk.

Thence, running N35°55'W along the west side of Sunset Drive 60.00 feet, more or less to the point of beginning.

Also included in this conveyance are all the water mains and sewer mains shown on the Site Plan/Survey Plat referred to above and easements across the common land of the Valade Park Condominium Project for the purpose of maintaining, repairing and replacing such mains. After any such maintenance, repairs or replacements, the Grantee shall be responsible for restoring the land and premises over which the easements run to their original condition.

Also included in this conveyance are easements across the common lands of the Valade Park Condominium Association for purposes of maintaining and repairing culverts and drainage ditches shown on the Site Plan/Survey Plat referred to above. It shall be the responsibility of the Grantee to maintain and repair such culverts and drainage ditches.

The land and premises are a portion of the lands and premises conveyed to Grantor pursuant to two Warranty Deeds of Hauke Building Supply, Inc. dated April 29, 1989, and recorded in Volume 402, Page 462 and Volume 402, page 464, respectively, of the Land Records of the City of Burlington.

The land and premises are subject to and have the benefit of the covenants, restrictions, easements, rights, privileges, duties, obligations and provisions of the Declaration of Valade Park Condominium dated February 19, 1991 and recorded in Volume 427, Pages 331-386 of the City of Burlington land Records; any amendments thereto, the Bylaws of Valade Park Condominium Association and the Administrative Rules and Regulations promulgated pursuant to the Association's Bylaws. The lands and premises are subject to the provisions of Land Use Permit #4C0827 issued by the District Environmental Commission, recorded in Volume 412, Page 605 of the Land Records of the City of Burlington and as it may be amended from time to time; and to utility easements of record.

Reference is hereby made to the above-described instruments, the records thereof and the references therein contained, in further aid of this description.

This deed is executed pursuant to a Motion passed by the Board of Directors of the Corporation dated February 19, 1991 which is evidenced by a Certified Copy of Motion dated February 20, 1991 and is recorded in Volume 427, Page 386 of the Land Records of the City of Burlington.

TO HAVE AND TO HOLD granted premises, with all the privileges and appurtenances thereof, to the Grantee

the CITY OF BURLINGTON, a municipal corporation chartered under the laws of the State of Vermont,

and its successors and assigns, to its own use and behoof forever;

and the Grantor

HAUKE DEVELOPMENT COMPANY

for itself and its successors and assigns, does covenant with the Grantee

the CITY OF BURLINGTON, a municipal corporation chartered under the laws of the State of Vermont,

and its successors and assigns, that until the ensealing of these presents, it is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE except as stated above, and it hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever.

IN WITNESS WHEREOF, it hereunto sets its hand and seal this 9th day of June A.D. 1995.

IN THE PRESENCE OF:

Mary E. Breure
Witness

HAUKE DEVELOPMENT COMPANY

By: David G. Hauke
David G. Hauke, Duly
Authorized Agent

STATE OF VERMONT
COUNTY OF CHITTENDEN

At Burlington, this 9th day of June, A.D. 1995, David G. Hauke, Duly Authorized Agent of Hauke Development Company, personally appeared and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of Hauke Development Company.

Before me, Mary E. Breure
Notary Public

Brendan, Karen,

On February 16, 2023, the Ward 5 NPA, at their regularly-scheduled meeting, passed unanimously the following resolution addressed to the Public Works Commission and the City Council:

To the Burlington Public Works Commission and the Burlington City Council:

Community activist, former transportation planner, and former NPA Steering Committee member Tony Redington passed away this summer. In recognition of Tony's decades of tireless advocacy on behalf of pedestrian and bicycle safety, his commitment to transportation equity, and his years of teaching Burlington residents about the efficiency and elegance of roundabouts, the Ward 5 Neighborhood Planning Assembly hereby requests that the Shelburne Street Roundabout be officially designated the "Tony Redington Roundabout."

As Chair of the Commission and President of the Council, would you please transmit this resolution to the members of your respective bodies and include it in the Consent Agenda and minutes of your next meeting?

Thank you very much.

Andy Simon (for the Ward 5 NPA Steering Committee)



Fee: \$25.00/event

May 1, 2023 ---- April 30, 2024

**CITY OF BURLINGTON
SPECIAL EVENT**

ENTERTAINMENT PERMIT APPLICATION

Indoor

Outdoor

**PART I
ORGANIZATION**

All information in this section is required

23 JAN 20 AM 9:19

1. Corporation/Sole Proprietor name: Oktoberfest Burlington LLC
2. D/B/A (Business Name): Oktoberfest 3. Bus. Phone: 802-363-9305
4. Business Address: 190 North Ave, Apt 1, Burlington, VT 05401
5. Mailing Address: 190 North Ave, Apt 1, Burlington, VT 05401
6. Contact person: Louie & Max Orleans 7. Contact Phone: 802-363-9305 & 802-373-2600
8. Email contact address: oktoberfest@orleansevents.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event. 09/22/23 AND 09/23/23
4. Proposed Hours for this Special Event: 6-10pm & 4-9pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

Burlington Waterfront. This is historically where the event has been hosted and has always thrived.

For this Proposed location please answer the following questions:

- a) Occupancy Load: 2500 patron b) # of Restrooms: 16 port-a-potties c) # of Egresses: 3
- d) Date of last Fire/Safety Check: N/A e) Dancing by Patrons? Yes or No
- f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

pdchk# 1002
to \$25.00
1/18/22

PART III
DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

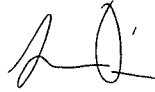
Oktoberfest was established in 2015 and hosted by Red Clover Events every year until COVID shut it down. Max and Louie have taken the event over and will continue the exact same event for two nights on Friday and Saturday in September. As always the focus will be on the activities, games, music, dancing, and costumes. We will be serving 60+ beers from 40 different breweries, both local and abroad. We plan on having a live DJ for the early hours of the event and then transition to a live band. There will be 5-9 food vendors of different kinds that will be ready to keep people fed throughout the evening.

Max and Louie Orleans (Orleans Events, LLC) will operate the event this year, with the consultation of Lou Dimasi, owner of Red Clover Events.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 1/9/2023

SIGNATURE OF APPLICANT _____



PRINT NAME: Louie Orleans

RELATIONSHIP TO BUSINESS: Owner - Partner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____
At their meeting of 03/08/23 the Burlington City Council License Committee recommended
Approval X Denial

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

2023-2024 Tobacco License and Tobacco Substitute Endorsement Renewals
Regular City Council Meeting, Monday, March 13, 2023

Tobacco:

#126 North Avenue Jolley
802BWS
Burlington Bay Market & Café
Cumberland Farms #8018
Cumberland Farms #8019
Dot's Market
Downtown Quick Stop
Garcia Tobacco Shop
Good Stuff
NJ Beverages
Shopping Bag
Simon's Store – Park Street

Tobacco Substitute Endorsements:

#126 North Avenue Jolley
Cumberland Farms #8018
Cumberland Farms #8019
Downtown Quick Stop
Garcia Tobacco Shop
Good Stuff
NJ Beverages
Shopping Bag
Simon's Store – Park Street



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

To: Board of Finance
City Council

From: Brian Pine, CEDO Director
Samantha Dunn, Asst. Director for Community Works
Sarah Russell, Special Assistant to End Homelessness

Date: February 21, 2023

Subject: ARPA Funds for Addressing Acute Homelessness Crisis Budget Amendment

Request

The Community & Economic Development Office (CEDO) is requesting Board of Finance and City Council approval of a budget neutral amendment to reflect required changes in allocation of funds to complete the work identified as follows:

ARPA Activity	2/2022 ARPA Budget	Proposed Rev. ARPA	Budget Amendment
Admin (Personnel)	\$235,000	\$235,000	\$0
Special Asst. to End Homelessness	\$325,000	\$325,000	\$0
Coordinated Entry - 3 years	\$250,000	\$250,000	\$0
Shelter Community Capital Budget*	\$1,109,000	\$1,618,787	\$509,787
Shelter Operations - 3 years	\$580,000	\$326,213	(\$253,787)
CRC Operations - 3 years	\$476,000	\$220,000	(\$256,000)
	\$2,975,000	\$2,975,000	\$0

*This budget line originally included the Community Resource Center (CRC) - the CRC is no longer co-located with the Emergency Shelter Community

Background

Following the Mayor's announcement of a 10-Point Action Plan to ensure housing as a human right in Burlington in December 2021, CEDO and the Economic Recovery Team requested the allocation of \$2.975M in

ARPA funds for the specific purpose of addressing and ameliorating homelessness in the City of Burlington. The request included a roadmap for activities, including:

- Construction and operation of a new low barrier emergency shelter pod community with services
- Development and operation of the downtown low-barrier Community Resource Center
- Three years of funding for a new position of Special Assistant to End Homelessness
- Strengthening Coordinated Entry System & support to Command Center Team to end chronic homelessness over three years

This request was approved by City Council on February 7, 2022. Since that approval, CEDO, with the support of many others, has made significant progress, including:

- Hiring Sarah Russell, to serve as the Special Assistant to End Homelessness in April 2022;
- Design, construction and opening of a new low barrier emergency shelter community at Elmwood Avenue with beds for 35 individuals, six full bathrooms and a community building with offices, kitchen, laundry, and gathering space. The Elmwood Emergency Shelter Community operates 24 hours a day and includes the following partners and services:
 - **Champlain Housing Trust:** operations
 - **CVOEO:** housing case management and navigation services, meals from Feeding Chittenden
 - **Turning Point Center:** recovery groups and peer support
 - **CHCB:** mobile medical and mental health services
 - **Safe Recovery:** access to MAT, needle exchange, and out-patient treatment
 - **Vermonters for Criminal Justice Reform:** overdose education and prevention for justice-involved people
 - **BPRW:** staffing the shelter with a full-time caretaker
 - **BPD/Community Support Liaisons**
 - **Chocolate Thunder** will provide nighttime security to ensure the safety of guests, staff and neighbors.
 - The following partners that are helping with referrals and sharing expertise:
 - Howard Street & Community Outreach
 - CORA Team
 - BPRW Urban Rangers
 - Safe Harbor Clinic
 - BPD CSL
- Strengthened the Coordinated Entry System and supported the Command Center Team with investment upgrading the existing CE manager position and adding one FTE;
- Relocation and operation of low-barrier Community Resource Center (CRC) at Feeding Chittenden (Food Shelf) on North Winooski Ave, operated by Champlain Valley Office of Economic Opportunity. The CRC serves an average of 100 people daily and provides the following services to guests experiencing homelessness:
 - Daytime shelter from the cold or heat
 - Assistance to access emergency shelter
 - Access to Coordinated Entry assessment
 - Meals, hot drinks and snacks to eat in or take away
 - Clothing and essential supplies
 - Computer access
 - Phone access
 - Support to access public benefits
 - Safe recovery information

- Access to case management and housing navigation

The requested budget amendment is required to cover the increase in development and construction costs of the Elmwood Emergency Shelter Community. The estimated budget was developed before the City had a site and design for the Shelter Community and underestimated the costs required to develop the site. While the CEDO team originally envisioned co-locating the CRC with the emergency shelter to make the most efficient use of construction and operational resources, it was determined with the Elmwood Shelter operating partner, Champlain Housing Trust, that co-locating these two facilities would have a negative impact on the success of the Elmwood Shelter Community. The capital funds initially intended for the Community Resource Center were required for the completion of the Elmwood Shelter Community as this change was made after the design of the site had been completed and construction begun. The Community Resource Center is currently co-located with Feeding Chittenden and will continue to operate in this location. CEDO is working with CVOEO as the operator of the CRC and CHT as the owner of the property to plan an expansion/renovation that will enable both the CRC and Feeding Chittenden to operate successfully under one roof.

In addition to the ARPA funds, CEDO has been successful in securing additional funding for development and operations from:

- Vermont Agency of Human Services Housing Opportunity Grant Program (HOP)
- Administration for Children and Families award of Congressionally Directed Spending
- Burlington Electric Department
- Vermont Low Income Trust for Electricity (VLITE)
- Vermont Community Foundation

Attachments:

1. Previous Resolution

Board of Finance Motion

To approve and recommend that the City Council approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget neutral amendment to the ARPA funds allocated for addressing the acute homelessness crisis so as to increase the Shelter Community Capital budget by \$509,787.00 to a total of \$1,618,787.00; reduce the Shelter Community Operating Budget by \$253,787.00 to a total of \$326,213.00 and decrease the Community Resource Center Operating Budget by \$256,000.00 for a total of \$220,000.00.

City Council Motion

To approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget neutral amendment to the ARPA funds allocated for addressing the acute homelessness crisis so as to increase the Shelter Community Capital budget by \$509,787.00 to a total of \$1,618,787.00; reduce the Shelter Community Operating Budget by \$253,787.00 to a total of

\$326,213.00 and decrease the Community Resource Center Operating Budget by \$256,000.00 for a total of \$220,000.00.

Resolution Relating to

REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END HOMELESSNESS.

RESOLUTION 6.03

Sponsor(s): Councilor(s) *Carpenter, Hightower, Magee*

Introduced: 02/07/22

Referred to: _____

Action: adopted

Date: 02/07/22

Signed by Mayor: 02/18/22

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two

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

1 That WHEREAS, in the American Rescue Plan (ARPA) of 2021, Congress has allocated \$27.3 million to
2 Burlington for COVID recovery funds; and

3 WHEREAS, those funds have been partially dispersed to the City of Burlington in May 2021 and
4 September 2021; and

5 WHEREAS, the City has actively engaged the public so as to best understand their desires for the
6 investment of the ARPA funds; and

7 WHEREAS, the results of the City engagement has indicated that the Burlington community strongly
8 desire to use the expenditure of ARPA funds to address chronic homelessness and to implement solutions to
9 find humane housing for all; and

10 WHEREAS, that the action items for which the administration is seeking ARPA funding are consistent
11 with the City Council resolution adopted on October 25, 2021 calling for the use of ARPA funds to meet the
12 needs of those experiencing homelessness; and

13 WHEREAS, Kara Alnasrawi, Economic Recovery Director, Brian Pine, CEDO Director, and Kerin
14 Durfee, Human Resources Director , have outlined a plan of action by the City to address the issue of chronic
15 homelessness through the expenditure and use of ARPA funds per the attached memo; and

16 WHEREAS, as part of the plan of action to end homelessness, the position of "Special Assistant to
17 End Homelessness" is proposed. This position will oversee, coordinate, manage and implement CEDO-led
18 initiatives to end homelessness, as well as support homeless families and individuals throughout the
19 community;

20 NOW, THEREFORE, BE IT RESOLVED that to carry out the action plan intended to address the
21 issue of chronic homelessness in Burlington, as outlined in the attached memo, the City Council approves the
22 allocation of \$2.975M in ARPA funds, subject to the approval of expenditures by the CAO and pursuant to the
23 City's spending policies; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

Attest:

Page 2

Resolution Relating to REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END HOMELESSNESS.

24 BE IT FURTHER RESOLVED, that the City Council approve and authorize the creation of the
25 Special Assistant to End Homelessness, a Regular, Full-Time, Exempt, Non-Union, Grade 21 role in the
26 Community and Economic Development Office.

27

28

29 TM/KA/Resolutions 2022/REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE
30 HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END
31 HOMELESSNESS

32 2/3/2022

* * * * *

DISTRIBUTION:

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

HR
CEDO Director Pine

ORIGINAL

RESOLUTION RELATING TO

Request For 2.975M In American Rescue Plan Funds To Address And Ameliorate
Homelessness In The City Of Burlington And To Create The Position Of Special
Assistant To End Homelessness

Adopted by the City Council

February 7, 2022
Clerk

Approved February 16, 2022
Mayor

Attest:

Lori Olberg

Licensing, Voting and Records Coordinator

Vol. Page

* * * * *

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Samantha DunnTitle/Subject: ARPA Addressing Acute Homelessness Crisis Budget Adjustment

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/22/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	2/22/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	2/21/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/21/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	2/21/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

Lori Olberg

From: City of Burlington Vermont
Sent: Thursday, February 23, 2023 1:57 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Jack Conn

Reply to e-mail Address: j.conn@hotmail.com

Subject: Parking enforcement

Message: Recently was informed I couldn't pick up my Peat's Green CSA from a private front porch on Henry St because I didn't have a residence permit. I was near my car and the enforcement person took a photo of my tag and said I coy it stop there even though I was there only a couple of minutes. Something wrong about that.

Submitted on Thursday, February 23, 2023 - 13:57 from IP address: 162.247.90.175

Check IP address location: <https://viewdns.info/iplocation/?ip=162.247.90.175>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Board of Finance and City Council Submission ChecklistDepartment: CEDO Submitter: Samantha DunnTitle/Subject: Elmwood Shelter Community Contract Update

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/22/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	2/22/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	2/21/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/21/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	2/21/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMORANDUM

TO: Board of Finance, City Council
FROM: Samantha Dunn, Asst. Director for Community Works, CEDO
DATE: February 17, 2023
CC: Brian Pine, Director, Community and Economic Development Office
RE: Authorization to Update Contracts for the Elmwood
Emergency Shelter Community

Request:

The Community and Economic Development Office ("CEDO") is requesting Board of Finance and City Council authorization to increase the previously approved maximum limiting amount of the Construction Management Contract with 2nd Gen Builders, LLC from \$522,533 to \$567,885.

This increase will be covered by a decrease in maximum limiting amount of the contract with KBS Builders.

Background:

CEDO has been working as rapidly as possible, in coordination with other City Departments and community partners, to implement the Mayor's Action Plan to End Homelessness in response to the urgent needs of those experiencing homelessness. The Elmwood Emergency Shelter Community is now open.

CEDO previously requested and received approvals for a contract with 2nd Gen Builders, LLC for Construction Management Services for the Elmwood Shelter Community with a maximum

limiting amount of \$522,533 and a contract with KBS Builders for the construction and delivery of the Bathhouse and Community Center with a maximum limiting amount of \$408,048. In order to expedite the completion of the project a portion of the scope of work has been moved from KBS Builders to 2nd Gen Builders. This change requires an increase in the maximum limiting amount of the 2nd Gen Builders contract \$567,885 and decreases the maximum limiting amount of the KBS Builders contract to \$363,111.

The table below summarizes the contract changes.

Summary of Contract Changes

		Previously Approved Maximum Limiting Amounts	Updated Maximum Limiting Amounts	Delta
CM	2nd Gen Builders	522,533	567,885	45,352
Modular	KBS Builders	408,048	363,111	(45,352)
Total		930,996	930,996	0

Attachments

1. Previous Contract Approvals

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the Director of the Community and Economic Development Office to execute all necessary change orders with KBS Builders and 2nd Gen Builders for development of the Elmwood Emergency Shelter Community, pursuant to previously earmarked ARPA funds and in accordance with the following chart, having also received final review and approval by the City Attorney's Office:
Summary of Contract Changes

		Previously Approved Maximum Limiting Amounts	Updated Maximum Limiting Amounts	Delta
CM	2nd Gen Builders	522,533	567,885	45,352
Modular	KBS Builders	408,048	363,111	(45,352)
Total		930,996	930,996	0

City Council Motion:

To approve and authorize the Director of the Community and Economic Development Office to execute all necessary change orders with KBS Builders and 2nd Gen Builders for development of the Elmwood Emergency Shelter Community, pursuant to previously earmarked ARPA funds and in accordance with the following chart, having also received final review and approval by the City Attorney's Office:
Summary of Contract Changes

		Previously Approved Maximum Limiting Amounts	Updated Maximum Limiting Amounts	Delta
CM	2nd Gen Builders	522,533	567,885	45,352
Modular	KBS Builders	408,048	363,111	(45,352)
Total		930,996	930,996	0



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401

(802) 865-7144 • (802) 865-7024 (FAX)

www.burlingtonvt.gov/cedo

MEMORANDUM

TO: Board of Finance, City Council
FROM: Samantha Dunn, Asst. Director for Community Works, CEDO
DATE: September 5, 2022; As Amended September 09, 2022
CC: Brian Pine, Director, Community and Economic Development Office
RE: Authorization to Update Contracts for the Elmwood
Emergency Shelter Community

At their meeting of 9/12/22
the Burlington City Council voted to
approve the motion
Attest: *Jaci [Signature]*
as intended

Request:

The Community and Economic Development Office ("CEDO") is requesting Board of Finance and City Council authorization to increase the previously approved maximum limiting amount for the following contracts for the development of the Elmwood Shelter Community:

- Modular Bathhouse and Community Center contract with KBS Builders, Inc. increase from \$338,429 to \$408,048;
- Pallet, PBC from \$215,280 to \$295,290;
- Construction Management Contract with 2nd Gen Builders, LLC from \$420,869 to \$522,533.

The increases will be covered by decreases in maximum limiting amount of contracts with Up End This and Goliathtech.

Background:

CEDO is working as rapidly as possible, in coordination with other City Departments and community partners, to implement the Mayor's Action Plan to End Homelessness in response to

the urgent needs of those experiencing homelessness. The public has spoken that ending homelessness in Burlington is a top priority and CEDO is committed to acting expeditiously on this broadly held goal. Details, as well as answers to many questions, about the development and operation of the Elmwood Emergency Shelter Community can be found at: <https://www.burlingtonvt.gov/cedo/emergencyshester>.

CEDO previously requested and received approvals for a contract with KBS Builders for the construction and delivery of the Bathhouse and Community Center with a maximum limiting amount of \$338,429. The contract has increased by \$49,619 to \$408,048 due to necessary design changes and increased material costs. Please note that this includes a \$20,000 contingency. This increase in cost of the contract will be covered by decreases in anticipated shelter costs as described below.

CEDO previously requested and received approvals for contracts with Pallet, SPC for twenty (20) shelters and Up End This, LLC for ten (10) shelters. At this time, Up End This, LLC is only able to produce five (5) shelters on the required timeline so will enter into a second contract with Pallet to add five (5) shelters to our existing order. The contract with Up End This, LLC will be reduced to five (5) shelters, with the total number of shelters on the site staying the same (30). Additionally, Pallet just finalized design and construction of a more robust cold-climate shelter that we will be able to bring to our Elmwood Site. With the R-Value more the doubling, it is anticipated that this cold-climate shelter will reduce energy use and cost by almost half. The total additional cost for bringing the cold-climate shelters to the Elmwood site is \$37,000. This will increase the total maximum limiting amount for Pallet, SPC to \$295,290 decrease the maximum limiting amount for Up End This to \$122,523 for an overall reduction in contract costs for shelters of \$25,557.

CEDO previously requested and received approvals for a contract with GoliathTech Vermont for Site Work Services for the Elmwood Shelter Community with a maximum limiting amount of \$283,622.59. The contract has decreased to \$122,195 with a contingency up to \$25,000 (for a maximum limiting of amount of \$147,195) due to moving some of the site scope to the 2nd Gen Builders contract.

CEDO previously requested and received approvals for a contract with 2nd Gen Builders, LLC for Construction Management Services for the Elmwood Shelter Community with a maximum

limiting amount of \$420,869. The contract has increased to \$442,533 with a contingency up to \$80,000 (for a maximum limiting of amount of \$522,533) due to increased scope. The increase in contract will be covered by a decrease in shelter contracts and site work contract.

The table below summarizes the contract changes.

Summary of Contract Changes

		Previously Approved Maximum Limiting Amounts	Updated Maximum Limiting Amounts	Delta
CM	2nd Gen Builders	420,869	522,533	101,664
Site work	GoliathTech VT	283,623	147,195	(136,427)
Modular	KBS Builders	338,429	408,048	69,619
Shelters	Pallet SPC	215,280	295,290	80,010
Shelters	Up End This	228,090	122,523	(105,567)
Total		1,486,291	1,486,146	(144)

Attachments

1. Updated Contract for KBS Builders
2. Additional contracts with Pallet SPC
3. Updated Contract with 2nd Gen Builders, LLC
4. Updated Contract with GoliathTech Vermont
5. Up End This, LLC Contract Amendment
6. Previous Contract Approvals

Board of Finance Motion:

To approve and recommend that the City Council approve the authorization of the Director of the Community and Economic Development Office to execute the following contracts for the development of the Elmwood Emergency Shelter Community, pursuant to previously earmarked ARPA funds and subject to the final review and approval by the Office of the City Attorney:

A.) Modular Bathhouse and Community Center contract with KBS Builders with a maximum limiting amount of \$388,048.

B.) Two additional product and services contracts with Pallet, SPC with a maximum limiting amount of \$43,010 and \$37,000.

C.) Construction Management Contract with 2nd Gen Builders, LLC for up to a maximum limiting amount of \$469,739.



City Council Motion:

To approve the authorization of the Director of the Community and Economic Development Office to execute the following contracts for the development of the Elmwood Emergency Shelter Community, pursuant to previously earmarked ARPA funds and subject to the final review and approval by the Office of the City Attorney:

A.) Modular Bathhouse and Community Center contract with KBS Builders with a maximum limiting amount of \$388,048.

B.) Two additional product and services contracts with Pallet, SPC with a maximum limiting amount of \$43,010 and \$37,000.

C.) Construction Management Contract with 2nd Gen Builders, LLC for up to a maximum limiting amount of \$469,739.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: March 8th, 2023

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

RE: City Place Burlington – Encumbrance Application - Bank and Cherry Street
Right-of-Way

Request

The applicant, CityPlace Partners, is requesting approval for an additional 2,850 square feet (including twelve (12) metered parking spaces) of public right-of-way space on the South side of Cherry St. between Pine St. and the Downtown Transit Center. At the requirement of the Department of Public Works, the applicant is also requesting the removal of three (3) metered parking spaces on Bank Street for delivery access accommodations, and to designate a pull-off area for the temporary one-way only traffic condition.

As stated in Burlington Code of Ordinance Chapter 27-32(a): *"No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council."*

Overview

- 1) In November 2017, portions of Bank and Cherry St were encumbered through a License Agreement between the City and PC Construction (PCC) to begin demolition of the former Burlington Square Mall located at 75 Cherry St.
- 2) In August of 2020, the street and sidewalk portions of the city right of way formerly encumbered by PCC were restored to temporary conditions as approved by the City.
 - a. Under the above-mentioned temporary restoration plan, a portion of the Bank and Cherry St. right-of-way remained encumbered by construction privacy fencing and concrete block walls. As part of a new license agreement, BTC Mall Associates assumed ownership of the remaining encumbered area of public right-of-way until November 14, 2022.

- 3) In October 2022, CityPlace Partners was issued an Encumbrance Permit (REN 22-66) and License Agreement to begin work on the building foundation for Phase 1 of the project.
 - a. On Bank St., This agreement allows for obstruction of temporary asphalt sidewalk and parking stalls, shifting the traffic pattern to westbound one-way only, and maintaining the existing 14 parking stalls, relocated adjacent to the vehicle travel lane on the North side of Bank St.
 - b. From the application, occupation on Cherry St., was proposed to obstruct the existing temporary asphalt sidewalk on the South side of the street, with no changes to the current vehicle travel lane configuration or parking stalls.
- 4) The Department of Public Works received an Encumbrance Permit Application on February 14, 2023 from S.D. Ireland, representing CityPlace Partners, requesting to occupy an additional 2,850 sq. ft. of public right-of-way on Cherry St. The request, if approved, would eliminate twelve (12) parking spaces on the South side of Cherry St., and, at the request of DPW, remove three (3) metered parking spaces directly across from 133 Bank Street to enhance transportation safety, and allow more space for local delivery access.

Recommendation

The Department of Public Works is supportive of entering into a First Amendment to the License Agreement between the applicant and the City.

Thank you for consideration of this request, please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachment

- A. Application
- B. DPW Recommendation Form
- C. Site Plan
- D. Certificate of Insurance

Motions:

License Committee:

"To approve and recommend that the City Council approve the Encumbrance Permit Application dated February 14, 2023, requesting expanding the footprint of the previously approved Application by obstructing an additional portion of public right-of-way on Bank Street and Cherry Street as detailed in Attachment A, and to further recommend that the City Council authorize the Mayor to enter into a First Amendment of the License Agreement dated October 2022 with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

City Council:

“To approve and authorize the Encumbrance Permit Application dated February 14, 2023, requesting expanding the footprint of the previously approved Application by obstructing an additional portion of public right-of-way on Bank Street and Cherry Street as detailed in Attachment A, and to further recommend that the City Council authorize the Mayor to enter into a First Amendment of the License Agreement dated October 2022 with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney’s Office.”

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN CITYPLACE PARTNERS
AND THE CITY OF BURLINGTON REGARDING CONSTRUCTION
ENCUMBRANCE LICENSE AGREEMENT**

A First Amendment to the Agreement between CityPlace Partners and The City of Burlington regarding Construction Encumbrance License Agreement (the “First Amendment”) is made and entered into as of the _____ day of March, 2023 by and between the City of Burlington, a Vermont municipal corporation (“City”), and CityPlace Partners (“Licensee”) (collectively, “the parties”).

Background

- A. The parties entered into that certain agreement, dated as of 10/31/2022 (the “Agreement”) in order to occupy a portion of City right-of-way on Bank and Cherry Street with construction and barrier fencing. According to Licensee’s application, it will cover a 12,854 square foot area of the public sidewalk and parking stall, with 7,904 sq. ft. on the North side of Bank Street between Pine and St. Paul Street, and 4,950 sq. ft. on the South side of Cherry Street, between St. Paul and Pine Street.

- B. The parties agreed to grant to Licensee a license to maintain barricade fencing and concrete block retaining walls extending into the public right-of-way adjacent to 75 Cherry Street, on the North side of Bank Street and the South side of Cherry, covering a total area of 12,854 sq. ft. for the term set to expire on June 1, 2023. Licensee may use and maintain the occupied portion of the sidewalk and parking stall existing in the City’s right-of-way.

- C. The parties desire to enter into this First Amendment in order to:
 - 1) Include the removal of three metered on street parking spaces on Bank Street; and amend the total area of encumbrance on Cherry Street from 4,950 square feet to 7,800 square feet, to include the removal of 12 metered on street parking spaces on the South side of Cherry Street between Pine Street and the Downtown Transit Center, and
 - 2) Extend the expiration date of this agreement to expire on April 1, 2024.

NOW THEREFORE, in consideration of the Background described above and other good and valuable consideration, IT IS AGREED by and between the City and CityPlace Partners as follows:

1. In Section 1 (Recitals), paragraph C (Background) the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

The City owns property, including the street and sidewalk right-of-way adjacent to the property located 75 Cherry Street and 130 Bank Street. Licensee has submitted a construction encumbrance application seeking occupation of City right-of-way on Bank and Cherry Street with construction and barrier fencing. According to Licensee's application, it will cover a 12,854 square foot area of the public sidewalk and parking stall, with 7,904 sq. ft. on the North side of Bank Street between Pine and St. Paul Street, and ~~4,950 sq. ft.~~ 7,800 sq. ft. on the South side of Cherry Street, between St. Paul and Pine Street.

2. In Section 2 (Effective Date and Term), paragraph B (Term), the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

This Agreement shall commence on the Effective Date and expire on ~~June 1, 2023.~~
April 1, 2024.

3. In Section 3 (Definitions) paragraph B (Encumbrance fee) the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

"Encumbrance Fee" means the sum of the encumbrance application fee, maximum
daily meter rate fee, and the square foot use fee annually set by the City.

4. In Section 4 (Grant of License) the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

The City hereby grants to Licensee a license to maintain barricade fencing and concrete block retaining walls extending into the public right-of-way adjacent to 75 Cherry Street, on the North side of Bank Street and the South side of Cherry, covering a total area of ~~12,854 sq. ft.~~ 15,704 sq. ft. for the term set forth in §2.B of this Agreement. Licensee may use and maintain the occupied portion of the sidewalk and parking stall existing in the City's right-of-way and must be

maintained and placed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment C.

5. Except as specifically amended by the terms of this First Amendment, the Agreement remains in full force and effect. Unless specifically defined in this First Amendment, all terms shall have the meanings contained in the Agreement.

IN WITNESS WHEREOF, this First Amendment is executed as of the day and date first above written.

CITY OF BURLINGTON, VERMONT

By: _____
Miro Weinberger, Mayor
Duly Authorized Agent

CityPlace Partners

By: _____
Duly Authorized Agent

(Print Name and Position)

EX-A



City of Burlington, VT

02/21/2023

REN-23-1

ROW Encumbrance Permit

Status: Active**Date Created:** Feb 14, 2023

Applicant

Mathew Wheeler
matt@sdireland.com
193 Industrial Avenue
Williston, VT 05495
802-324-5726

Primary Location

100-139 Bank Street
Burlington, VT 05401

Owner:

CITYPLACE PARTNERS, LLC
4724 Spear Street Shelburne, VT 05482

Right-of-Way Encumbrance Application

Type of Encumbrance Requested

Long-Term Encumbrance (More than 60 Days)

Encumbrance Description

Bank Street and Cherry Street Encumbrance along Frontage of New City Place Building Construction. Permit includes removal of 3 metered parking stall on Bank St and 12 metered parking stalls on Cherry St.

Location of Encumbrance

Bank Street and Cherry Street

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

1

Encumbrance Start Date

03/14/2023

Encumbrance End Date

03/12/2024



DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

EX-B

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: _____ DATE: 2/21/2023
COMPANY NAME: CityPlace Partners PHONE: 802-316-6452
CONTACT NAME: David Hillman EMAIL: dave@btvspaces.com
MAILING ADDRESS: 110 Main St. Suite 2B, Burlington, VT
LOCATION OF ENCUMBRANCE: 75 Cherry Street

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES []

NO ☒

3. Additional Comments: _____

Pedestrian detour to Northern sidewalk on Cherry St. Install temporary pedestrian crosswalk as shown in Ex-C

4. Has this business remained in compliance to date (RENEWALS ONLY)?

YES []

NO []

5. Describe the encumbrance, including square footage and location of items: _____

Obstruction of Southern sidewalk and parking stalls on Cherry St. Eliminate 12 parking spaces on Cherry and 3 spaces on Bank.

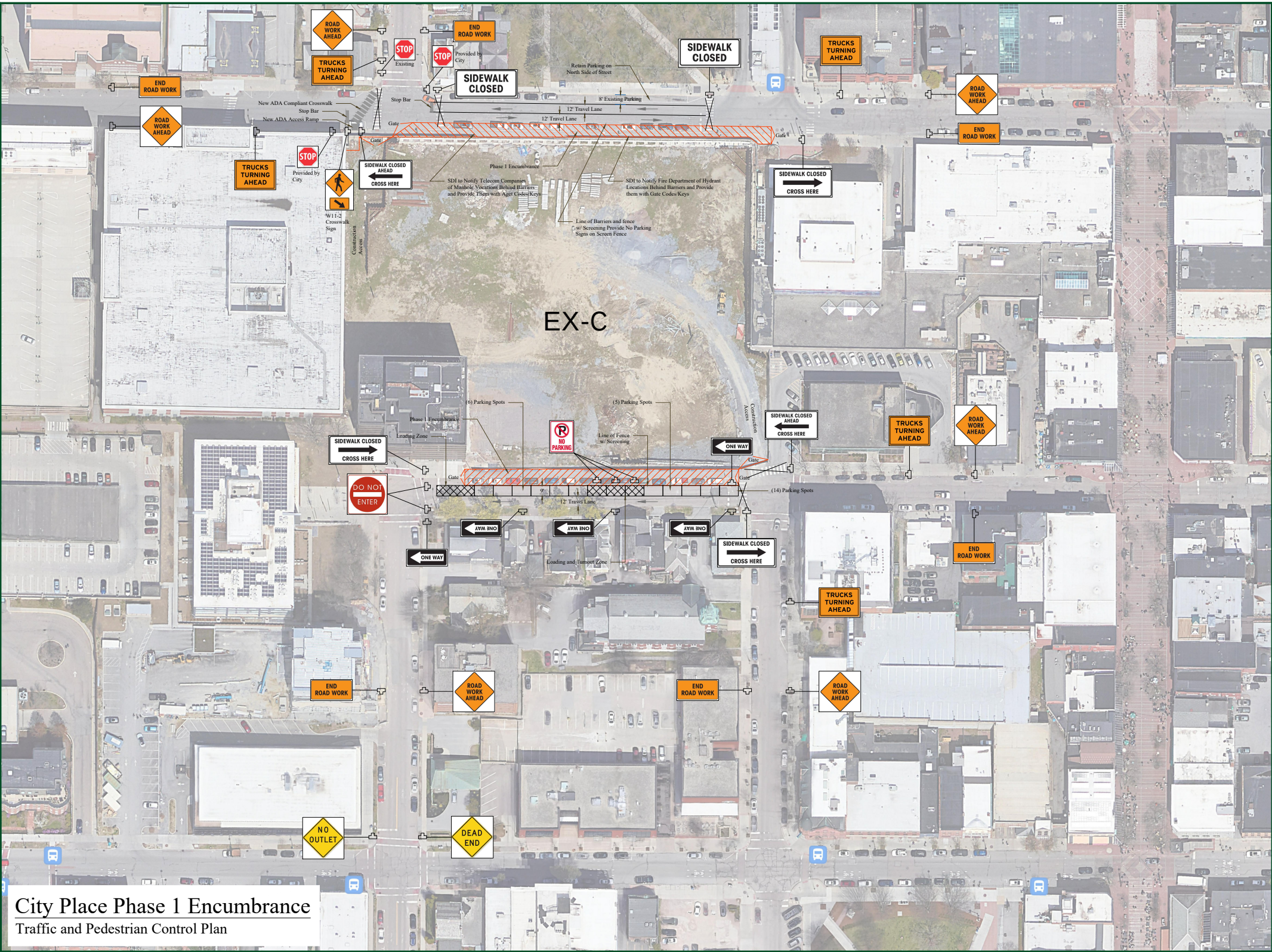
BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No []

If no, reason: _____

Signature: Caleb Manna

Date: 2/21/2023





193 Industrial Ave, Williston, VT 05495 Phone: (802) 658-0201
PO Box 2286, South Burlington, VT 05407 www.SDIreland.com

Note:

This shop drawing represents S.D. Ireland's interpretation of the architect's plans and specifications as well as our contract requirements for this project.

Prior to manufacture and production from this drawing all dimensions, methods of construction, and existing conditions must be checked, revised and approved by S.D. Ireland's client.

Legend:

Approval Stamp:

The Undersigned has reviewed this drawing and is returning it to S.D. Ireland with the following approval for fabrication & shipment;

☐ Approved

☐ Approved as Noted

☐ Approved as Noted (Resubmit for Record)

☐ Revise and Resubmit

By: _____ Date: _____
(Signature)

By: _____
(Please Print)

Company: _____

* Please note that revisions may affect pricing and lead times.

Rev.	Date	By	Description
1	10/11/22	MW/IA	Rev per Comments

Project Name: City Place Burlington

Project Location: Burlington, VT

Drawing Title: Ph 1 Traffic Control Plan

Job #: _____ Date: 02/14/23

Scale: N.T.S. Page: 1 of 1

City Place Phase 1 Encumbrance
Traffic and Pedestrian Control Plan



BTCMALL-01

LROGERS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/2/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AssuredPartners New England, Inc. One Financial Plaza Hartford, CT 06103	EX-D	CONTACT NAME: Lisa Rogers	
		PHONE (A/C, No, Ext): (603) 399-6408 FAX (A/C, No): (603) 399-6408	
		E-MAIL ADDRESS: Lisa.Rogers@AssuredPartners.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A : Admiral Insurance	24856
INSURED City Place Partners, LLC 110 Main St Suite 2-B Burlington, VT 05401		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:			CA000044890-01	4/1/2022	4/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			GX000005314-01	4/1/2022	4/1/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Encumbrance Permit

Additional Insured The City of Burlington, VT

If required by written contract Additional Insured coverage is provided, per the terms, conditions and exclusions of the referenced General Liability policy per form CG20121219. 15 days written notice of cancellation will be provided to the certificate holder for non payment of premium, and 45 days for any other reason per form AD69110519.

CERTIFICATE HOLDER

CANCELLATION

The City of Burlington, VT Dept of Public Works - Encumbrance Application Dept 645 Pine St Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Mike Ross



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: February 14, 2023

CC: Norman Baldwin, P.E., City Engineer
Chapin Spencer, Director of Public Works.
Laura Wheelock, P.E., Sr. Public Works Engineer

RE: EIV Technical Services – 157 South Champlain Street Drainage Manhole
Structure – Encumbrance Permit Request

Request

The applicant, EIV Technical Services, is requesting approval from the Licensing Committee for long-term occupation of the public right-of-way for a concrete drainage manhole structure associated with the new building, and is located on the West side of South Champlain Street adjacent to the property.

As stated in Burlington Code of Ordinance Chapter 27-32(e): "For obstructions longer than sixty (60) days, the permit fee shall be one dollar (\$1.00) per square foot in the public right-of-way, unless it is for obstructing a metered parking space, then the fee shall be the maximum daily meter rate. Any encumbrance that requires more than one (1) year shall require an annual permit renewal, paying the associated fee annually, unless otherwise determined by the city council; such renewal will be measured on an annual basis beginning from the date of permit issuance."

Overview

Department of Public Works received an encumbrance application request from EIV on December 12, 2022, to occupy an area of the sidewalk totaling 34 square feet adjacent to the parcel lot located at 157 S. Champlain Street. The encumbrance is for a six-foot diameter concrete drainage manhole structure (DMH) that serves as an overflow connection from a private stormwater system on the property, to the municipal wastewater management system.

During initial plan review, DPW noted the proposed DMH structure's proximity to the public right-of-way, and request the structure be relocated to be solely contained on private property. As general practice, DPW encourages all private building amenities to be located on privately property whenever possible.

In the course of construction inspection, staff noted the DMH location differed from the proposed utility plan submitted by the applicant. Due to the space physical required to set the concrete structure and connect the inlet and outlet pipes, the as-built location shifted slightly away from the building and into the city owned right-of-way. DPW is agreeable to the relocation so long as:

- The applicant enter into a license agreement with the City for the DMH structure and pay the requisite annual square foot use fee.
- The frame and cover of the DMH rotate to be centered in the reconstructed city owned sidewalk. Cover to be set at flush with finished sidewalk grade. (Sidewalk currently removed for construction, and will be re-installed by the project after substantial completion.)
- Any future maintenance or repairs to the structure will be the responsibility of the applicant.

The revised location does not affect public travel, utilities, or municipal operations.

Recommendation

The Department of Public Works is supportive of entering a License Agreement between the applicant and the City. The area of the public sidewalk occupied will be 34 square feet, billed at the encumbrance rate of \$1/sq. ft. annually as defined in BCO 27-32.

Thank you for consideration of this request, please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachments

- A. Application
- B. DPW Recommendation Form
- C. Site Plan
- D. Certificate of Insurance

Motions:

License Committee:

"To approve and recommend that the City Council approve the Encumbrance Application for 157 South Champlain Street requesting use of the sidewalk for a concrete drainage manhole structure, and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

City Council:

"To approve the Encumbrance Application for 157 South Champlain Street requesting use of the sidewalk for a concrete drainage manhole structure, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

LONG-TERM ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

EIV Technical Services

This long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and EIV Technical Services, a domestic limited liability company with its principle place of business at 106 East Allen Street, Suite 506, Winooski, VT (“Licensee”). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to the property located at 157 South Champlain Street. Licensee has obtained a long-term encumbrance permit allowing for the occupation of City right-of-way on South Champlain Street with a concrete drainage manhole structure. According to Licensee’s permit, it will cover 34 square foot area of the public sidewalk.
- D. Purpose.** This Agreement sets forth the terms and conditions for the permitted use of the public right-of way.

2. EFFECTIVE DATE AND TERM

- A. Effective Date.** Once executed by both parties, this Agreement shall be valid and enforceable (“the Effective Date”). The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement.
- B. Term.** This Agreement shall commence on the Effective Date and expire on April 30, 2053.
- C. Renewal.** This Agreement may be annually renewable for a 30-year term, provided that the Department of Public Works certifies that Licensee remains in compliance with the Agreement, and Licensee (1) submits a renewal application certifying that their renewal does not amend, modify, or otherwise change the existing agreement; (2) pays the requisite fees; and (3) provides updated proof of insurance and all applicable endorsements..
- D. Termination.** This Agreement may be terminated as set forth in this section. Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions, and the Licensee shall be liable for all expenses of such removal.
 - i. Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
 - ii. Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days

prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.

- iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.
- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the sidewalk, curbing, and greenbelt adjacent to the property.

3. DEFINITIONS

- A. **“Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. **“Encumbrance Fee”** means the sum of the encumbrance application fee and the square foot use fee, annually set by the City.
- C. **“Party”** means the City or Licensee and **“Parties”** means both the City and Licensee.
- D. **“Premises”** means the street and sidewalk right-of-way on South Champlain Street, between Main and King Street.
- E. **“Property”** means the building lot located at 157 South Champlain Street in Burlington, Vermont, inclusive of the drainage manhole structure that is the subject of this Agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install and maintain a concrete drainage manhole structure that serves as an overflow connection from private stormwater system extending into the public rights-of-way on the West side of 157 South Champlain Street, covering an area of 34 sq. ft. for the term set forth in §2.B of this Agreement. Licensee may use and maintain the occupied portion of the sidewalks existing in the City’s rights-of-way, which must be maintained and placed exactly as described in the plan approved by the Department of Public Works (“DPW”) and attached hereto as Attachment B.

5. LICENSE CONDITIONS

The Premises shall be maintained in accordance with all conditions set by the City’s Department of Public Works (“DPW”). Such conditions shall include the following enumerated conditions, but may also be supplemented by DPW upon reasonable notice to Licensee if DPW determines that the public safety, health, or welfare requires such supplemental conditions. City reserves the right to terminate this agreement as consistent with §2.D.iii should License fail to comply with any of the enumerated conditions or any supplemental conditions provided by DPW after reasonable notice.

- A. Licensee shall take all reasonable precautions to protect the public from potential hazards resulting and emanating from the Premises due to activities related to the uses for which this encumbrance is permitted.
- B. Licensee shall protect all utilities, particularly those located on, about, adjoining, and adjacent to the Premises, from all manner of harm and damage caused by activities conducted on, about, or in connection with Licensee’s use of the Premises. Licensee shall submit a utility protection plan, detailing the activities it shall take to protect such utilities, to DPW’s excavation inspector for

approval. Licensee shall take all additional reasonable activities requested by DPW to protect such utilities. All costs of these protection activities shall be the responsibility of Licensee.

6. PAYMENT FOR LICENSE

- A. License Fee.** Licensee shall pay the City encumbrance fees as provided by City ordinance and as further described in Attachment B.
- B. Initial License Fee.** By signing this Agreement, the Parties acknowledge that Licensee has paid the City the licensee fee for the period beginning on the effective date and ending April 30, 2024.

7. INSURANCE

- A. Requirement.** Licensee shall maintain, throughout the term of this Agreement and any subsequent extension or renewals, comprehensive public liability insurance with an A- or better-rated insurance carrier qualified to transact business in the State of Vermont insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted by this Agreement in an amount not less than \$1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.
- B. Evidence.** Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured. Licensee shall also furnish the City with an endorsement indicating that Licensee shall be given 30 days' written notification prior to cancellation of such insurance for nonpayment of premium and 30 days' written notice for any other reason. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with 10 days' written notification prior to cancellation of such insurance for nonpayment of premium and 30 days' written notification for any other reason. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.
- C. Continuing Obligation.** Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, and subcontractors on or related to Licensee's use of the Premises or in connection with this Agreement or the rights granted to it under this Agreement. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall immediately thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim and to approve all proposed settlements of claims to which this provision applies. Under no conditions shall

the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement, including attorney's fees, collection costs, or other costs, of Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the rights granted to Licensee under this Agreement.

10. PUBLIC RELATIONS:

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK:

The City shall, at all times, have access to the Premises for the purposes of inspection, and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the rights granted herein to the new owner of the Property for a period of 60 days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the 60 day period. Failure to comply with this §14 shall constitute a discontinued use under §2.C.i of this Agreement.

15. LIMITATION OF RIGHTS

Licensee acknowledges that no property interest or other right is created other than that specifically defined and limited by this Agreement.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

Attachment A: Licensee's Application

Attachment B: Department of Public Works Encumbrance Recommendation Form

Attachment C: Photographs and Sketches of Encroachment

Attachment D: Certificate of Insurance

21. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

22. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect.

The Parties hereto have executed this Agreement

LICENSEE
Nathan Dagesse
EIV Technical Services

By: _____
Nathan Dagesse

Date: _____

CITY OF BURLINGTON
Mayor Miro Weinberger

By: _____
Mayor Miro Weinberger
Duly Authorized

Date: _____

Ex-A



City of Burlington, VT

01/04/2023

REN-22-72

ROW Encumbrance Permit

Status: Active**Date Created:** Dec 5, 2022

Applicant

Nathan Dagesse
ndagesse@eivtech.com
355 Main Street
Suite 500
Winooski, Vermont 05404
18026839967

Primary Location

157-159 South Champlain Street
Burlington, VT 05401

Owner:

Nathan B. Dagesse
355 Main WINOOSKI, VT, VT 05404

Right-of-Way Encumbrance Application**Type of Encumbrance Requested**

Long-Term Encumbrance (More than 60 Days)

Encumbrance Description

Location of 6' Diameter Stormwater DMH partially in City ROW

Location of Encumbrance

Northeast corner of the 157 South Champlain Street property boundary with City ROW

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

99

Encumbrance Start Date

12/01/2022

Encumbrance End Date

12/01/2121

Area Encumbered (Square Feet)

34



DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

EX-B

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: EIV Technical Services DATE: 2/14/2023
COMPANY NAME: EIV PHONE: 802-683-9967
CONTACT NAME: Nate Dagesse EMAIL: ndagesse@eivtech.com
MAILING ADDRESS: 106 E. Allen St., Suite 506, Winooski, VT 05404
LOCATION OF ENCUMBRANCE: 157 S. Champlain Street

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

YES []

NO ☒

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

YES ☒

NO []

3. Additional Comments: _____
DMH frame and cover to be centered on grade in public sidewalk.

4. Has this business remained in compliance to date (RENEWALS ONLY)?

YES []

NO []

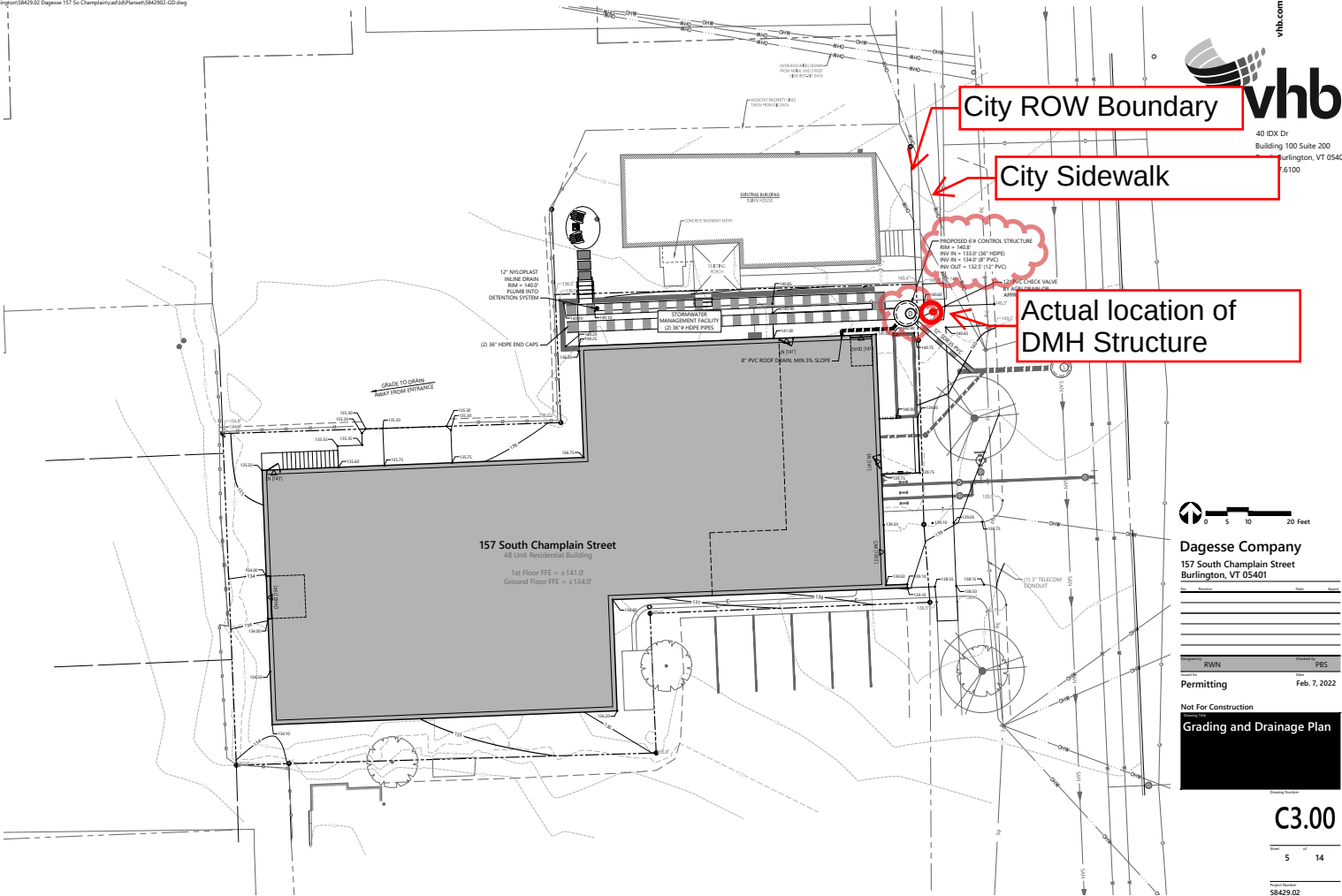
5. Describe the encumbrance, including square footage and location of items: _____
Concrete drainage manhole structure occupying 34 sq ft of public right of space underneath sidewalk.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes ☒ No [] If no, reason: _____
Signature: Caleb Manna Date: 1/3/2023

EX-C

v:\hvb.com\gh\proj\38429.02 Dagesse 157 So Champlain\cat\A\PlanSet\38429.02-GD.dwg



Save as February 7, 2022 3:38:30 PM WYBETALL: R. Project Administrator, February 7, 2022 3:32:25 PM WYBETALL: R. Project Administrator



CMGNC-1

OP ID: ST

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/04/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 781-245-5400 Poole Professional B&B of MA 107 Audubon Rd, #2, Ste 305 Wakefield, MA 01880 Cameron W. Poole		CONTACT NAME: Cameron W. Poole PHONE (A/C, No, Ext): 781-245-5400 FAX (A/C, No): 781-245-5463 E-MAIL ADDRESS:		
EX-D		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Continental Casualty Company		20443
		INSURER B: Continental Insurance Company		35289
		INSURER C: Crum & Forster Specialty		44520
		INSURER D:		
		INSURER E:		
INSURER F:				

INSURED CMGN Consulting, LLC dba EIV Technical Services 106 East Allen St, Unit 506 Winooski, VT 05404	
---	--

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC ☐ OTHER:			6021525094	05/02/2022	05/02/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			6021525094	05/02/2022	05/02/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10000			6021525113	05/02/2022	05/02/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	6021498625	05/02/2022	05/02/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Engl/Arch Prof Liab			EPK-138674	02/05/2022	02/05/2023	Per claim \$ 1,000,000 Aggregate \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

CITYBU6 City of Burlington Burlington International Airport 1200 Airport Drive South Burlington, VT 05403	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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BURLINGTON INTERNATIONAL AIRPORT

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

FROM: Nic Longo, Director of Aviation

DATE: January 13, 2022

SUBJECT: Authorization to Execute Lease Amendment No. 2 to the General Services Administration (GSA) Lease

Request:

The Burlington International Airport ("Airport") seeks Board of Finance recommendation and City Council approval to execute a lease amendment to the lease with GSA and the Burlington International Airport (BTV).

Executive Summary:

Background:

The Transportation of Security Administration (TSA) managers will be moving offices from their current first floor space of the Airport to the second level post-security area. The new space will undergo construction for the new tenants, which the Airport is financing per the agreement made between GSA and The Airport. The 1,147 square foot space, in which TSA will be occupying, was a former Airport Administration office location. The previous location was 690 square feet in size and the annual rental fee was \$38,232.00. The new annual rental fee for the new space is \$63,555.00. GSA, who is named on their original lease, is working with the Airport directly on this space change.

Motions:

The Airport respectfully request the Board of Finance and City Council approve the following motions:

Board of Finance

1. "To approve and recommend to the City Council that the Mayor of Burlington, Miro Weinberger, be authorized to execute amendment No. 2 to the Lease Agreement with GSA, subject to the final review and approval by the Office of the City Attorney."

City Council

1. "To approve that the Mayor of Burlington, Miro Weinberger, be authorized to execute Amendment No. 2 to the Lease Agreement with GSA, subject to the final review and approval by the Office of the City Attorney."

Thank you for your continued support.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Lumbra
 Request for Authorization to Execute Lease Amendment No. 2 to the General Services
 Title/Subject: Administration (GSA) Lease

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	1/12/2023	N. Longo
Mayor's Office informed and approved memo	Yes	2/23/2023	J. Redell
Board/Commission, if required	Yes	12/7/2022	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	2/23/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/23/2023	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	2/23/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE LEASE AMENDMENT	LEASE AMENDMENT No. 2
	TO LEASE NO. GS-01P- LVT04980
ADDRESS OF PREMISES 05403	PDN Number:

THIS AMENDMENT is made and entered into between **City of Burlington D.B.A. Burlington International Airport**

whose address is:

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease to 1) establish the right to acquire.

NOW THEREFORE, these parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease is amended, effective December 15th, 2022, as follows:

1. **Right To Acquire**: The Government and Lessor have mutually agreed that the Government shall have the right to transfer its leasehold interest under the Government lease NO. GS-01P- LVT04980 to second floor space known as Suite #24 of 05403. (Suite #24 shall be a minimum of 1,147 rentable square feet (RSF), Yielding 1,147 ANSI/BOMA Office Area (ABOA) square feet (Sf) of Office Space). Once the space is built out, the rent will be at the same rate per rentable square foot as the current lease. Due to the forced move from the Lessor, the cost of construction will be at the Lessor's cost.

This Lease Amendment contains 2 pages.

All other terms and conditions of the lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR:

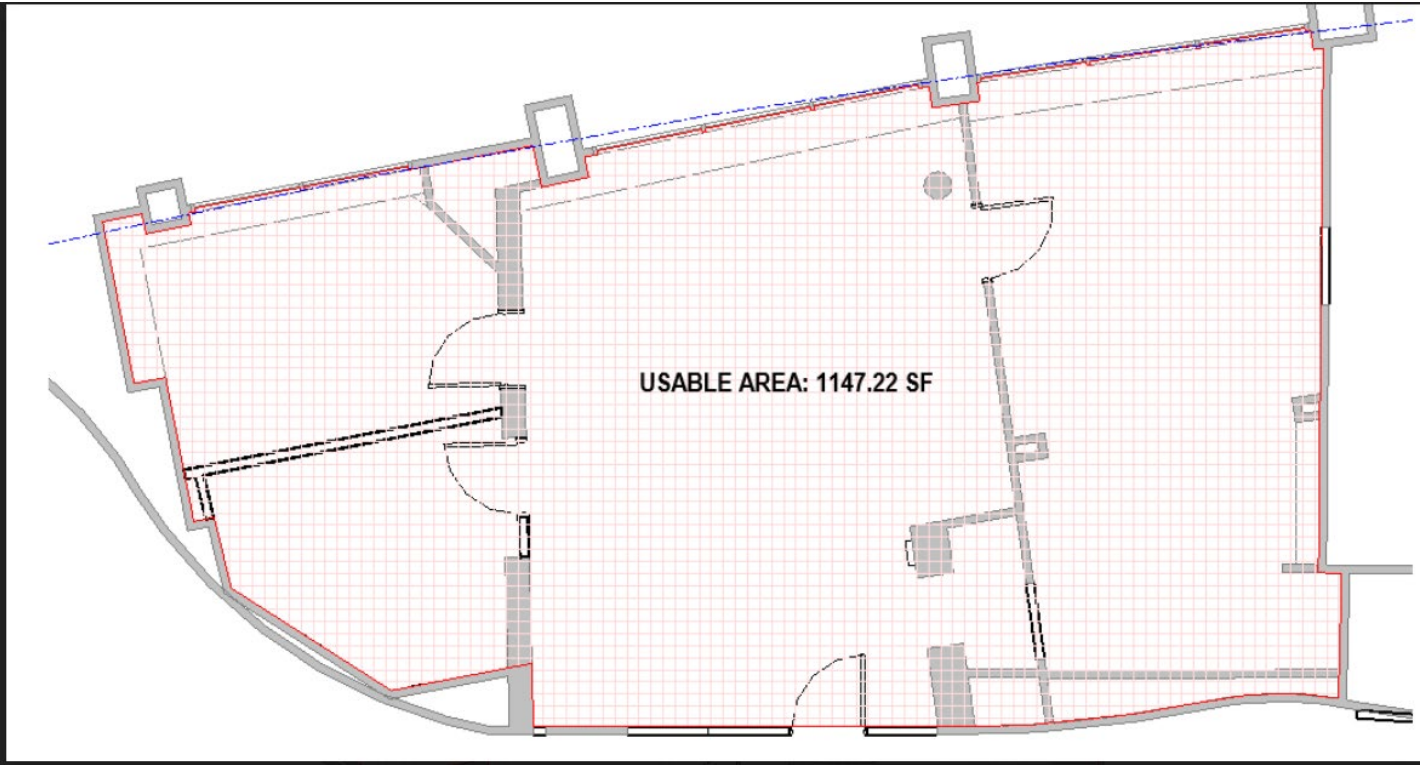
FOR THE GOVERNMENT:

 Name: _____
 Title: _____
 Entity: _____
 Date: _____

 Name: _____
 Title: Lease Contracting Officer
 General Services Administration, Public Buildings Service
 Date: _____

WITNESSED FOR THE LESSOR BY:

 Name: _____
 Title: _____
 Date: _____



LESSOR: _____ GOVERNMENT: _____



BURLINGTON INTERNATIONAL AIRPORT

Burlington International Airport
1200 Airport Drive, Suite 1
South Burlington, VT 05403

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

FROM: Burlington International Airport
Nic Longo, Director of Aviation
Larry Lackey, Director of Engineering and Environmental
Compliance

DATE: February 27, 2023; March 13, 2023

SUBJECT: Request to accept a Federal Aviation Administration Grant for
Construction of Taxiway A Mill and Overlay - Additive Alternate and
Execute Increased Contracts for Construction with SD Ireland
Construction and Related Engineering and Inspection Services with
McFarland-Johnson Consulting, Inc.

REQUEST

The Burlington International Airport (Airport or BTV) seeks approval and authorization:

1. To accept and execute a Federal Aviation Administration (FAA) grant for the construction of Taxiway A Mill and Overlay Project - Additive Alternate which includes the Taxiway 'C' Portion (50'x400' LF);
2. To execute an increased contract with SD Ireland Construction (SDI) for construction of the Taxiway A Mill and Overlay Project with the Additive Alternate; and
3. To execute an increased contract with McFarland-Johnson Consulting, Inc. (MJ) for engineering and construction oversight of the construction for the Taxiway A Project with the Additive Alternate.

EXECUTIVE SUMMARY

PROJECT BACKGROUND, DESCRIPTION, BENEFIT, JUSTIFICATION AND OBJECTIVE

This project consists of the rehabilitation of approximately 21,000 square yards of existing Taxiway A pavement between Taxiway C and Taxiway G. Additionally, the project will include the construction of a 20-foot asphalt shoulder to upgrade Taxiway A to increase safety standards on this taxiway, which is one of the most frequently used systems at the airport. This also facilitates a beneficial improvement for winter operations and ease of snow removal. The project includes planning, data collection, permitting, design, and production of bid documents, advertisement, and general administration for construction. This program, as designed, will be constructed in accordance with the Federal Aviation Administration (FAA) Advisory Circular 150/5300-13B and the approved Airport Layout Plan (ALP).

The following components were included in the original Airport Commission, Board of Finance and City Council ultimate approval on August 15, 2022:

- Rehabilitate approximately 21,000 SY of existing taxiway (mill and overlay)
- Construction of approximately 4,000 SY (1,800' x 20') of taxiway shoulder pavement
- Installation of new taxiway edge lighting
- Airfield signage
- Other ancillary items

The original bid included an Additive Alternate, the Rehabilitation, Mark, Light and Sign Taxiway 'C' (50' x 400LF), which costs were not requested in the initial request to the FAA and City Council approvals due to FAA funding limitations last year. The funding (FAA entitlement) is anticipated to be available this year.

Construction is to occur over a single season in spring/summer of 2023 and is phased to maximize flexibility for the Airport.

PROJECT APPROACH

Bidding & Selection:

McFarland Johnson (MJ) provided design/bid documents for a request for proposal (RFP) process from potential contractors. The project was advertised in March 2022 with bids received in April 2022. There were two (2) responsive bids for construction of this project, which were evaluated in accordance with the prescribed criteria. After evaluation of the bids, SD Ireland was selected as the lowest responsive bidder. The Airport at that time requested to execute a contract with SD Ireland in the amount of up to \$3,041,563.00 with a 15% contingency

totaling up to \$3,497,797.45, for construction of Taxiway A Mill and Overlay which was approved by City Council in August last year.

At this time the Airport is requesting to increase the contract amount with SD Ireland for up to \$3,984,562.00 with a 15% contingency totaling up to \$4,582,246.30.

MJ was selected to provide the engineering and construction oversight services through the Airport's selection process required by the FAA. This price was determined through an extensive pricing process required by the FAA for all Airport Improvement Program (AIP) grant funded projects. The Airport at that time requested to execute a contract with MJ for \$309,128.85 with a 15% totaling up to \$355,498.18, for construction oversight of the Taxiway A Rehabilitation, which was approved by City Council in August of last year.

At this time the Airport is requesting to increase the contract amount with MJ for up to \$573,168.85 with a 15% contingency totaling up to \$659,144.18, which includes the additional services for the Additive Alternate.

Funding:

The Airport last year requested to accept a grant from the Federal Aviation Administration in an amount up to \$3,340,059.12 with a 15% totaling up to \$3,841,067.99 for the construction of Taxiway A Mill and Overlay Project, which was approved by City Council in August of last year. This FFY 22 Grant is in hand. The Federal Grant will be sufficient to provide funding for 90% of this project, leaving the remaining 10% of costs reimbursed through the Passenger Facility Charge (PFC) program approved by the FAA. The PFC program is a user fee collected on an airline ticket of \$4.50, and refunded in part back to the airport. The FAA approves the collection and also the use of these funds. This project is consistent and has been approved by the FAA for funding through the airport Capital Improvement Program.

At this time, we are requesting to accept a grant from the Federal Aviation Administration in an amount up to \$1,265,076.00 with a 15% totaling up to \$1,454,837.40 for the related engineering services and construction of Taxiway A Mill and Overlay Project - Additive Alternate. The same user fee program (PFC) would apply as outlined for the local share.

AIRPORT COMMISSION APPROVAL

The Airport Commission approved and recommended the above requests on February 1, 2023 to the Board of Finance and City Council.

MOTIONS:

Board of Finance:

1. "To approve and recommend that the City Council authorize the Director of Aviation to execute a grant from the Federal Aviation Administration to accept an amount up to \$1,265,076.00, with a 15% contingency, totaling up to \$1,454,837.40. As allowed under the grant, for the construction of Taxiway A's Mill and Overlay and Additive Alternate, subject to review and approval of the City Attorney's Office."
2. "To approve and recommend that the City Council authorize the Director of Aviation execute contracts with SD Ireland Construction in a cumulative amount of up to up to \$3,984,562.00 with a 15% contingency totaling up to \$4,582,246.00. As allowed by the grant, for the construction of Taxiway A's Mill and Overlay with the Additive Alternate, subject to review and approval of the City Attorney's Office."
3. "To approve and recommend that the City Council authorize the Director of Aviation to execute contracts with McFarland-Johnson Consulting, Inc. in a cumulative amount of up to \$573,168.85 with a 15% contingency totaling up to \$659,144.18, for construction oversight of the Taxiway A Rehabilitation. As allowed by the grant for construction oversight of the for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office."

City Council:

1. "To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration accept an amount up to \$1,265,076.00, with a 15% contingency, totaling up to \$1,454,837.40, as allowed under the grant, for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office."
2. "To authorize the Director of Aviation execute contracts with SD Ireland Construction in a cumulative amount of up to \$3,984,562.00, with a 15% contingency, totaling up to \$4,582,246.00, as allowed by the grant, for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office."
3. "To authorize the Director of Aviation to execute contracts with McFarland-Johnson Consulting, Inc. in a cumulative amount of up to \$573,168.85 with a 15% contingency totaling \$659,144.18, as allowed by the grant for construction oversight of the for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office."

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Lumbra
 Request to accept a Grant for Construction of Taxiway A Mill and Overlay - Additive
 Title/Subject: Alternate and Execute Increased Contracts for Construction

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	1/26/2023	N. Longo
Mayor's Office informed and approved memo	Yes	2/23/2023	J. Redell
Board/Commission, if required	Yes	2/1/2023	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	2/23/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/23/2023	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	2/23/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: City Council

FROM: Phillip Peterson, PE, Public Works Engineer
Laura Wheelock, PE, Senior Public Works Engineer

DATE: March 13, 2023

CC: Chapin Spencer, Director of Public Works
Norman Baldwin, PE Assistant Director of Public Works/City Engineer

RE: Queen City Park Road Sidepath VTrans Grant Cooperative Agreement (CA0727)

Request:

The Department of Public Works ("DPW") is requesting City Council approve the City accepts Vermont Agency of Transportation (VTrans) Bicycle & Pedestrian Program Grant Queen City Park Road Sidepath. The grant amount is \$828,000 to be paid upfront by the City of Burlington and then reimbursed by VTrans, with a local match of \$207,000 in City funds (20%), for a total project budget of \$1,035,000. This request was approved by Board of Finance at their February 27, 2023 meeting.

Background of the Queen City Park Road (QCPR) Sidepath Project

The Chittenden County Regional Planning Commission (CCRPC), in association with the Cities of Burlington and South Burlington, initiated a Scoping Study for a bicycle and pedestrian connection between the Lindenwood Drive intersection on US Route 7 in South Burlington, along QCPR and Austin Drive, to the Burlington Waterfront Greenway (commonly called the Burlington bike path). Toole Design was retained to conduct the study, which includes the required elements of a VTrans scoping study. This has allowed the City of Burlington to pursue funding through the VTrans Bicycle and Pedestrian Program.

This section of QCPR is home to major employers of industrial and manufacturing employees. Census data indicates a higher percentage of Black and Asian employees when compared to the city's overall population. It also indicates that 34% of those employees make low- or middle-wages, indicating some financial stress that could be mitigated with a safer, more affordable way to commute. It is important to note, this facility has been requested by some of the local employers on this corridor. More broadly, this roadway provides no way to separate vehicle traffic from people walking and biking. The city has a vision to provide transportation options that are safe, affordable, accessible, and equitable. This shared-use path will remedy the current transportation option that feels unsafe, inaccessible, and inequitable if they cannot afford or choose not to use

a vehicle.

Based on Board of Finance & City Council approval The City has executed the Grant Project Commitments Form committing funding towards this project in September of 2022; additionally, the City's Capital Committee has approved this local match request.

Funding for the Shared-Use Path Project

Following the completion of the scoping study the City pursued various funding opportunities with VTrans and were successful in our most recent application to the Bicycle and Pedestrian Program Grant, see Attachment-1. The engineer's estimate for the design and construction of the QCPR Sidepath project is \$1,035,000. The funding for this project comes from VTrans Municipal Assistance Bureau Bicycle and Pedestrian Program Grant, and local City funded match coming from Capital funds. DPW now seeks authorization to accept this grant to secure a significant portion of overall project funding, see Attachment-2.

The following is the estimated project budget and use of local match funds for the next few years

	FY23	FY24	FY25	FY26	FY27	FY28
Local Match (City)	\$31,050	\$2,500	\$2,500	\$9,000	\$108,000	\$53,950
VTrans Grant	\$124,200	\$10,000	\$10,000	\$36,000	\$432,000	\$215,800
Total	\$155,250	\$12,500	\$12,500	\$45,000	\$540,000	\$269,750

Professional Design Consultant Procurement

DPW is interested in making use of the VTrans At-the-Ready program for Consultant procurement for this project. Use of this program allows City and VTrans staff to review consultant qualifications that have already been provided and evaluated by VTrans for consultants who are highly qualified in sidepath design, with railroad crossings, and public outreach. Requests for proposal(s) are sent to the firm determined to be highest qualified and then at such point a scope and fee is negotiated. DPW requests approval to procure the design consultant for this project using this process and program. Approval of the consultant contract will still follow all City of Burlington procurement limits for authorization to the Board of Finance and/or City Council.

Attachments

1. Cooperative Agreement CA0727 from the Vermont Agency of Transportation
2. Draft Budget Amendment

Motions

Actions for City Council:

1. To authorize the Director of Public Works to execute the Cooperative Agreement from the Vermont Agency of Transportation to accept a grant amount of \$828,000, with project costs to be paid upfront by the City of Burlington and then reimbursed by the Vermont Agency of Transportation, with a local match of \$207,000 in City funds (20%), for a total project budget of \$1,035,000; subject to approval by the City Attorney's Office and Chief Administrative Officer.
2. Accept the recommendation of the Capital Committee and approve the creation of the QCPR Sidepath Project Budget for Fiscal year 2023 for use of Capital funds, as described

An Equal Opportunity Employer

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in the affiliated memorandum and attachments, and subject to the review and approval of the Chief Administrative Officer.

3. Approve the use of the VTrans At-the-Ready process for Professional Design Consultant Procurement and thereby waive any conflicting requirements of the City's Procurement Policy, subject to review and approval of the City Attorney's Office and Chief Administrative Officer.

STATE OF VERMONT STANDARD GRANT AGREEMENT

Part 2 – Grant Agreement

1. Parties: This is a Grant Agreement for the advancement of a transportation project between the State of Vermont, Agency of Transportation (hereinafter called “State”), and **City of Burlington**, a **US Local Government**, with its principal place of business at **645 Pine Street, Burlington, Vermont 05401**, (hereinafter called “Subrecipient”). It is the Subrecipient’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the Subrecipient is required to have a Vermont Department of Taxes Business Account Number.
2. Subject Matter: The subject matter of this Grant is the advancement of a transportation project known as **Burlington STP BP22(15)**. A detailed description of the project and the services to be provided by the Subrecipient are described in Attachment A.
3. Award Details: Amounts, dates and other award details are as shown in the attached Grant Agreement Part 1 – Grant Award Detail. A detailed scope of work covered by this award is described in Attachment A.
4. Amendment: No changes, modifications, or amendments in the terms and conditions of this Grant shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Subrecipient.
5. Cancellation: This Grant may be cancelled by either party by giving written notice at least thirty (30) days in advance.
6. Attachments: This Grant Agreement consists of **26** pages including the following attachments which are incorporated herein:

Attachment A –Description of Project and Scope of Work to be Performed by
Subrecipient

Attachment B –Payment Provisions

Attachment C –Standard State Provisions for Contracts and Grants (12/15/2017)

Attachment D –Other Grant Agreement Provisions

Attachment E –Special Conditions

Attachment F –Applicable Standards and Design Criteria

Attachment G –Personnel Requirements and Conditions

Attachment H -Required Submittals, State Liaison, Waiver of Standards and
Modifications of Design Steps, Plans, Documents and Estimates

Attachment I-DOT Standard Title VI Assurances and Non-Discrimination Provisions
(DOT 1050.2A) - Assurance Appendix A and Assurance Appendix E

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT AGREEMENT.

STATE OF VERMONT
AGENCY OF TRANSPORTATION

SUBRECIPIENT:
CITY OF BURLINGTON

Date: _____

Date: _____

Signature: _____

Signature: _____

Name: Joe Flynn

Name: _____

Title: Secretary of Transportation

Title: _____

STATE OF VERMONT GRANT AGREEMENT

Part 1-Grant Award Detail

SECTION I - GENERAL GRANT INFORMATION

¹ Grant #: CA0727		² Original ☒ Amendment #	
³ Grant Title: Burlington STP BP22(15)			
⁴ Amount Previously Awarded: \$ 0.00		⁵ Amount Awarded This Action: \$ 828,000.00	
⁶ Total Award Amount: \$ 828,000.00			
⁷ Award Start Date: 12/15/2022		⁸ Award End Date: 12/31/2027	
⁹ Subrecipient Award: YES ☒ NO ☐			
¹⁰ Vendor #: 0000040096		¹¹ Grantee Name: City of Burlington	
¹² Grantee Address: 645 Pine Street			
¹³ City: Burlington		¹⁴ State: VT	
¹⁵ Zip Code: 05401			
¹⁶ State Granting Agency: Vermont Agency of Transportation			¹⁷ Business Unit: 08100
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: \$ 207,000.00 Description: Required local match	
²⁰ If this action is an amendment, the following is amended: Amount: Funding Allocation: Performance Period: Scope of Work: Other:			

SECTION II - SUBRECIPIENT AWARD INFORMATION

²¹ Grantee Identifier [UEI] #: J9MJZAND8XN7		²² Indirect Rate: 0.00 % (Approved rate or de minimis 10%)		²³ FFATA: YES ☒ NO ☐	
²⁴ Grantee Fiscal Year End Month (MM format): 06				²⁵ R&D:	
²⁶ Entity Identifier [UEI] Name (if different than VISION Vendor Name in Box 11):					

SECTION III - FUNDING ALLOCATION

STATE FUNDS

Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$	\$	\$	
Special Fund	\$	\$	\$	
Global Commitment (non-subrecipient funds)	\$	\$	\$	
Other State Funds	\$	\$	\$	

FEDERAL FUNDS

(includes subrecipient Global Commitment funds)

Required Federal Award Information

³¹ CFDA #	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Federal Award Date	³⁸ Total Federal Award
20.205	Highway Planning and Construction	\$ 0.00	\$ 828,000.00	\$ 828,000.00	AFFF		\$
³⁹ Federal Awarding Agency: Federal Highway Administration (FHWA)		⁴⁰ Federal Award Project Descr: Burlington STP BP22(15)					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
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ATTACHMENT A
DESCRIPTION OF PROJECT AND
SCOPE OF WORK TO BE PERFORMED BY SUBRECIPIENT

1. Project Location and Description. The Project is described as follows:

City/Town	City of Burlington
Location	Queen City Park Road, between Austin Drive and Central Avenue
Description	Construction of shared use path

2. Subrecipient Assumption of Full Responsibility for the Project. The Subrecipient assumes full and complete responsibility for any and all aspects relative to the development of the Project except for those items defined in this Grant Agreement for which the State retains responsibility.

3. Commencement of Work. Subrecipient shall not commence work on or incur expenses for the Project until receiving authorization to proceed from the State or upon execution of the Agreement, whichever occurs later.

4. Municipal Project Manager (MPM). All work for the Project will be performed by the Subrecipient or its duly authorized consultant in conformance with the latest update of the Municipal Assistance Bureau Guide document(s). The Subrecipient will designate a full-time employee, member of its legislative body, or other representative, as approved by the State to be the Municipal Project Manager (MPM) for the Project. The MPM will act on the authority granted by the Subrecipient.

5. Federal Environmental Documentation: Duties of MPM. As appropriate, the MPM will review the National Environmental Policy Act (NEPA) environmental document (Categorical Exclusion [CE], Environmental Assessment [EA], or Environmental Impact Statement [EIS]) prepared for/by the Subrecipient, and after ensuring that it is in order, will forward the environmental document to the State for processing through the Federal Highway Administration (FHWA).

6. Pre-Construction: Duties of MPM. Prior to advertising the Project for construction, the MPM will:

(a) The MPM will notify the State in writing 30 days prior to beginning the Right-of-Way phase in order to allow for the funding to be programmed. Review the right-of-way issues for the Project and, after ensuring compliance with all applicable federal and state laws and regulations, will forward the right-of-way documents to the State. The State will issue the Right-of-Way Clearance Certificate.

(b) Review the utility and/or railroad issues for the Project and, after ensuring compliance with all applicable federal and state laws and regulations, provide compliance certification to the State.

(c) Review the Project for compliance with all federal, state, and local laws, ordinances, regulations, and permit requirements and, upon completion of that review and finding that all requirements have been satisfied, send a compliance certification to the State.

(d) Secure documentation that the design meets all applicable standards, codes, and requirements for design and public safety standards.

(e) Secure documentation attesting to the attainment of required structural capacity requirements for all structures and adherence of all traffic control devices to the FHWA's *Manual on Uniform Traffic Control Devices* (MUTCD). This documentation shall be signed by an engineer registered under the laws of the State of Vermont to practice "structural or civil" engineering, and shall be attached to the certification required in Section 6(d), above.

(f) Provide certification to the State both as to those permits, agreements and clearances that have been secured for the Project and as to those which have been determined NOT to apply to the Project.

(g) Review and sign all project related invoices and ensure invoices are in the proper format before submittal to the State for approval.

(h) The MPM will notify the State in writing 30 days prior to beginning the Construction phase in order to allow for the funding to be programmed. No work shall commence unless authorized in writing.

7. Public Meeting. The Subrecipient will warn a public meeting on the Project if required by the State to do so, conduct the meeting in accordance with state and federal requirements, and coordinate the Project with the State and property owners in the Project area.

8. Project Design. Subrecipient agrees that the project development work for this Project shall include preparation of a purpose and need statement, conceptual design plans and estimate, environmental documentation, right-of-way plans, and contract plans, including all specifications, contract documents, and cost estimates. The Project design shall include plans, notes, references to specifications or standards, typical sections, cross sections and all project design computations. Project designs may be prepared in accordance with the standards and formats of the local community, provided those standards and formats meet or exceed State standards or are approved by the State. *Required submittals to the State are all of the above, unless otherwise noted in the Special Conditions.*

Submittals required for justification of payments (monthly for design, biweekly for construction) to the Subrecipient, or for review to assure conformance with the requirements of this Agreement, shall be in a format prescribed by the State's Project Manager.

9. Project Construction. Unless otherwise approved by the State, the Subrecipient will advertise the Project for receipt of bids in conformance with federal and state laws and regulations. The Subrecipient will award the construction contract to the lowest responsive, responsible bidder and will be fully responsible for administration of the contract through completion and acceptance of the Project.

10. Construction Engineering. Construction inspection and materials sampling/testing work for the Project shall include inspection of the construction in progress for conformance with the contract requirements.

11. Project Accounting. Subrecipient will establish and maintain a separate accounting for Project funds, payments, and receipts for the duration of this Grant Agreement.

12. Compliance with FHWA/USDOT Regulations. Subrecipient agrees that it will manage the Project to comply with all applicable provisions of Titles 23 (Highways) and 49 (Transportation) of the Code of Federal Regulations (C.F.R.).

13. Compliance with Federal, State and Local Requirements. Subrecipient will comply with the requirements of all federal, state, and local laws, ordinances and regulations applicable to the Project.

14. Compliance with Permits, Agreements and Clearances. Subrecipient will secure and honor all applicable and necessary local, state, and federal permits, agreements and clearances prior to completion of final construction plans, and will adhere to or make provision for attainment of all conditions set forth in those documents.

15. Utility and Railroad Relocation and Adjustments. Subrecipient agrees that any utility or railroad relocation costs deemed participating Project costs shall meet all applicable eligibility and financial requirements as stated in federal and state laws, regulations, and policies.

16. Acquisition of Lands or Rights for Construction. Should construction of the project require the acquisition of lands or rights outside of the existing State or municipal rights-of-way, the Subrecipient shall acquire such lands or rights either by agreement or through exercise of its eminent domain powers, when applicable, in conformance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601 et seq. (the Uniform Act) and its implementing regulations, 49 C.F.R. Part 24.

17. Expeditious Pursuit of Project. Subrecipient will pursue the Project in an expeditious manner in conformance with the Project schedule agreed upon by the Subrecipient and the State. Changes found necessary by either party to this Grant Agreement or to the schedule for the Project will be brought to the attention of the other party as soon as possible so that mutual agreement can be achieved.

18. Submission of “As-Built” Plans to the STATE. For any Project affecting State highway rights-of-way, and for all structure-related projects, the Subrecipient will develop the plans in a format acceptable to the State and provide the State with four sets of “as-built” plans and one copy of any electronically developed plan files.

19. Hazardous Material Contamination. Responsibility for any contaminated materials within the Project area shall remain unaffected by this Grant Agreement as they are generally non-participating. The Subrecipient shall notify the State of the presence of and design alternatives for potential contaminated and/or hazardous waste sites located during the development or construction stage. Once the Subrecipient determines that contamination exists, whether obvious or established through testing, the Subrecipient shall notify the appropriate regulatory agency.

20. Maintenance of the Completed Project. If the Project is constructed, the Subrecipient will maintain the completed Project in a manner satisfactory to the State or its authorized representative(s) at no cost to the State, and will make ample provisions each year for such maintenance.

21. Personnel Requirements. The Subrecipient will comply with the personnel requirements contained in Attachment G (Personnel Requirements and Conditions).

22. Assignment of State Representative. The State will assign a representative to act as its Project liaison with the Subrecipient.

23. Conformance with Standards. The parties agree that all work performed by the Subrecipient, or its duly authorized representative, shall conform to the applicable standards/design criteria set forth in Attachment F (Applicable Standards & Design Criteria), unless waived in whole or in part in writing by the State.

24. Reviews by the State. The parties agree that, at the discretion of the State's Program Director, the State may inspect or review any work or aspect of the Project for any reason during the development of the Project.

ATTACHMENT B
PAYMENT PROVISIONS

1. Funding Ratio. Up to the maximum limiting amount (MLA) shown below, the State agrees to pay **80%** of the total Project costs eligible for federal participation, including, but not limited to, administration, engineering, right-of-way, utility, railroad relocation and construction costs, except for State's review costs, which will be borne 100% by the State. The State shall not be responsible for expenses incurred by the Subrecipient except as specified in this Agreement.

2. Non-Participating Costs. Work accomplished by the Subrecipient, and/or its consultant or contractor, which has been designated by the State as non-participating for purpose of financial reimbursement, shall be the sole responsibility of the Subrecipient. Examples of non-participating costs include elements outside the scope of work, utility work not related to the project scope, any work outside of the Project limits and approaches and that portion of right-of-way settlements which exceed "Fair Market Value", as determined by reviewing appraiser in accordance with 49 C.F.R. § 24.104 (Review of appraisals). Due to federal regulations that require all project costs to be reported within the federal financial system, the Subrecipient shall document and supply a summary of all non-participating costs. This shall include costs incurred by the Subrecipient above the maximum limiting amount of this Agreement.

3. Compliance with Vermont Prompt Payment Act. To the extent it is applicable, Subrecipient, with respect to work performed pursuant to this Grant Agreement, agrees to comply with the provisions of the Vermont Prompt Payment Act (9 V.S.A. Chapter 102).

4. Reimbursement if Project Not Constructed due to Subrecipient. If at any time the Subrecipient no longer desires the improvements as specified for the Project, or if the Subrecipient fails to meet its obligation to construct the Project, then the Subrecipient shall promptly notify the State. As provided by 19 V.S.A. § 309c(a), the State shall consult with the Subrecipient about the Subrecipient's obligation to repay project costs. The Secretary of Transportation shall then make the final determination of the amount and schedule for the repayment that shall be made to the State by the Subrecipient, considering applicable laws and regulations. Pursuant to 19 V.S.A. §§ 5(d)(13) and 309c(b), within 15 days of the Secretary's determination, the Subrecipient may petition the Vermont Transportation Board for a hearing to determine whether the amount of the Subrecipient's repayment obligation as determined by the Secretary may be reduced.

5. Project Costs and Phases. The parties agree that the Subrecipient will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the State will pay the state and federal share of all properly documented invoices from the Subrecipient for work incidental to the development of the Project up to the total available State/federal funds to the Subrecipient:

Phase	Federal \$	State \$	Local \$	Total \$
Total Available Funds to Subrecipient*	\$828,000.00	\$0.00	\$207,000.00	\$1,035,000.00

*The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

6. Excess Costs. The parties agree that costs incurred by, at the direction of, or for the Subrecipient, when such costs exceed the totals indicated in Section 5, above, will not be eligible for federal or state participation unless those costs have been incorporated into this Grant Agreement through a written amendment.

7. Allocation of Funds by STATE. On the basis of the Subrecipient's request for authorization to develop the Project, and subject to the availability of state and federal funds, the State agrees to make available to the Subrecipient a sum not to exceed **\$0.00** in State funds and **\$828,000.00** in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 5 above).

8. Payment of Invoices by the STATE. The State agrees to pay the Subrecipient the federal and state shares of properly documented bills invoiced by the Subrecipient.

Invoices, which shall clearly reference the Project name and number, shall be sent to:

Name: **Nydia Lugo, Civil Engineer**
Division: Project Delivery Bureau - Municipal Assistance
Via Email: Nydia.Lugo@vermont.gov

9. Payment of Amounts Found Due by Audit. In the event an audit or inspection by a certified or registered public accountant or an authorized agent of the State reveals that monies are due and owing to the State from the Subrecipient, for whatever reasons, then the Subrecipient shall pay such sums to the State within thirty (30) days of written notification of the findings of such audit or inspection.

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

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

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

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

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

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

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

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

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

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

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

8. Insurance: Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the State through the term of this Agreement. No warranty is made that the coverages and limits listed

herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

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

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

Premises - Operations

Products and Completed Operations

Personal Injury Liability

Contractual Liability

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

\$1,000,000 Each Occurrence

\$2,000,000 General Aggregate

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

\$1,000,000 Personal & Advertising Injury

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

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

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

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

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

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

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

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or

acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

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

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

16. Taxes Due to the State:

- A. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- B. Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- C. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- D. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

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

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

- A. is not under any obligation to pay child support; or
- B. is under such an obligation and is in good standing with respect to that obligation; or
- C. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

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

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

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

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 ("False Claims Act"); Section 11 ("Whistleblower Protections"); Section 12 ("Location of State Data"); Section 14 ("Fair Employment Practices and

Americans with Disabilities Act”); Section 16 (“Taxes Due the State”); Section 18 (“Child Support”); Section 20 (“No Gifts or Gratuities”); Section 22 (“Certification Regarding Debarment”); Section 30 (“State Facilities”); and Section 32.A (“Certification Regarding Use of State Funds”).

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

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

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.

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

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

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

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

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

27. Termination:

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

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

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

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

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

- A. Requirement to Have a Single Audit:** The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required. For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.
- B. Internal Controls:** In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- C. Mandatory Disclosures:** In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents:
 - (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify, and
 - (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

ATTACHMENT D
OTHER GRANT AGREEMENT PROVISIONS

1. **Cost of Materials:** Subrecipient will not buy materials and resell to the State at a profit.
2. **Availability of Federal Funds:** This contract is funded in whole or in part by federal funds. In the event the federal funds supporting this contract become unavailable or are reduced, the State may cancel this contract immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
3. ~~**Identity of workers:** The Subrecipient will assign the following individuals to the services to be performed under the provisions of this agreement, and these individuals shall be considered essential to performance. Should any of the individuals become unavailable during the period of performance, the State shall have the right to approve any proposed successors, or, at its option, to cancel the remainder of the agreement.~~
4. ~~**Work Product Ownership:** Upon full payment by the State, all products of the Subrecipient's work, including outlines, reports, charts, sketches, drawings, art work, plans, photographs, specifications, estimates, computer programs, or similar documents, becomes the sole property of the State of Vermont and may not be copyrighted or resold by Subrecipient.~~
5. **Prior Approval/Review of Releases:** Any notices, information pamphlets, press releases, research reports, or similar other publications prepared and released in written or oral form by the Subrecipient under this grant agreement shall be approved/reviewed by the State prior to release.
6. ~~**Ownership of Equipment:** Any equipment purchased by or furnished to the Subrecipient by the State under this grant agreement is provided on a loan basis only and remains the property of the State.~~
7. **Subrecipient's Liens:** Subrecipient will discharge any and all contractors' or mechanics' liens imposed on property of the State through the actions of subcontractors.
8. ~~**Performance Bond:** The Subrecipient shall, prior to commencing work under this grant agreement, furnish to the State a payment and performance bond from a reputable insurance company licensed to do business in the State of Vermont, guaranteeing the satisfactory completion of the grant agreement by the Subrecipient and payment of all subcontractors, suppliers and employees.~~
9. ~~**Professional Liability Insurance:** Before commencing work on this grant agreement and throughout the term of this grant agreement, Subrecipient shall procure and maintain professional liability insurance for any and all services performed under this grant agreement, with minimum coverage of \$100,000.00 per occurrence.~~
10. **Federal-Aid Construction Work:** The subrecipient will comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a 7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub agreements.

11. ~~Health Insurance Privacy & Portability Act:~~ ~~The confidentiality of any health care information acquired by or provided to the independent subrecipient shall be maintained in compliance with any applicable State or federal laws or regulations.~~

12. Audit of Federal Subrecipient: Under current interpretations of federal law, the subrecipient will be subject to the federal Single Audit Act. Subrecipient will comply with audit requirements contained in Circular A-133/Circular A110 and/or other applicable circulars of the U.S. Office of Management and Budget. ~~The cost of such an audit will be borne by the Subrecipient is included in the payment provisions of this Grant.~~

13. Requirement to Have a Single Audit: If this subrecipient expends \$500,000 or more in federal assistance during its fiscal year, it is required to have a single audit conducted in accordance with the Single Audit Act, except when it elects to have a program-specific audit.

The subrecipient may elect to have a program-specific audit if it expends funds under only one federal program and the federal program's laws, regulating or grant agreements do not require a financial statement audit of the entity.

If the subrecipient should spend less than \$500,000 in aggregate federal funds in any single fiscal year, organization-wide financial statements and a schedule of federal financial assistance for VTrans funds only shall be submitted within nine (9) months of the end of the fiscal year. The federal financial assistance schedule will list the funds by title, Code of Federal Domestic Assistance (CFDA) number, pass-through Municipal's number, award amount, receipts, and expenditures. At the Program Director's discretion, agreed upon procedures, related to the VTrans schedule of federal financial assistance, may be required to be performed by a certified independent audit firm.

The State reserves the right to withhold reimbursement of project costs if the subrecipient does not comply with the requirements of this section or with Attachment C section 9.

14. Equal Opportunity Plan: If they are required by the Federal Office of Civil Rights to have a plan, the subrecipient must provide a copy of the approval of their Equal Opportunity Plan.

15. Supplanting: If required, the subrecipient will submit a Certification that funds will not be used to supplant local or other funding.

16. Grant Term: The Grant term is the period during which grant funds may be expended. Expiration of the Grant Term does not relieve the subrecipient from the duty to fulfill long term grant requirements, some of which may extend indefinitely. Such long-term requirements may include but are not limited to, maintenance of the completed project, applicable reporting requirements, and obtaining the State's approval before selling or transferring equipment or property acquired with grant proceeds.

17. Responsibility for Project Costs determined Ineligible for Reimbursement by FHWA: In the event that Project costs incurred are not reimbursed by the Federal Highway Administration due to the Subrecipient's failure to follow proper federal guidelines and/or the expenditures are found by the State or FHWA to be federally non-participating items, the Subrecipient shall be responsible for 100% of such Project costs.

- 18. Limits on Reimbursement:** The State will not reimburse the Subrecipient for premium rate overtime unless the State has given its prior written approval for such overtime. The State will reimburse the Subrecipient for reasonable and necessary expenses actually incurred in the performance of this Grant subject, however, to the reimbursement limitations for state employees. The State will not reimburse the Subrecipient for meals taken during travel not requiring an overnight stay away from home.
- 19. Compliance with Cost Principles:** Subrecipient shall comply with the requirements set forth in 2 CFR, Part 225 (superseding OMB Circular A-87 for State and Local Governments Including Schools), 2 CFR, Part 230 (superseding OMB Circular A-122 for Non Profit Organizations), or 2 CFR, Part 220 (formerly A-21 for Higher Education Institutions) as appropriate for the Subrecipient's type of organization.
- 20. Compliance with Administrative Regulations:** Subrecipient shall comply with the requirements of OMB Circular A-102 (State & Local Governments and Schools) or 2 CFR Part 215 (superseding OMB Circular A-110 for Institutions of Higher Education, Hospitals, and Non Profit organizations) as appropriate for the Subrecipient's type of organization.
- 21. Resolution of Grant Disputes.** The parties shall attempt to resolve any disputes that may arise under this Grant by negotiation. Any dispute not resolved by negotiation shall be referred to the State's appropriate Director for determination. If the Subrecipient is aggrieved by the decision of the Director, the Subrecipient may appeal in writing to the Transportation Board, through the Director, within 30 calendar days of the Director's decision, but not thereafter. The notice of appeal shall completely outline the nature and extent of the issue(s) appealed and shall include copies of any and all supporting documentation. The decision of the Transportation Board may be appealed to Vermont Superior Court by either party as provided in 19 V.S.A. 5(d)(4).
- 22. Interpretation of Grant.** If an ambiguity or question of intent arises with respect to any provision of this Grant, the Grant will be construed as if drafted jointly between the parties and no presumption or burden of proof will arise favoring or disfavoring either party by virtue of authorship of any of the provisions of this Grant.
- 23. Cargo preference act compliance (if applicable).** The contractor/recipient/subrecipient is hereby notified that the Contractor and Subcontractor(s)/recipients and subrecipients are required to follow the requirements of 46 CFR 381.7 (a)-(b), if applicable. For guidance on requirements of Part 381 – Cargo Preference – U.S. Flag Vessels please go to the following web link: <https://www.fhwa.dot.gov/construction/cqit/cargo.cfm>.

ATTACHMENT E
SPECIAL CONDITIONS

None.

ATTACHMENT F
APPLICABLE STANDARDS & DESIGN CRITERIA

Current edition of:

- A. Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)
- B. Vermont Agency of Transportation (VTrans) Standard Specifications for Construction, as amended with its most recent General Special Provisions and Supplemental Specifications, but only to the extent not inconsistent with this Grant Agreement.
- C. VTrans Vermont State Design Standards
- D. VTrans Municipal Assistance Section Guidebook
- E. VTrans Utility Accommodation Plan
- F. VTrans Access Management Program Guidelines
- G. VTrans Hydraulics Manual
- H. VTrans Structures Manual
- I. VTrans Design Exception Procedure
- J. VTrans Right-of-Way Manual
- K. VTrans Policy for CADD standards
- L. American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide
- M. AASHTO Guide for the Development of Bicycle Facilities
- N. AASHTO Guide for Planning, Design and Operation of Pedestrian Facilities
- O. AASHTO Guide for Design of Pavement Structures
- P. AASHTO Specifications for Highway Bridges
- Q. National Association of City Transportation Officials (NATCO) design guidance
- R. Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares
- S. Transportation Research Board Highway Capacity Manual
- T. Approved project environmental document

- U. Code of Federal Regulations (CFR), Titles 23 (Highways), 48 (Federal Acquisition RegulationsSystem) (FARS), and 49 (Transportation)
- V. VTrans Procedures for Selecting Contractors and Specifications for Contractor Services, Including Customary State Contract Provisions, but only to the extent not inconsistent with this Grant Agreement.
- W. U.S. Department of Justice rules implementing the Americans with Disabilities Act (ADA), 28CFR Part 36)

If the Subrecipient believes that there is a discrepancy in the information contained herein or in the above-listed requirements, the Subrecipient shall notify the State. The State, after consultation with the Subrecipient, will, in its sole discretion, determine which requirement takes precedence.

ATTACHMENT G
PERSONNEL REQUIREMENTS AND CONDITIONS

A. Standards of Conduct

1) No employee, officer or agent of the Subrecipient shall participate in the selection, award or administration of a contract support by state or federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- the employee, officer or agent, or
- any member of his or her immediate family, or
- his or her partner, or
- an organization which employs, or is about to employ, any of the above,

has a financial or other interest in the consultant or contractor selected for award. Subrecipient's officers, employees or agents will neither solicit nor accept gratuities, favors or any gift of any kind or value from consultants, potential consultants, contractors, potential contractors, or parties to sub-agreements. Violation of this standard will result in penalties, sanctions, or other disciplinary actions to the extent permitted by State, Federal or local law.

2) Except where it conflicts with fairness toward competitors, Subrecipient shall avoid any appearance of a conflict of interest in the award of a contract. If there is such an appearance of a conflict of interest wherein a reasonable person might conclude that the contractor was selected for improper reasons, the Subrecipient shall disclose that fact and, regardless, should document its reasons for selection all contractors.

B. The Subrecipient shall employ only qualified personnel in responsible charge of the supervision of work.

C. Except with the approval of the State, during the life of this Agreement, the Subrecipient will not employ:

1) Personnel on the payroll of the State who are directly involved with the awarding, administration, monitoring, or performance of the contract or the Project(s) which are the subject(s) of this Grant Agreement, or

2) Any person so involved within one (1) year of termination of employment with the State.

ATTACHMENT G
PERSONNEL REQUIREMENTS AND CONDITIONS (CONTINUED)

D. The Subrecipient warrants that no company or person has been employed or retained other than a bona fide employee working solely for the Subrecipient to solicit or secure this Agreement and that no company or person has been paid or has an agreement with the Subrecipient to be paid other than a bona fide employee working solely for the Subrecipient any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of the warranty, the State shall have the right to annul this Agreement without liability to the State and to regain all costs incurred by the State in the performance of the Agreement.

E. The State reserves the right to require the removal from the Project any person employed by the Subrecipient for misconduct, incompetence or negligence, as determined by the Secretary of the Vermont Agency of Transportation, in the due and proper performance of his/her duties or who neglects or refuses to comply with the requirements of this Agreement.

ATTACHMENT H
REQUIRED SUBMITTALS, STATE LIAISON, WAIVER OF STANDARDS AND
MODIFICATIONS OF DESIGN STEPS, PLANS, DOCUMENTS AND ESTIMATES

Required Submittals: Conceptual Plans, Final Plans and Contract Plans, Specifications and Estimates Draft Scoping Report and Final Scoping Report

State Liaison: **Nydia Lugo, Civil Engineer**

Waivers of Standards: **None**

Modifications of Project Design Steps, Plans, Documents and Estimates: **None**

Assurance Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement

as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Assurance Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“....*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

Department: DPW **Requested by:** Phillip Peterson/Laura Wheelock **Date:** DRAFT for BOF/CC

Briefly explain the reason for the amendment:

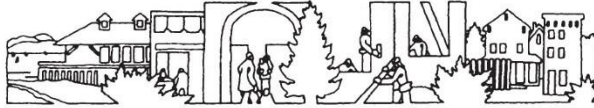
Create project budget per the City Council Approval, and Create new Project Name: 843 VTRANS Grants, Queen City Park Road Sidepath (843 VTRANS Grants - QCPR Sidepath). This is the amount anticipated to be needed starting in FY23 and to allow staff to procure a designer for the project.

Dept. Head Approval _____ (up to 10k)

Chief Administrative Officer _____ (10k to 25K) Date _____

Mayor Date (25K - 50K)

[illegible]



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

Memorandum

TO: Board of Finance, City Council
FROM: Sarah Russell, Special Asst. to End Homelessness
CC: Mayor Miro Weinberger
Katherine Schad, CAO
Brian Pine, Director, Community and Economic Development Office
Jared Pellerin, Asst. City Attorney
Marcella Gange Community Development Manager
RE: Authorization to accept grant funds for the operation of the Extreme Cold Weather Shelter

Request:

The Community and Economic Development Office ("CEDO") is requesting Board of Finance and City Council approval to accept grant funds from the State of Vermont, Department of Children and Families Office of Economic Opportunity Housing and Opportunities Program (SoV OEO HOP) and authorization for the CEDO Director to execute all documents necessary to accept the funding. The above referenced grant provides support for operations of the Extreme Cold Weather Shelter which operated February 2-5, 2023.

Background:

In response to the low-temperatures and combined wind-chill, CEDO opened a low-barrier extreme cold weather shelter to provide emergency accommodations to people without shelter during unprecedented weather on February 2-5, 2023 at the Miller Community Center. In past years, CVOEO partnered with a local church to provide extreme cold shelter but CVOEO did not have capacity (due to increased hours of operation of the daytime warming shelter), nor is the church available to provide shelter any longer.

Funding for the Elmwood Emergency Shelter Community:

The State of Vermont, DCF-OEO awarded CEDO funding in the form of grant amendment to the Elmwood Emergency Shelter Community grant to support the Extreme Cold Weather Shelter. This allows CEDO to seek reimbursement, up to \$12,000 for the operation of this one-time extreme cold weather shelter.

Motions

Action for Board of Finance:

To approve and recommend that the City Council approve the acceptance of grant funds in the amount of \$12,000 from the State of Vermont Housing and Opportunities Program for the operations of the

Extreme Cold Weather Shelter and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period through June 30, 2023, including retroactive approval for the period from February 2, 2023 to present, subject to the final review and approval of the City Attorney's Office.

Action for City Council:

To approve the acceptance of grant funds in the amount of \$12,000 from the State of Vermont Housing and Opportunities Program for the operations of the Extreme Cold Weather Shelter and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period through June 30, 2023, including retroactive approval for the period from February 2, 2023 to present, subject to the final review and approval of the City Attorney's Office.

Board of Finance and City Council Submission ChecklistDepartment: Public Works Submitter: Phillip PetersonTitle/Subject: Queen City Park Road Sidepath VTrans Grant Cooperative Agreement (CA0727)

	Approval:	Meeting Date:
☒	Board of Finance	2/27/2023
☒	City Council	3/13/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/17/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	2/23/2023	Jordon Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/23/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	2/23/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

FOR INFORMATION ONLY

For complete information,
additional text, please
contact the City Clerk's Office



Vermont League
of Cities & Towns

1/23 FEB 27 PM5:06

Dear VLCT Members,

We're excited to share that on March 30, VLCT will launch our new Municipal Access Portal (MAP) and a refreshed website. You'll still be able to access all the information you need, as well as use new features that we hope will save you time, provide more flexibility, and secure the guidance we offer as a member-only benefit.

What Can You Expect Next?

On March 8, you'll receive an email with a link to a survey. Using the survey form, you will be able to **update and add your newly elected officers no later than March 17**. Each person will need a unique email address. Everyone we have contact information for will have a MAP account created for them and will receive instructions and user information.

Why Do I Need a Login?

Having an account login will enable you to access our most valuable website content – including guidance, templates, and resources. You'll also use your account to register for events, submit classified ads, purchase items from the online store, and submit an inquiry.

Timeline

- March 8 – Clerks will receive an email to update contacts
- March 17 – Deadline to submit your contact updates
- March 27 – All submitted contacts will receive their account credentials by email
- March 29 – A reminder email with their account credentials will be sent
- **March 30 – Launch of new website and Municipal Access Portal (MAP)**
- Ongoing – We'll provide training and resources to help you log in and access all of the features on vlct.org and through the MAP dashboard

Please look for the survey which will be emailed to you on March 8 and make sure to update your officials with unique email addresses. We want you to have seamless access to vlct.org information and MAP benefits. Staff and officials for whom we don't have contact information will be able to request account access after March 30.

In the meantime, save this letter as a reminder of what's coming next. And don't worry: as we draw closer, you'll receive reminders about the steps you need to take. You can visit vlct.org/MAPFAQ for more information and an FAQ.

Sincerely,

Ted Brady
VLCT Executive Director

FOR INFORMATION ONLY
25-7321-1186

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Friday, February 17, 2023 1:17 PM
To: ghand@srhlaw.com; pquackenbush@srhlaw.com; nrb.legal@vermont.gov;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg;
anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov;
AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: JO 4-347 and Certificate of Service
Attachments: JO 4-347.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Attached is JO 4-347 and the Certificate of Service.

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Christine Commo *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

FOR INFORMATION ONLY 78 FEB 21 4 11:35

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, February 21, 2023 11:28 AM
To: claire.forbes@uvm.edu; Lisa.Kingsbury@uvm.edu; nrb.legal@vermont.gov;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB:Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg;
anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov;
AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: Act 250 JO 4-350
Attachments: JO 4-350.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

Attached is Act 250 Jurisdictional Opinion 4-350 for your records.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

FOR INFORMATION ONLY

25 FEB 27 2023

Lori Olberg

From: Lisa Kingsbury (she/her) <Lisa.Kingsbury@uvm.edu>
Sent: Monday, February 27, 2023 5:06 PM
To: Lani Ravin; NRB - Act250 Essex; kaitlin.hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; Duggan, James; ACCD - Project Review; Karen Paul; Lisa Kingsbury (she/her)
Subject: E-CoS Regarding Monthly Information for LUP 4C1043-1A for January and February 2023
Attachments: CoS UVM LUP 4C1043-1A 2023.02.27.pdf; January 2023_Act 250_Lot Counts.pdf; February 2023_Act 250_Lot counts.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

I hereby certify that I, Lisa Kingsbury, Associate Director of Planning at the University of Vermont & State Agricultural College, sent a copy of documents, dated February 27, 2023, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot, by electronic mail to those with email addresses as indicated above.

Lisa Kingsbury
Associate Director of Planning
Planning, Design and Construction
University of Vermont
(802) 656-1059



Office of Mayor Miro Weinberger

MEMORANDUM

To: City Council
From: Mayor Miro Weinberger
Date: March 9, 2023
Re: Appointment of Fire Chief

I respectfully submit for your consideration and confirmation Michael LaChance as Burlington's next Fire Chief. Deputy Chief LaChance has served the Burlington Fire Department for over 23 years, and I'm confident that the City and Department will benefit from his leadership in this key public safety leadership role. Above and beyond his professional credentials – it is undeniable that Mike is a warm and charismatic leader who cares deeply for his family, his colleagues in the fire department, and our City. He is a person who lives his values, treats everyone with respect and kindness, and demonstrates in ways large and small a profound commitment to service.

Background

Chief LaChance grew up in Colchester, served as a volunteer firefighter in Mallets Bay in high school, and had always wanted to join the Burlington Fire Department. He started work as a Burlington firefighter immediately after earning an Associate's Degree in Fire Science. Over the past 10 years, he has quickly ascended through the leadership ranks of the Department, demonstrating strong, collaborative, and compassionate approach to leading the Department.

Chief LaChance started as a new recruit in 1999 – and since then has continuously pursuing higher training and certifications as an EMT and Fire officer – and achieving the rank of Lieutenant in 2013, and of Captain in 2015.

For just over one year, Mike has served as Deputy Chief of Administration – where he has focused on recruitment and training, was critical in the creation of a new hybrid dispatch position, and supported our last round of negotiations on the collective bargaining agreement.

Above and beyond his professional credentials – Mike is a warm and charismatic leader who cares deeply for his family, his colleagues in the Fire Department, and our City. He is a person who lives his values, treats everyone with respect and kindness, and demonstrates in ways large and small a profound commitment to service.

Chief LaChance and his spouse, Rebecca, live in Georgia and have four children in the Georgia School District. I respectfully request that the City Council grant Chief LaChance a personal hardship extension, pursuant to the Council rule stating the City Council may grant a hardship extension if the appointee "has children in grades K- 12 currently attending a Vermont school other than Burlington" and "is currently employed by the City and is promoted and appointed to the position."

Search Process and Next Steps

Before beginning the search process, Mayor Weinberger met with the firefighters to understand their priorities for the Department's next leader: someone who would be a supportive colleague and leader to firefighters who are facing a historically challenging period in emergency services. Chief LaChance's appointment follows a national search conducted by a search committee who interviewed several qualified candidates. The search committee included:

- Jordan Redell, Mayor's Chief of Staff
- Kerin Durfee, Director of Human Resources
- Joe Magee, City Councilor
- Kyle Blake, President of the Burlington Firefighters Association
- Monica Chapman, Burlington Fire Commissioner
- Kevin McLaughlin, Burlington Fire Commissioner
- Karen Vastine, Office of Government & Community Relations, UVM Health Network

Chief LaChance is serving as Acting Chief immediately, and will formally assume the role upon Council confirmation.

MICHAEL LACHANCE

Georgia, VT 05468 | 802-343-1048 | mlachance@burlingtonvt.gov

Professional Summary

Accomplished emergency responder and administrator looking to transition almost 24 years of firefighting, fire officer and fire administration experience to the Fire Chief's position. Hardworking and reliable employee focused on going above and beyond to support the team and serve the customers of the City of Burlington.

Skills

- Firehouse RMS
- New World RMS
- First Due RMS
- Emergency response
- Budgeting
- Personnel management
- Collaboration
- Supervise, mentor and counsel staff members
- Mechanical aptitude
- Facility and equipment maintenance
- Self-motivated task assumption

Work History

Deputy Chief of Administration

01/2022 to present

City of Burlington Fire Department – Burlington, Vermont

- Management of fire station building repairs and maintenance including capital upgrades collaborating with city team members.
- Work with the DPW Fleet Maintenance Division prioritizing and scheduling fleet maintenance and repairs to assure fleet is response ready.
- Work with our city HR team in regard to approvals and scheduling of all leave types.
- Created and implemented the current fire department recruitment effort. Outreach to local colleges and job fairs in collaboration with the city HR department. Attend recruitment events complete with informational displays.
- Manage job posting and hiring of entry level firefighters.
- Hire and implement hybrid dispatch/firefighter position. Assure training is completed and a competent fire dispatch team is in place.
- Work collaboratively with fire department, union and city leadership. Settled and implemented a multi-year bargaining agreement.
- Managed department information documentation including department directives outlining staff transfers, promotions and other important departmental information.

Captain / Advanced EMT

03/2015 to 01/2022

City of Burlington Fire Department – Burlington, Vermont

- Oversee maintenance and capital improvement projects for assigned fire station.
- Coordinate department activities and facilitate operations in absence of shift commander.
- Manage budget for personal protective equipment purchase, replacement and repair.
- Supervise firehouse operations, maintaining inventory and liaising with vendors to secure necessary supplies.
- Respond to and manage emergency incident response.
- Oversee crew operations. Maintain safety
- Supervise, mentor and counsel employees
- Monitor work of subordinate officers to help each perform their job duties.
- Continuously maintain records for personal protective equipment purchase and maintenance.
- Participated in new employee interviews.
- Compiled and maintained logbooks, run reports and training records.
- Completed daily inspections of facilities and equipment.

Lieutenant / Advanced EMT

07/2013 to 03/2015

City Of Burlington Fire Department – Burlington, VT

- Respond to and manage emergency incident response.
- Conducted periodic firefighter written performance evaluations and completed written recommendations on probationary firefighters.
- Led team in fighting fires and exercised considerable judgment in deciding best way to extinguish based on type of fuel and environment.
- Compiled and maintained logbooks, run reports and training records.

Education

Command And Control Target Hazards 09/2019

National Fire Academy - Emmitsburg, MD

Command And Control Multi-Alarm Incidents 12/2015

National Fire Academy - Emmitsburg, MD

ICS 300 07/2013

Vermont Criminal Justice Training Council

Fire Officer 1 And 2 05/2012

Vermont Fire Service Training - South Burlington, VT

Southern Maine Community College - South Portland, ME

- Relevant Coursework Completed: Fire protection systems, building construction, fire service chemistry, fire prevention, fire ground operations, fire service hydraulics, fire investigation, fire officership, hazardous materials, fire administration, tactics and strategy, state and local government. Dean's list all semesters
- Resident advisor: Maintained structure in residence hall. Leader of House Council dealing with disciplinary issues amongst the students.
- Maine Fire Training and Education: Organize training packages used by all southern Maine fire departments. Participated on the interview team for the hiring of new MFT&E employees.

Active



0



Add New ▼

Mar 03

Mar 03

Document

Document

Establishment Name (DBA) *

SideBar/The Other Half

Establishment Street Address *

202 Main Street

Establishment City, State Zip *

Burlington, VT 05401

Establishment Phone * ?

4133209617

Establishment Owner (Legal Name) * ?

Half Enterprises, Inc.

Legal Owner Mailing Street Address *

12 Isham St.

Legal Owner Mailing City, State Zip *

Burlington, VT 05401

Contact Person Name * ?

Adrian Sackheim

Contact Email Address *

2kdeep@gmail.com

Contact Phone * ?

4133209617

Application InformationEntry of all information with an asterisk * is required.

License for Indoor or Outdoor or Both *

Indoor

Occupant Load *

103

Number of Restrooms *

2

Number of Egresses *

2

Date of Last Fire Safety Inspection *

04/15/2022

Dancing by Patrons *

Yes

Amplified Music *

Yes

Indoor entertainment Types; Check all that Apply

Indoor Entertainment Types

Live Instrumental Music



Live Vocal Music



Jukebox / Boom Box / Ipad



Disc Jockey



Karaoke



Floor/Stage Show Entertainment



Check any of the below for which you are applying, and provide additional description in the text box below.

☒☒☐☒☒☒☒☐

Indoor Entertainment Days

☒

Monday



Tuesday



Wednesday



Thursday



Friday



Saturday



Indoor Entertainment Hours

Indoor Entertainment Hours

Please select proposed daily start and end times for entertainment. If a Day is not shown, check the corresponding Day for Entertainment box above.

Sunday Start Time *

6:00 PM

Sunday End Time *

2:00 AM

Monday Start Time *

6:00 PM

Monday End Time *

2:00 AM

Tuesday Start Time *

Tuesday End Time *
2:00 AM

Wednesday End Time *
2:00 AM

Thursday End Time *
2:00 AM

Friday End Time *
2:00 AM

Saturday End Time *

2:00 AM

Identify any of the State DLC Licenses below that are required for the Establishment.

Second Class Liquor License *

No

Third Class Liquor License *

Yes

Outside Consumption Permit *

No

Certification

I certify that this application has been examined by me, and is, to the best of my knowledge and belief, true, correct, and complete.

I have agreed to submit this application by electronic means. I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature. By checking this box and typing my name, I am electronically signing my application. *

✓ ADRIAN SACKHEIM
Mar 3, 2023

🔒 Entertainment License Effective Dates

All licenses are effective May 1 through April 30 of the following year.

License Start Date

License End Date

🔒 License Committee (LC)

The License Committee reviews New Applications only.

License Committee Decision Date

License Committee Recommendation

 City Council (CC)

 City Council Decision Date

 City Council Decision

Permit Conditions Specific to the Applicant



Home (/DLLLicenseManagment/s/)

App
DLL

Approve

Reject

Applicant Action Required

Town Payment Received

Download

APPLICATION DETAILS

RELATED INFORMATION

✓ Application Information

DLL - Application Id

DLL - Application - 18371

External Status

Application sent to municipality

Business Entity Name

BB Cann d.b.a. Float On

Town Clerk/ Municipal Jurisdiction

Burlington

Phone number:

Historical Id

TOBC

Applicant Email

rajive@focusonfashion.net (<mailto:rajive@focusonfashion.net>)

Application Type 

License

Renewal Application

Application For

Tobacco License

Applicant Action Comments

Town User Approval/Rejection Comments

License/Permit Location Description

Eligibility of Tobacco Fee waiver

No

Town Fee

0

Business Entity Phone

8025401022

▼ Location Details

Physical Location Name ⓘ

Float On

Physical Location City/Town

Burlington

Physical Location Street 1

136 1/2 Church Street

Physical Location State

Vermont

Physical Location Street 2/Unit/Suite

Physical Location Zip

05401

Created By



[Rajive Bhasin \(/DLLLicenseManagment/s/profile/0058z000000v7a6AAA\)](/DLLLicenseManagment/s/profile/0058z000000v7a6AAA), 2/6/2023 9:09 PM

Post Question Poll

Share an update...

Share



Search this feed...



Collaborate here!

Here's where you start talking with your colleagues about this record.

Contact Violations

Violation Id	▼	First Name	▼	Last Name	▼	Contact Role	▼	Offe
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There are no contact violations found

Application Documents

Name	▼	Document Type	▼	Assosicated With
D-03117 (https://vermont.force.com/DLLLicens...		Articles of Organization		BB Cann d.b.a. Float
D-03138 (https://vermont.force.com/DLLLicens...		Lease or proof of ownership		BB Cann d.b.a. Float
D-03145 (https://vermont.force.com/DLLLicens...		Other Provisions		BB Cann d.b.a. Float



Home (/DLLLicenseManagment/s/)

App
DLL

Approve

Reject

Applicant Action Required

Town Payment Received

Download

APPLICATION DETAILS

RELATED INFORMATION

✓ Application Information

Primary Phone No

Primary Contact Person

DLL - Application Id

DLL - Application - 18457

Internal Status

Application sent to municipality

Business Entity Name

BB Cann d.b.a. Float On

External Status

Application sent to municipality

Business Entity Phone

8025401022

Historical Id

TSEP

Foundational License

Application Type ⓘ

Permit

Renewal Application

Application Category

Tobacco

Town User Approval/Rejection Comments

Application For
Tobacco Substitute Endorsement
Contact Engagement

Applicant Email
rajive@focusonfashion.net (mailto:rajive@focusonfashion.net)

Applicant Name:

Applicant Action Comments

License/Permit Location Description

✓ Event Details

Start date of event

End date of event

Physical Location Street 1
136 1/2 Church Street

Physical Location Name ⓘ
Float On

Physical Location Street 2/Unit/Suite

Physical Location State
Vermont

Town Clerk/ Municipal Jurisdiction
Burlington

Outside Side Consumption End time

Physical Location City/Town
Burlington

Outside Side Consumption Hours Requested

Landlord Name
Cormack Walsh

Business Location

Outside Side Consumption Start time

Approximate Number of Persons Expected:

Physical Location Zip

05401

Last Modified By



[Rajive Bhasin \(/DLLLicenseManagment/s/profile/0058z000000v7a6AAA\)](/DLLLicenseManagment/s/profile/0058z000000v7a6AAA), 2/7/2023 2:03 PM

Location

[LN-025242 \(/DLLLicenseManagment/s/detail/a0A8z000001G8JtEAK\)](/DLLLicenseManagment/s/detail/a0A8z000001G8JtEAK)

Outside Side Consumption Days Requested

Describe the type of event/ OCP Area

Days or specific bingo date(s)

Created By



[Rajive Bhasin \(/DLLLicenseManagment/s/profile/0058z000000v7a6AAA\)](/DLLLicenseManagment/s/profile/0058z000000v7a6AAA), 2/7/2023 2:01 PM

Post Question Poll

Share an update...

Share



Search this feed...



Collaborate here!

Here's where you start talking with your colleagues about this record.

Contact Violations

Violation Id	▼	First Name	▼	Last Name	▼	Contact Role	▼	Offe
--------------	---	------------	---	-----------	---	--------------	---	------



There are no contact violations found

Application Documents

Name	▼	Document Type	▼	Assosicated With
D-03117 (https://vermont.force.com/DLLLicens...		Articles of Organization		BB Cann d.b.a. Float
D-03138 (https://vermont.force.com/DLLLicens...		Lease or proof of ownership		BB Cann d.b.a. Float
D-03145 (https://vermont.force.com/DLLLicens...		Other Provisions		BB Cann d.b.a. Float

Resolution Relating to

ACCEPTANCE AND APPROVAL OF THE FY2022 AUDIT

RESOLUTION_____
Sponsor(s): Board of Finance
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

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

- 1 That WHEREAS, the City’s auditors, Melanson, Heath & Co., P.C., have completed the City audit for the
- 2 fiscal year July 1, 2021 to June 30, 2022; and
- 3 WHEREAS, the auditor has prepared a management letter to accompany that audit; and
- 4
- 5 WHEREAS, during the audit the auditor did not identify any deficiencies in internal controls that were
- 6 considered to be material weaknesses; and
- 7
- 8 WHEREAS, the City has responded to the items in the management letter; and
- 9
- 10 WHEREAS, on January 17, 2023 the Board of Finance reviewed the draft results and on March 13, 2023 has
- 11 accepted the audit and recommended that the City Council approve and accept the audit, including the
- 12 management letter;
- 13
- 14 NOW, THEREFORE, BE IT RESOLVED that the City Council approves and accepts the City’s Fiscal
- 15
- 16 Year 2023 audit, including the management letter.
- 17

CITY OF BURLINGTON, VERMONT ANNUAL COMPREHENSIVE FINANCIAL REPORT



FOR FISCAL YEAR ENDED
JUNE 30, 2022

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CITY OF BURLINGTON, VERMONT

Annual Comprehensive Financial Report

For the Year Ended June 30, 2022



Prepared by:
The Clerk Treasurer Office

Katherine Schad
Chief Administrative Officer

Ann Barton
Comptroller

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CITY OF BURLINGTON, VERMONT

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INTRODUCTORY SECTION



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OFFICE OF THE CLERK/TREASURER City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000
Fax (802) 865-7014
TTY (802) 865-7142

February 28, 2023

Mayor and City Council
City of Burlington
149 Church Street
Burlington, Vermont 05401

To the Citizens, Mayor, and City Council of the City of Burlington:

The Annual Comprehensive Financial Report of the City of Burlington for the Fiscal Year ended June 30, 2022, is hereby submitted. Responsibility for both the accuracy of the data, and the completeness and fairness of the presentation, including all disclosures, rests with the City. To the best of our knowledge and belief, the following data, including financial statements, supporting schedules and statistical tables, is accurate in all material respects and is reported in a manner designed to present fairly the financial position and results of operations of the City. To provide a reasonable basis for making representations, management has established a comprehensive internal control framework that is designed to both protect the government's assets from loss, theft, or misuse and compile sufficient reliable information to the preparation of the financial statements in conformity with Generally Accepted Accounting Principles (GAAP). Because the cost of internal control should not exceed anticipated benefits, the objective is to provide reasonable, rather than absolute, assurance that the financial statements are free of any material misstatements.

Fiscal year 2022 represents the seventh year that the City of Burlington has compiled an Annual Comprehensive Financial Report (ACFR). The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Burlington for its Annual Comprehensive Financial Report for the fiscal year ending June 30, 2021. The compilation of this report required a substantial time investment by the Clerk/Treasurer's Office, but we are proud to continue our commitment to expanded disclosures of our financial position and results of operations.

The Certificate of Achievement is valid for a period of one year only. We believe that this ACFR conforms to the standards required for the certificate and will be submitting it to the GFOA for review.

City Charter, as well as State statutes, requires an annual audit by independent certified public accounts. The City's audit firm is Melanson. The independent auditor's report is located before the

financial section of this report. In addition, the audit was designed to meet the requirements of Title 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards (the Uniform Guidance), as applicable. Information related to the Single Audit, including the Schedule of Expenditures of Federal Awards, findings and recommendations, and auditor's reports on the internal control structure and compliance with applicable laws and regulations, is not included in this year's ACFR, but is available in a separate report.

Management's discussion and analysis (MD&A) immediately follows the independent auditors' report and provides a narrative introduction, overview, and analysis of the basic financial statements. MD&A complements this letter of transmittal and should be read in conjunction with it for additional narrative overview and analysis of the City's activities.

THE CITY OF BURLINGTON

Description of the City

The City of Burlington, Vermont (the "City") is the largest city in Vermont and located in northwestern Vermont on the eastern shore of Lake Champlain directly across from northern New York State. The City is the commercial center of Chittenden County and encompasses 16 square miles. The City is 90 miles south of Montreal, Quebec, 220 miles northwest of Boston, Massachusetts, and 300 miles north of New York, New York.

Highways serving Burlington include State Highways 2 and 7 and Interstates U.S. 89 and 189. The Lake Champlain Transportation Company operates ferries on Lake Champlain between Vermont and New York.

The Burlington International Airport serves over 1.2 million passengers per year and accommodates non-stop air service to all three New York City metropolitan area airports, Philadelphia, both Washington D.C. airports, Chicago, Atlanta, Charlotte, NC, Denver, Dallas, Detroit, Minneapolis and Saint Paul. Passengers can reach nearly any destination world-wide with just one connection from Burlington.

Beginning in 2022, Amtrak train service came back to Burlington with daily bus service connecting the area to New York City with daily operations. The service is off to a strong start in the first six months of operation.

Bus service is provided by Greyhound Lines, Megabus, and Vermont Translines (operated by Vermont Agency of Transportation). Freight service is provided by the Vermont Railway Corporation and Rail America. Green Mountain Transit, which represents Burlington, Essex, South Burlington, Shelburne, Williston, Winooski, Milton, Hinesburg and a portion of Colchester provides local bus service. LINK Express routes serve Montpelier, Middlebury, and St. Albans commuters.

Form of Government

Burlington was incorporated as a City in 1865. On November 7, 2000, voters approved amendments to the City Charter, which provided for direct Mayoral appointment of department heads with City Council confirmation, clarified the Mayor's authority as the City's Chief Executive Officer, established the position of Chief Administrative Officer, and provided that City commissions would become advisory except when authority was re-delegated by the City Council.

About the Burlington Community

Located between the highest section of the Green Mountains and the widest part of Lake Champlain, the City of Burlington enjoys superb scenery and outstanding year-round recreational opportunities.

Cultural activities abound and are encouraged by the participation of businesses, educational institutions, and government. Several theaters for the performing arts, theater troupes, museums, fairs, and festivals fill the City's cultural calendar, while Burlington City Arts, a City Department, provides a well-known gallery for the display of contemporary art, as well as events including music, film, and performance.

The University of Vermont Medical Center is the state's academic medical center and serves approximately one million people in Vermont and New York. UVM Medical Center includes three founding organizations – Medical Center Hospital of Vermont, Fanny Allen Hospital, and University Health Center – and the UVM College of Medicine. The Vermont Regional Cancer Center and the Vermont-New Hampshire Regional Red Cross Blood Center are also located in Greater Burlington.

Burlington is also known throughout the state and the nation for its innovative and entrepreneurial spirit. The City of Burlington was the first city in the country to use 100% renewable energy for the electricity needs of its residents.

Burlington is regularly recognized in nationally published periodicals as one of the best places to live. The City's location, economic climate, and abundance of community resources contributed to its award as the most livable city in America for cities of less than 100,000 people by the U.S. Conference of Mayors in 1989. Since then, the City has enjoyed numerous awards from national publications recognizing the City for its beauty, sustainability, and livability.

Employee Relations

As of June 30, 2022, the City of Burlington employed approximately 682 full time employees, excluding school employees, and including 112 Burlington Electric Department employees. The City does not anticipate a significant change in staffing in the foreseeable future and believes its relations with its employees are generally good. All public employees except most supervisors, confidential employees, and certain school district employees in the State of Vermont have the right to organize and the right to bargain collectively with their public employers on matters of wages, terms and other conditions of employment other than managerial policy. The City has four separate labor associations: American Federation of State, County, & Municipal Employees, AFL-

CIO, Council 93, Local 1343 (AFSCME), noting that the school district negotiates separately for the school AFSCME employees; the International Brotherhood of Electrical Workers, AFL-CIO Local 300 (IBEW); the Burlington Police Officers' Association (BPOA); and the Burlington Firefighters Association, International Association of Fire Fighters Local 3044 (BFA). All four contracts were renegotiated in 2022 and the AFSCME and IBEW contracts are in effect for the period of July 1, 2022 to June 30, 2026. The BPOA and BFFA contracts expire on June 30, 2025, and their terms continue until a successor contract is in place. The City's school system has additional labor associations and the City's schools are currently negotiating a teachers' contract.

City Services

The City provides municipal services including police and fire protection, emergency medical services, street construction and maintenance, solid waste management, traffic signalization, planning and zoning, community and economic development, parks and recreation, library services, youth services, arts programs, educational and general administrative services. The City also operates the following major enterprise funds: (1) electric, (2) airport facilities and (3) wastewater.

Budget Process and Other Financial Policies Affecting Current Year

The budget process in the City of Burlington normally commences with a request by the Mayor that all Departments submit, in writing, a detailed estimate of the appropriations required for the efficient and proper conduct of their respective Departments during the next fiscal year. On or before the fifteenth day of June, the Mayor must submit to the City Council a copy of the Budget for the ensuing fiscal year, which contains a clear general summary of its contents, and in detail, all estimated income, the proposed property tax levy and all proposed expenditures, including debt service.

The City Council shall adopt the budget by resolution no later than June 30 of each year. The Council may reduce the submitted appropriations by a majority vote, but may not increase the appropriations without an approving two-thirds vote of the Council. The City has never failed to adopt a budget. The legal level of control is at the department level.

The City has a comprehensive list of financial policies. For General Fund unassigned fund balance, the targeted balance is 10% percent of operating expenditures.

The City implemented a new Governmental Accounting Standards Board (GASB) Statement Number 87, *Leases*, in the current fiscal year, which resulted in significant change in accounting principles for the City's Major Enterprise Fund, the Burlington International Airport.

Economic Activity

The Greater Burlington area, which includes the City of Burlington and all of Chittenden County, is Vermont's major economic area. Most of the County's nonagricultural employment lies within the three-community region of Burlington, Essex and South Burlington. Manufacturing employment represents approximately 10% of the nonagricultural employment in the Burlington

area labor market. Non-manufacturing employment accounts for approximately 90% of employment. Education and health services, government and trade are principal areas of non-manufacturing employment in the Greater Burlington area.

Chittenden County has provided the bulk of the State's economic growth over the past ten years, which is reflected in the area's employment statistics. The Burlington Labor Market Area had an annual unemployment rate of 1.8% in July 2022. The State's unemployment rate was 2.2% as of July 2022.

Employment Data

The Greater Burlington area possesses a growing, educated work force with skills in a variety of areas. To keep a supply of workers skilled to meet the needs of new and existing business and industry, the State of Vermont assists with tuition-free training of new Vermont employees. Educational institutions, such as the University of Vermont, provide customized training programs and continuing education required by technicians and others in rapidly changing technological fields.

Housing Market

Over the past 10-years, through December 2021, the median sales price of single-family homes in Burlington has increased 44% to \$439,350 in 2021. Market appreciation in the past 2-years (8% in 2020 and 15% in 2021) is significantly above the 10-year average of 4%. Burlington contains approximately 6,909 owner-occupied housing units, accounting for 16% of Chittenden County's 43,498 owner-occupied units. The number of single-family primary residences sold in Burlington ranged between 219 and 285 over the past 10 years. The 10-year average number of sales is 250. The average number of sales in 2021 was 259.

The rental housing market in Burlington remains very strong, though low vacancy rates pose a challenge for prospective renters. A new report from HelpAdvisor.com found that in Vermont, only 2.4% of all rental units are vacant as of Q2 of 2022, which is the second lowest percentage out of any state and down from 4.5% in 2015. The low vacancy rate pushes demand for rental housing up, which results in increased rental rates. Various forms of rental housing assistance for low- to moderate-income households are provided by the Burlington Housing Authority, Champlain Housing Trust, and several other nonprofit housing corporations.

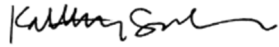
According to numerous sources, including SoFi, Vermont, tied with South Dakota, had the lowest foreclosure rate in the nation during the first half of 2022. Only 0.01% (one-hundredth of 1 percent) of homes in Vermont and South Dakota have undergone a foreclosure filing during the first half of 2022. This represents a total of 44 homes in Vermont.

Acknowledgements

This report reflects the City's commitment to improve and maintain financial statements in conformity with the highest standards of accountability. The strong financial position and excellent financial results reflected in this report would not have been possible without the leadership and

fiscal policies established by the Mayor and City Council and the hard work and dedication of the Clerk/Treasurer's team.

Respectfully submitted,

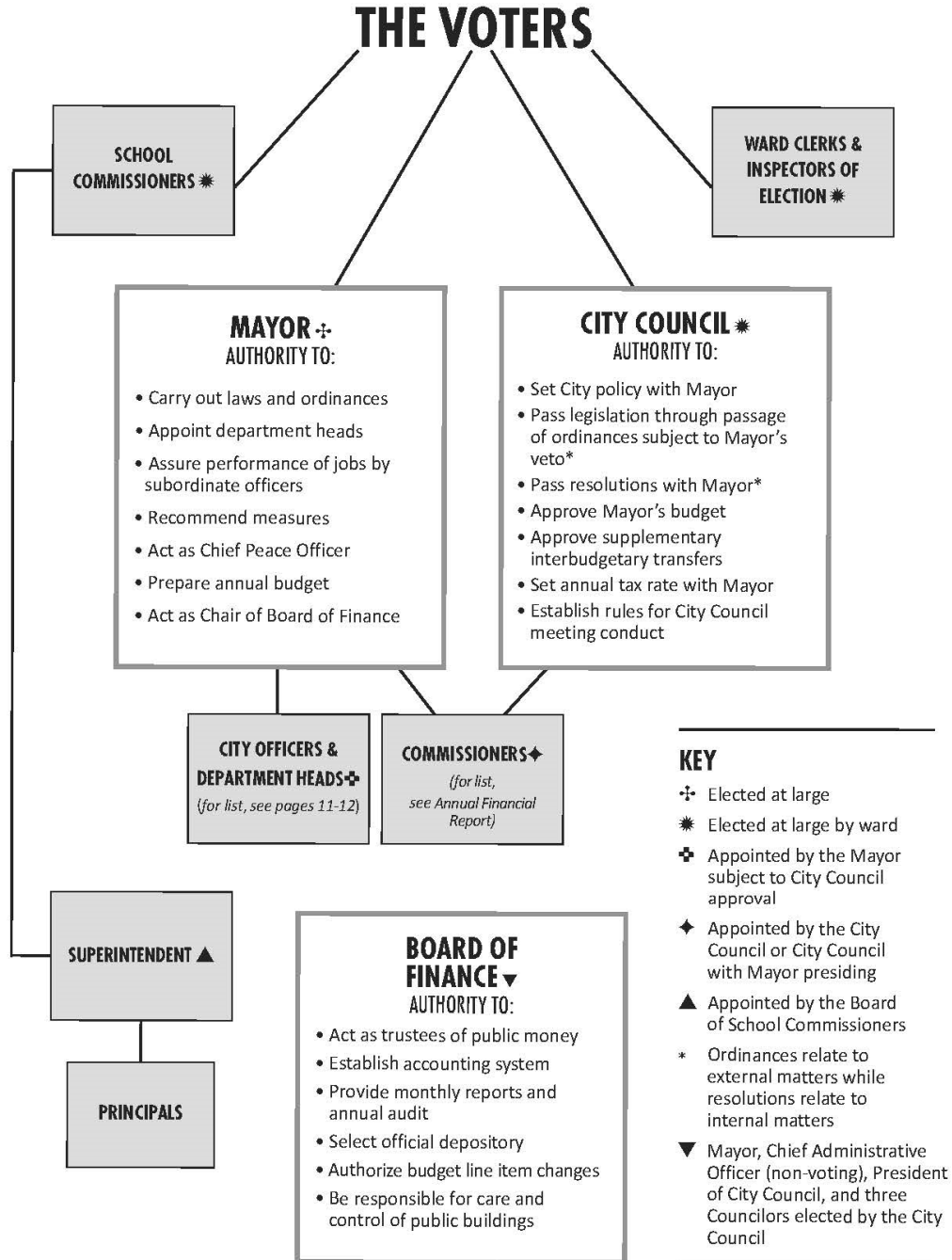
A handwritten signature in black ink, appearing to read "Katherine Schad", with a stylized, flowing script.

Katherine Schad
Chief Administrative Officer

A handwritten signature in blue ink, appearing to read "Ann Barton", with a stylized, flowing script.

Ann Barton
Comptroller

City Organizational Chart



Annual Financial Report

**CITY OF BURLINGTON, VERMONT
PRINCIPAL OFFICIALS**

		<u>Initial Term Commenced</u>	<u>Current Term Expires</u>
<i>Miro Weinberger</i>	<i>Mayor</i>	<i>2012</i>	<i>2024</i>

City Council

<i>Zoraya Hightower</i>	<i>Ward 1</i>	<i>2020</i>	<i>2024</i>
<i>Gene Bergman</i>	<i>Ward 2</i>	<i>2022</i>	<i>2024</i>
<i>Joe Magee</i>	<i>Ward 3</i>	<i>2021</i>	<i>2024</i>
<i>Sarah Carpenter</i>	<i>Ward 4</i>	<i>2020</i>	<i>2024</i>
<i>Ben Traverse</i>	<i>Ward 5</i>	<i>2022</i>	<i>2024</i>
<i>Karen Paul, President</i>	<i>Ward 6</i>	<i>2008</i>	<i>2024</i>
<i>Ali Dieng</i>	<i>Ward 7</i>	<i>2017</i>	<i>2024</i>
<i>Ali House</i>	<i>Ward 8</i>	<i>2022</i>	<i>2024</i>
<i>Jack Hanson</i>	<i>East District</i>	<i>2018</i>	<i>2023</i>
<i>Perri Freeman</i>	<i>Central District</i>	<i>2018</i>	<i>2023</i>
<i>Mark Barlow</i>	<i>North District</i>	<i>2018</i>	<i>2023</i>
<i>Joan Shannon</i>	<i>South District</i>	<i>2003</i>	<i>2023</i>

**CITY OF BURLINGTON, VERMONT
CITY OFFICIALS APPOINTED BY THE MAYOR**

Chief of Staff **Jordan Redell**
Communications Director **Samantha Sheehan**
Director of Aviation, Burlington International Airport **Nicolas Longo**
Executive Director, Burlington City Arts **Doreen Kraft**
City Assessor. **John Vickery**
City Attorney **Kimberlee Sturtevant (Acting)**
Chief Administrative Officer **Katherine Schad**
Assistant City Attorney **Jared Pellerin**
Assistant City Attorney **Hayley McClenahan**
Assistant City Attorney **Kyle Clauss**
Director of Business Workforce & Development **Kara Alnasrawi**
Director, Community & Economic Development Office **Brian Pine**
General Manager, Electric Department. **Darren Springer**
Fire Department Chief and Emergency Management/Civil Engineer
. **Derek Libby (Acting)**
Director, Fletcher Free Library **Mary Danko**
Director, Human Resources **Kerin Durfee**
Chief Innovation Officer **Scot Barker**
Director, Parks, Recreation & Waterfront. **Cindi Wight**
Director, Permitting & Inspections **Bill Ward**
Director, Office of City Planning **Meagan Tuttle**
Chief, Police Department **Jon Murad (Acting)**
Director, Department of Public Works. **Chapin Spencer**
Director, Racial Equity, Inclusion & Belonging. **Kimberly Carson**
City Engineer and Surveyor **Norman J. Baldwin**

Harbor Master **Erin Moreau**
Superintendent, Cemetery Department. **Cindi Wight**
City Grand Juror **Vacant**
Assistant City Grand Juror **Kimberlee J. Sturtevant**
City Constable. **Theodore Miles**
Second Constable **Jared Pellerin**
Third Constable. **William Ward**
Fourth Constable. **Hayley McClenahan**
Pound Keeper **Matthew Sullivan**



Government Finance Officers Association

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Reporting

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**City of Burlington
Vermont**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2021

Christopher P. Morill

Executive Director/CEO

FINANCIAL SECTION



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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and City Council
City of Burlington, Vermont

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Burlington, Vermont (the City), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion based on our audit and the report of other auditors, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Burlington, Vermont, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

We did not audit the financial statements of the Burlington Electric Enterprise Fund, which represents 36 percent, 20 percent, and 59 percent, respectively, of the assets and deferred outflows of resources, net position and revenues of the business-type activities, respectively. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Burlington Electric Enterprise Fund, is based solely on the report of the other auditors. Also, we did not audit the financial statements of the Burlington School District, the discretely presented component unit. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Burlington School District, is based solely on the report of the other auditors.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in



Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

The City's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance, but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.



- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis, the budgetary comparison for the General Fund, and certain pension and OPEB schedules be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual nonmajor fund financial statements are for additional analysis and are not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to



the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the Annual Comprehensive Financial Report (ACFR). The other information comprises the introductory and statistical sections, but does not include the financial statements and our auditor's report thereon. Our opinions on the financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon. In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Emphasis of Matter

As discussed in Note 1G to the financial statements, in the year ending June 30, 2022, the City adopted new accounting guidance, Governmental Accounting Standards Board (GASB) Statement Number 87, *Leases*. Our opinion is not modified with respect to this matter.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated February 28, 2023 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Merrimack, New Hampshire
February 28, 2023

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BASIC FINANCIAL STATEMENTS

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MANAGEMENT'S DISCUSSION AND ANALYSIS

As management of the City of Burlington, Vermont (the City), we offer readers this narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2022.

A. OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the basic financial statements. The basic financial statements comprise three components: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to financial statements. This report also contains required and other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of our finances in a manner similar to a private-sector business.

The Statement of Net Position presents information on all assets, liabilities, and deferred outflows/inflows of resources with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position is improving or deteriorating.

The Statement of Activities presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes, earned but unused vacation leave, OPEB and net pension liability).

Both of the government-wide financial statements distinguish functions that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities include general government, public safety, public works, culture and recreation, and community development. The business-type activities include the operation of the Electric, Airport, Wastewater, Water and Stormwater utilities.

Fund financial statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Fund accounting is used to ensure and demonstrate compliance with finance-related legal requirements. All of the funds can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources measurable and available at the end of the fiscal year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

An annual appropriated budget is adopted for the general fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget.

Proprietary funds. Proprietary fund reporting focuses on the determination of operating income, changes in net position (or cost recovery), financial position, and cash flows. The proprietary fund category includes enterprise funds.

Enterprise funds are used to report activity for which a fee is charged to external users, and must be used when one of the following criteria are met: (1) activity is financed with debt that is secured solely by a pledge of the net revenues from fees and charges, (2) laws or regulations require the activity's cost of providing services be recovered with fees and charges, and (3) the pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs such as depreciation or debt service. The primary focus on these criteria is on fees charged to external users. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements, only in more detail. Specifically, enterprise funds are used to account for Electric, Airport, Wastewater, Water and Stormwater activities. The proprietary fund financial statements provide separate information for the Electric, Airport and Wastewater funds, which are considered to be major funds.

Fiduciary funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the City. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the City's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds.

Notes to financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Other information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information, which is required to be disclosed by accounting principles generally accepted in the United States of America.

B. FINANCIAL HIGHLIGHTS

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$412,355,763 (net position), an increase of \$43,243,322 in comparison to the prior year.
- Total net position of the City's component unit, the Burlington School District, amounted to \$25,960,225, an increase of \$2,547,352 for the year.
- As of the close of the current fiscal year, governmental funds reported combined ending fund balances of \$39,073,886, a decrease of \$693,726 in comparison to the prior year.
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$8,637,873, a decrease of \$634,954 in comparison to the prior year.
- At the end of the current fiscal year, unrestricted fund balance (the total of the committed, assigned, and unassigned components of fund balance) for the general fund was \$18,413,997.

C. GOVERNMENT-WIDE FINANCIAL ANALYSIS

The following is a summary of condensed government-wide statement of net position for the current and prior fiscal year:

	<u>NET POSITION (000s)</u>					
	<u>Governmental</u>		<u>Business-Type</u>		<u>Total</u>	
	<u>Activities</u>		<u>Activities</u>			
	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>
Current and other assets	\$ 73,091	\$ 70,912	\$ 169,183	\$ 112,735	\$ 242,274	\$ 183,647
Capital assets	<u>191,671</u>	<u>182,047</u>	<u>356,192</u>	<u>333,585</u>	<u>547,863</u>	<u>515,632</u>
Total assets	264,762	252,959	525,375	446,320	790,137	699,279
Deferred outflows of resources	<u>12,960</u>	<u>17,902</u>	<u>5,459</u>	<u>7,670</u>	<u>18,419</u>	<u>25,572</u>
Total assets and deferred outflows of resources	<u>\$ 277,722</u>	<u>\$ 270,861</u>	<u>\$ 530,834</u>	<u>\$ 453,990</u>	<u>\$ 808,556</u>	<u>\$ 724,851</u>
Long-term liabilities outstanding	\$ 131,317	\$ 160,753	\$ 162,556	\$ 147,374	\$ 293,873	\$ 308,127
Other liabilities	<u>22,605</u>	<u>19,651</u>	<u>23,720</u>	<u>18,850</u>	<u>46,325</u>	<u>38,501</u>
Total liabilities	153,922	180,404	186,276	166,224	340,198	346,628
Deferred inflows of resources	22,309	2,146	33,693	6,965	56,002	9,111
Net position:						
Net investment in capital assets	115,250	109,918	246,060	228,051	361,310	337,969
Restricted	16,414	17,617	23,802	23,610	40,216	41,227
Unrestricted	<u>(30,173)</u>	<u>(39,224)</u>	<u>41,003</u>	<u>29,140</u>	<u>10,830</u>	<u>(10,084)</u>
Total net position	<u>101,491</u>	<u>88,311</u>	<u>310,865</u>	<u>280,801</u>	<u>412,356</u>	<u>369,112</u>
Total liabilities, deferred inflows of resources and net position	<u>\$ 277,722</u>	<u>\$ 270,861</u>	<u>\$ 530,834</u>	<u>\$ 453,990</u>	<u>\$ 808,556</u>	<u>\$ 724,851</u>

The largest portion of net position \$361,309,458 reflects our investment in capital assets (e.g., land, buildings, machinery, equipment, and infrastructure); less any related debt used to acquire those assets that is still outstanding. These capital assets are used to provide services to citizens; consequently, these assets are not available for future spending. Although the investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional portion of net position of \$40,216,907 represents resources that are subject to external restrictions on how they may be used. The remaining balance of unrestricted net position is \$10,829,398, which represents a combination of our governmental activities and business-type activities. Our governmental activities unrestricted net position is a deficit of \$30,173,312. The negative balance primarily results from recognizing our net pension liability in accordance with Governmental Accounting Standards Board (GASB) Statement Number 68, *Accounting and Financial Reporting for Pensions*. See financial statement notes for additional information. Our business-type activities unrestricted net position is \$41,002,710. About 39% of this balance is derived from our Electric Enterprise Fund.

The following is a summary of condensed government-wide statement of changes in net position for the current and prior fiscal year:

<u>CHANGES IN NET POSITION (000s)</u>						
	<u>Governmental</u>		<u>Business-Type</u>		<u>Total</u>	
	<u>Activities</u>		<u>Activities</u>			
	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>
Revenues:						
Program revenues:						
Charges for services	\$ 23,341	\$ 20,170	\$ 98,685	\$ 84,097	\$ 122,026	\$ 104,267
Operating grants and contributions	17,739	7,252	161	7,829	17,900	15,081
Capital grants and contributions	4,485	2,324	25,506	19,352	29,991	21,676
General revenues:						
Property taxes	42,719	39,532	-	-	42,719	39,532
Gross receipts taxes	4,206	2,233	-	-	4,206	2,233
Local sales option tax	2,879	2,473	-	-	2,879	2,473
Payments in lieu of taxes	1,518	1,357	-	-	1,518	1,357
Franchise fees	2,076	2,076	-	-	2,076	2,076
Impact fees	14	122	-	-	14	122
Interest and penalties on delinquent taxes	497	611	-	-	497	611
Nonoperating grants	-	-	5,180	795	5,180	795
Investment income (loss)	(607)	391	(134)	119	(741)	510
Dividends from associated companies	-	-	4,336	4,327	4,336	4,327
Other revenues	632	1,337	492	384	1,124	1,721
Total revenues	99,499	79,878	134,226	116,903	233,725	196,781
Expenses:						
Governmental activities:						
General government	19,066	15,819	-	-	19,066	15,819
Public safety	30,401	34,672	-	-	30,401	34,672
Public works	16,545	16,422	-	-	16,545	16,422
Culture and recreation	14,226	12,626	-	-	14,226	12,626
Community development	6,791	6,052	-	-	6,791	6,052
Interest on long-term debt	3,060	3,369	-	-	3,060	3,369
Business-type activities:						
Electric	-	-	59,859	58,454	59,859	58,454
Airport	-	-	25,084	22,106	25,084	22,106
Wastewater	-	-	6,894	6,403	6,894	6,403
Water	-	-	7,262	6,507	7,262	6,507
Stormwater	-	-	1,293	1,180	1,293	1,180
Total expenses	90,089	88,960	100,392	94,650	190,481	183,610
Change in net position before transfers	9,410	(9,082)	33,834	22,253	43,244	13,171
Transfers in / (out)	3,770	4,500	(3,770)	(4,500)	-	-
Change in net position	13,180	(4,582)	30,064	17,753	43,244	13,171
Net position - beginning of year, as restated	88,311	92,893	280,801	263,048	369,112	355,941
Net position - end of year	\$ 101,491	\$ 88,311	\$ 310,865	\$ 280,801	\$ 412,356	\$ 369,112

Governmental activities. Governmental activities for the year resulted in an increase in net position of \$13,179,623. This is primarily due to the increase in charges for services of 16% from the prior year as the economy improved, as well as an increase in operating grants and contributions, which is comprised of various grants. ARPA is offset by expenses, but the CARES grant of \$5.2 million was recognized due to prior year loss of revenues.

Business-type activities. Business-type activities for the year resulted in an increase in net position of \$30,063,699. Key elements of this change are discussed in Section D of the Management's Discussion and Analysis.

D. FINANCIAL ANALYSIS OF THE CITY'S FUNDS

Governmental funds. The focus of governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing financing requirements. In particular, unassigned fund balance may serve as a useful measure of the City's net resources available for spending at the end of the fiscal year.

General Fund

The General Fund is the chief operating fund. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$8,637,873, while total fund balance was \$22,127,642.

The City has an established General Fund balance policy that outlines a process for reaching and maintaining the targeted level of unassigned fund balance, and the priority for the use of amounts in excess of the target. The policy provides a mechanism for monitoring the General Fund unassigned fund balance. A target of 10%, with a minimum of 5% to a maximum of 15% of operational costs has been established. Therefore, a comparison of both unassigned fund balance, as a measure of the General Fund's liquidity, and total fund balance of the General Fund to prior year and as a percentage of operational costs is presented below:

<u>City General Fund</u>	<u>6/30/22</u>	<u>6/30/21</u>	<u>Change</u>	<u>% of Total General Fund Expenditures</u>
Unassigned fund balance	\$ 8,637,873	\$ 9,272,827	\$ (634,954)	11.7%
Total fund balance	\$ 22,127,642	\$ 21,091,952	\$ 1,035,690	30.0%

The total fund balance increased due to positive net budgetary results of \$1 million. Increase to assigned fund balance of \$1.6 million resulted in unassigned fund balance decrease of \$635 thousand. New assignments included \$750 thousand for dedicated rebuilding fund of the police department, \$520 thousand for investment into parks, cemeteries and public buildings and various other assignments.

Capital Projects Fund

The Capital Projects Fund, a major fund, had a decrease in fund balance of \$2,743,585 during the current fiscal year, which put the overall fund balance position in the amount of \$8,605,367. The fund reports project deficits of \$703,308 as unassigned fund balance. Restricted fund balance of \$9,308,675 represents projects that began during the current fiscal year but have not been completed yet. The decrease in fund balance was caused mainly by the spending of resources obtained through the issuance of long-term debt in the prior period on capital acquisition and construction in the current period. That is, the fund

balance that resulted from the previous long-term debt issuance was spent down during the current period as the related capital projects progressed.

Other Governmental Funds

The other governmental funds incurred an increase in fund balances of \$1,014,169, which is primarily due to tax increment revenues exceeding debt service and related costs by \$1,764,231 in the TIF downtown district.

Proprietary funds. Proprietary funds provide the same type of information found in the business-type activities reported in the government-wide financial statements, but in more detail.

A comparison of the unrestricted net position of each enterprise fund compared to the prior year is shown below:

	<u>Unrestricted Net Position</u>		
	<u>6/30/22</u>	<u>6/30/21</u>	<u>Change</u>
Electric	\$ 16,185,803	\$ 15,734,140	\$ 451,663
Airport	13,421,478	4,746,228	8,675,250
Wastewater	3,682,356	3,589,543	92,813
Nonmajor funds:			
Water	6,014,799	3,331,059	2,683,740
Stormwater	<u>1,698,274</u>	<u>1,255,303</u>	<u>442,971</u>
Total	<u>\$ 41,002,710</u>	<u>\$ 28,656,273</u>	<u>\$ 12,346,437</u>

Specific factors concerning the finances of each proprietary fund are discussed below:

- The Burlington Electric Enterprise Fund unrestricted net position at June 30, 2022 increased from the previous year partly due to sales to ultimate customers, which reflected a 7.5% increase in rates effective August 1, 2021. For additional information, please refer to the separate financial statements issued for the Burlington Electric Enterprise Fund.
- The Burlington International Airport's unrestricted net position increased from the previous year primarily due to stimulus grants under the CARES, CRRSA and ARPA grants, some of which were used to offset operating expenses. For additional information, please refer to the separate financial statements issued for the Burlington International Airport.
- The net increase in the Wastewater, Water and Stormwater Funds (which are managed on a combined basis) is primarily the result of careful monitoring of those budgets and efforts to maintain costs, as well as a rate restructuring and the addition of a fixed meter fee component and a private fixed fee charge. For additional information, please refer to the separate financial statements issued for the Wastewater and Water Enterprise Funds.

E. GENERAL FUND BUDGETARY HIGHLIGHTS

The City approved a fiscal year 2022 budget including dedicated taxes, tax increment financing and interdepartmental charges that were netted against appropriations for the presentation on the budget and actual statement in the financial statements.

The City's General Fund budget for fiscal year 2022 (after amendments) resulted in a budgeted surplus of \$28,136. The actual performance resulted in revenues and other sources exceeding expenditures and other uses by \$1,035,690. Revenues (not including other financing sources) exceeded budget by \$309,685 while unspent expenditures were \$4,393,308 (excluding other financing sources). The use of fund balance represents the use of restricted, committed, assigned and unassigned fund balance categories. Some of the use of fund balance remained unspent at June 30, 2022 primarily in the other uses or the transfers out category, which shows transfers less than budget primarily due to transfers out to the Capital Projects Fund not made yet from use of assigned fund balance. Police department's expenditures came in \$1,204,373 less than anticipated due to open positions.

F. CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital assets. Total investment in capital assets for governmental activities at year-end amounted to \$191,670,821 (net of accumulated depreciation), an increase of \$9,623,869 from the prior year. Total investment in capital assets for business-type activities at year-end amounted to \$356,191,594 (net of accumulated depreciation/amortization), an increase of \$20,718,832 from the prior year. This investment in capital assets includes land and land improvements, construction in progress, buildings and improvements, infrastructure, distribution and collection systems, and vehicles, machinery, equipment, and furniture and right to use assets.

Major capital asset events during the current fiscal year for governmental activities included Moran Plant improvements of \$2,069,684, Champlain Parkway improvements of \$4,215,999 and Bike Path design, engineering and construction costs of \$2,703,986.

The increase in business-type activities is primarily due to AIP projects at the Burlington International Airport. Other major capital asset events during the current fiscal year for business-type activities can be found in the various stand-alone enterprise fund financial statements.

Additional information on the City's capital assets can be found in Note 11 on pages 81 to 82 of this report.

Credit rating. Moody's Investor Service (Moody's) assigned an Aa3 rating to the City's general obligation debt. Moody states that the Aa3 reflects a growing and strong reserve position and a very strong cash position.

Long-term debt. The table below outlines our long-term debt (bonds payable and state revolving loans) at the current and prior year end. Bonds are backed by pledged revenues of the respective enterprise funds and other debt is backed by full faith and credit of the City.

	Bonds Payable and State Revolving Loans		
	<u>6/30/22</u>	<u>6/30/21</u>	<u>Change</u>
Governmental Activities:			
City	\$ 76,206,371	\$ 80,000,354	\$ (3,793,983)
Business-Type Activities:			
Electric	91,100,359	71,776,910	19,323,449
Airport	26,603,651	26,910,262	(306,611)
Wastewater	12,741,677	10,887,723	1,853,954
Water	7,251,198	7,564,934	(313,736)
Stormwater	275,857	298,167	(22,310)
Subtotal business-type	137,972,742	117,437,996	20,534,746
Component Unit:			
School District	43,034,535	42,729,808	304,727
Total	<u>\$ 257,213,648</u>	<u>\$ 240,168,158</u>	<u>\$ 17,045,490</u>

Additional information on the City's long-term debt can be found in Note 15 on pages 84 to 91 of this report.

Net pension liability. The following is an analysis of the City's and our component unit's net pension liability at the end of the current and prior fiscal years. The majority of this increase will increase pension expense over the next four years, and therefore, reduce unrestricted net position.

	Net Pension Liability		
	<u>6/30/22</u>	<u>6/30/21</u>	<u>Change</u>
Governmental Activities:			
City	\$ 41,261,286	\$ 66,665,322	\$ (25,404,036)
Business-Type Activities:			
Electric	11,606,188	17,414,582	(5,808,394)
Airport	1,482,310	2,363,918	(881,608)
Wastewater	622,663	961,786	(339,123)
Water	861,933	1,379,559	(517,626)
Subtotal business-type	14,573,094	22,119,845	(7,546,751)
Component Unit:			
School District	6,009,608	9,797,870	(3,788,262)
Total	<u>\$ 61,843,988</u>	<u>\$ 98,583,037</u>	<u>\$ (36,739,049)</u>

G. ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

Mayor's Overview

Management Discussion and FY 23 Budget Summary

Amidst challenging and uncertain economic times and fiscal constraints on the municipal budget, the proposed FY 23 budget prioritizes public safety by creating several new Burlington Police Department positions that will strengthen our ability to respond and rebuild the department. The proposed budget also makes major investments in important community priorities using one-time ARPA funds and Unassigned Fund Balance that now exceeds our targeted levels after a decade of disciplined focus on building our reserves. Further, as a result of state education tax changes, Burlington taxpayers will realize the investments in this budget while also experiencing an overall property tax reduction of 4%.

Several factors contributed to FY 23 being a challenging budget year. The United States is experiencing historic inflation that continues to rise, most recently reported as 8.6% by some measures. The City is continuing to see revenue shortfalls impacted by the pandemic, such as boat slip rental, parking fees, and donations. The FY 22 budget relied on \$6.5 million of one-time money for general operating revenues, and we have targeted a smaller amount for FY 23. Further, contract negotiations with our four municipal unions were ongoing during the development of the budget, which has meant that finalizing personnel-related costs has been difficult. Finally, voters did not ultimately support the \$0.04 municipal tax rate proposed on Town Meeting Day limiting the new property tax revenue available.

However, as a result of hard work by the City's department heads to manage their budget areas, and some revenue sources exceeding initial projections, we were able to fully close what had been projected to be a more than \$2 million gap without service reductions.

FY 23 Budget Principles

The Administration began the FY 23 budget process by laying out the principles that would guide our work to develop the budget. Those principles were:

- Voters want a focused, disciplined budget that does not increase the property tax burden;
- Avoiding layoffs and furloughs of current City employees is a high priority;
- Cuts should be focused on non-personnel budget lines;
- We will use one-time monies, like ARPA and Unassigned Fund Balance monies to respond to new and recovery-related emergent community concerns;
- We will continue to invest heavily in addressing the climate emergency, in significant part through expanded efforts in the Burlington Electric Department;
- Additional new federal opportunities will be available beyond the City's ARPA allocation and recent earmarks, but they will take time to be fully realized and may result in mid-year budget adjustments; and Negotiations with the City's four unions are in progress, so the budget is more uncertain throughout the point in the process, compared to other years.

Investments Using One-Time Sources

Through a decade of careful and diligent stewardship of the City resources, the Administration has built up a strong Unassigned Fund Balance, which is sometimes referred to as a “Rainy Day Fund.” Consistent with the City’s Unassigned Fund Balance Policy to maintain a 10% target balance, we are able to make \$2.445 million of one-time investments in City priorities. In the FY 23 budget, the Administration has proposed using our Unassigned Fund Balance surplus toward community initiatives.

In 2021, Burlington was awarded \$27 million of ARPA funding from the Federal government. In FY 22, \$14.8 million of those funds were used for revenue replacement, housing and homelessness initiatives, public health, property tax relief, economic recovery services, and police officer retention bonuses. An amount of \$12.2 million of ARPA is left to obligate.

Police Department Rebuilding Plan

Investment in our public safety resources is a top priority in the coming year with major new investments for both rebuilding the police department and continuing our longstanding public safety transformation efforts. The FY 23 budget fully funds a robust rebuilding plan to hire officers back to the 87-officer authorized cap.

The proposed three-year rebuilding plan invests \$1.2 million to keep current officers in the Police Department and attract new officers to Burlington.

The \$1.2 million recruitment and retention plan allocates funding toward:

- \$500,000 toward a competitive contract with the Burlington Police Officers Association;
- \$270,000 for signing bonuses to pay 18 new officers \$15,000 to join the Burlington Police Department;
- \$200,000 for a recruitment firm and for marketing efforts to advertise that the Burlington Police Department is hiring; and
- \$150,000 for additional incentives for officers, such as housing stipends for officers to live in Burlington, education, and childcare.

Racial Equity Inclusion and Belonging

Since creating the Racial Equity Inclusion and Belonging Department in the FY 20 budget, the City has dramatically increased its investment in the department from approximately \$100,000 annually to over \$1.7 million, making Burlington’s department the most substantial in Vermont, and larger even than the State government’s office. In FY 23, we will continue this investment with a \$1.8 million budget.

Funding at this level will allow the City to continue its anti-racism training for all employees, continue the tradition of hosting a major Juneteenth celebration, and to continue numerous policy initiatives.

Net Zero Energy City and Climate Emergency Initiatives

The FY 23 budget continues the Administration's priority to invest toward our Net Zero Energy City goals and to fight the climate emergency. These initiatives are largely funded through Burlington Electric Department revenues, federal grants, and the Net Zero Energy Revenue Bond, overwhelmingly supported by more than 70% of voters in December 2021. These investments include:

- Over \$2 million of funds budgeted in the Burlington Electric Department for customer strategic electrification incentives and programs, such as rebates for heat pumps, e-bike, e-mowers, and home charging stations;
- \$1.5 million budgeted in BED for energy efficiency incentives and programs;
- Continuing to replace our City fleet with electric vehicles and hybrid vehicles, with at least seven vehicles planned for FY 23.

Streets, Sidewalks, and Transportation

With voters' support of the Capital Infrastructure Bond on Town Meeting Day 2022, the City will continue addressing the backlog of investments in our streets and sidewalks. The FY 23 budget allows for the City to make historic reinvestments in transportation and transportation infrastructure including:

- \$1.5 million of bike and pedestrian improvements, including protected bike lanes on North Champlain Street; bike and pedestrian improvements on Manhattan Drive; constructing the modern, one-lane Shelburne Street roundabout; upgrading University Place to add bike lanes and improved crosswalks; and constructing a shared-use path on Mansfield Avenue;
- \$1.6 million to rebuild three miles of sidewalks and resources to complete a new citywide sidewalk condition assessment so that the Department of Public Works can update its target for work moving forward;
- \$450,000 for traffic calming projects that also improve active transportation safety in the Birchcliff, East Avenue, and Mansfield Avenue neighborhoods and \$300,000 to expand traffic calming in other parts of the City;
- \$1.1 million to develop a shared use path on Intervale Road that will improve overall safety and accommodation for pedestrians and cyclists visiting the Intervale Center and the Wildways trail network;
- \$40 million for the Champlain Parkway that will add 1.5 miles of shared use path, new crosswalks, raised intersections, transit prioritization at signalized intersections, pedestrian signals, transit shelters, and other multi-modal accommodations in the South End.

Property Tax Rates

In recognition of the challenging financial times many Burlington residents continue to face, this budget maintains the General City tax rate at the same level as last year. Due to a bill recently passed by the Legislature and signed into law by the Governor, the education tax rate will decrease this year due to a \$90 million surplus in the state's education fund.

This allows the budget to restore several discretionary tax rates that were held below the voter-authorized maximum rate levels last year, fully funding the Conservation Legacy Fund, the Library Tax, Penny for Parks, and the Housing Trust Fund.

The total proposed FY 23 Property Tax Rate (proposed Municipal Tax Rate plus estimated Education Rate) provides for a reduction in taxes from FY22. The FY 23 tax rates are set per the table below and these would result in an overall decrease in tax rates of 4% for both homestead and non-homestead taxpayers.

**FY 23 Tax Rates as compared to
FY 22 Tax Rates**

Rate	FY 22	FY 23
Municipal	\$0.67	\$0.71
Local Agreement	\$0.00	\$0.00
Education Homestead declaration – estimated	\$1.46	\$1.39
Education Non- homestead (commercial) - estimated	\$1.53	\$1.47

Thanks to the City team who made an extraordinary effort to create a Fiscal Year 2023 Budget, while also delivering a great deal to advance Burlington values in the year ahead.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City of Burlington's finances for all those with an interest in the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information can be found on the City's web page at <https://www.burlingtonvt.gov/> or should be addressed to:

Clerk/Treasurer Office
City Hall
149 Church Street
Burlington, Vermont 05401



CITY OF BURLINGTON, VERMONT

STATEMENT OF NET POSITION

JUNE 30, 2022

	Primary Government			Discretely Presented Component
	Governmental Activities	Business-Type Activities	Total	Unit
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES				
ASSETS:				
Current:				
Cash and short-term investments	\$ 35,365,443	\$ 31,766,387	\$ 67,131,830	\$ 23,254,078
Investments	11,024,540	376,569	11,401,109	25,346
Escrows	2,223,000	258,889	2,481,889	-
Receivables, net of allowance for uncollectibles:				
Property and other taxes	1,787,222	-	1,787,222	-
User fees	-	12,149,714	12,149,714	-
Departmental and other	3,451,185	-	3,451,185	295,640
Intergovernmental	5,803,636	13,449,830	19,253,466	7,076,738
Passenger facility charges	-	248,386	248,386	-
Loans	76,647	83,795	160,442	-
Leases	-	3,082,279	3,082,279	-
Due from fiduciary fund	6,140,000	-	6,140,000	-
Inventory	546,218	6,875,735	7,421,953	127,217
Prepaid expenses	473,207	180,103	653,310	258,648
Other assets	176,096	1,564,025	1,740,121	-
Total current assets	67,067,194	70,035,712	137,102,906	31,037,667
Noncurrent:				
Restricted cash and short-term investments	-	17,501,816	17,501,816	9,941,514
Restricted investments	-	25,504,651	25,504,651	-
Receivables, net of current portion:				
Loans	4,734,723	266,989	5,001,712	-
Leases	-	16,598,189	16,598,189	-
Accrued interest	1,288,636	-	1,288,636	-
Equity interests in associated companies	-	34,666,846	34,666,846	-
Regulatory assets and other assets	-	4,609,941	4,609,941	-
Capital assets:				
Land and construction in progress	72,404,597	135,381,419	207,786,016	4,353,144
Other capital assets, net of accumulated depreciation	119,266,224	220,810,175	340,076,399	52,167,246
Total noncurrent assets	197,694,180	455,340,026	653,034,206	66,461,904
TOTAL ASSETS	264,761,374	525,375,738	790,137,112	97,499,571
DEFERRED OUTFLOWS OF RESOURCES:				
Related to pension	12,056,010	4,128,367	16,184,377	644,824
Related to OPEB	903,985	458,923	1,362,908	352,419
Deferred amount on refunding	-	871,470	871,470	-
TOTAL DEFERRED OUTFLOWS OF RESOURCES	12,959,995	5,458,760	18,418,755	997,243
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	\$ 277,721,369	\$ 530,834,498	\$ 808,555,867	\$ 98,496,814

(continued)

CITY OF BURLINGTON, VERMONT

STATEMENT OF NET POSITION

JUNE 30, 2022

(continued)

	Primary Government			Discretely Presented Component Unit
	Governmental Activities	Business-Type Activities	Total	
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION				
LIABILITIES:				
Current:				
Accounts payable	\$ 5,892,911	\$ 11,742,690	\$ 17,635,601	\$ 4,329,656
Accrued liabilities	1,497,030	82,683	1,579,713	1,541,715
Accrued interest	481,839	607,046	1,088,885	-
Due to other governments	-	-	-	96,628
Unearned revenue	12,287,965	1,045,417	13,333,382	20,296
Note payable	2,000,000	7,974,612	9,974,612	-
Other liabilities	445,331	1,891,280	2,336,611	-
Payable from restricted assets	-	376,569	376,569	-
Current portion of long-term liabilities:				
Bonds and loans payable	6,030,035	7,140,820	13,170,855	1,825,000
Notes payable	1,501,279	1,099,577	2,600,856	-
Lease payable	-	191,472	191,472	2,092,188
Compensated absences liability	260,579	709,117	969,696	387,362
Insurance reserves	891,194	-	891,194	-
Total current liabilities	31,288,163	32,861,283	64,149,446	10,292,845
Noncurrent, net of current portion:				
Bonds and loans payable	70,176,336	130,831,922	201,008,258	41,209,535
Net pension liability	41,261,286	14,573,094	55,834,380	6,009,608
Total OPEB liability	4,089,665	1,350,311	5,439,976	6,394,701
Notes payable	4,462,560	4,011,621	8,474,181	-
Lease payable	-	1,504,836	1,504,836	2,295,428
Compensated absences liability	2,345,210	1,143,326	3,488,536	2,195,049
Insurance reserves	298,632	-	298,632	-
Total noncurrent liabilities	122,633,689	153,415,110	276,048,799	58,104,321
TOTAL LIABILITIES	153,921,852	186,276,393	340,198,245	68,397,166
DEFERRED INFLOWS OF RESOURCES:				
Regulatory deferral	-	5,660,315	5,660,315	-
Related to pensions	20,367,983	7,816,482	28,184,465	3,021,975
Related to OPEB	1,940,756	848,615	2,789,371	1,117,448
Related to leases	-	19,367,708	19,367,708	-
TOTAL DEFERRED INFLOWS OF RESOURCES	22,308,739	33,693,120	56,001,859	4,139,423
NET POSITION:				
Net investment in capital assets	115,249,799	246,059,659	361,309,458	9,098,239
Restricted externally or constitutionally for:				
Community development	7,324,272	-	7,324,272	-
Debt service/renewal and replacements/capital projects	7,812,602	16,068,451	23,881,053	17,179,732
Contingency reserve	-	1,433,365	1,433,365	-
Deposits with bond trustees	-	6,300,800	6,300,800	-
Special revenue funds	-	-	-	2,226,605
Permanent funds:				25,821
Nonexpendable	1,203,486	-	1,203,486	-
Expendable	73,931	-	73,931	25,821
Unrestricted	(30,173,312)	41,002,710	10,829,398	(2,595,993)
TOTAL NET POSITION	101,490,778	310,864,985	412,355,763	25,960,225
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION	\$ 277,721,369	\$ 530,834,498	\$ 808,555,867	\$ 98,496,814

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED JUNE 30, 2022

		Program Revenues			
		Charges for	Operating	Capital	Net (Expenses)
	<u>Expenses</u>	<u>Services</u>	<u>Grants and Contributions</u>	<u>Grants and Contributions</u>	<u>Revenues</u>
Primary Government:					
Governmental Activities:					
General government	\$ 19,066,613	\$ 5,248,259	\$ 10,381,390	\$ -	\$ (3,436,964)
Public safety	30,400,813	6,495,660	560,102	-	(23,345,051)
Public works	16,544,970	6,037,290	1,532,775	4,485,286	(4,489,619)
Culture and recreation	14,225,917	4,309,440	1,100,342	-	(8,816,135)
Community development	6,791,401	1,250,517	4,163,967	-	(1,376,917)
Interest and related costs	<u>3,060,076</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(3,060,076)</u>
Total Governmental Activities	90,089,790	23,341,166	17,738,576	4,485,286	(44,524,762)
Business-Type Activities:					
Electric	59,858,694	59,470,618	-	439,770	51,694
Airport	25,084,353	21,202,306	160,600	24,959,650	21,238,203
Wastewater	6,893,650	8,458,113	-	106,546	1,671,009
Water	7,261,932	7,817,029	-	-	555,097
Stormwater	<u>1,292,727</u>	<u>1,736,917</u>	<u>-</u>	<u>-</u>	<u>444,190</u>
Total Business-Type Activities	<u>100,391,356</u>	<u>98,684,983</u>	<u>160,600</u>	<u>25,505,966</u>	<u>23,960,193</u>
Total Primary Government	\$ <u>190,481,146</u>	\$ <u>122,026,149</u>	\$ <u>17,899,176</u>	\$ <u>29,991,252</u>	\$ <u>(20,564,569)</u>
Discretely Presented Component Unit:					
Burlington School District	\$ 118,194,509	\$ 4,220,985	\$ 46,294,791	\$ -	\$ (67,678,733)

(continued)

CITY OF BURLINGTON, VERMONT

STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED JUNE 30, 2022

(continued)

	Primary Government			Discretely Presented Component
	Governmental	Business-		
	<u>Activities</u>	<u>Type</u> <u>Activities</u>	<u>Total</u>	<u>Unit</u>
Change in Net Position				
Net (expenses) revenues from previous page	\$ (44,524,762)	\$ 23,960,193	\$ (20,564,569)	\$ (67,678,733)
General Revenues:				
Property taxes	42,719,251	-	42,719,251	-
Gross receipts taxes	4,205,988	-	4,205,988	-
Local option sales tax	2,878,650	-	2,878,650	-
Payments in lieu of taxes	1,517,590	-	1,517,590	-
Franchise fees	2,076,281	-	2,076,281	-
Impact fees	13,993	-	13,993	-
Interest and penalties on delinquent taxes	497,304	-	497,304	-
Non-operating grants	-	5,179,514	5,179,514	-
General state support	-	-	-	68,073,013
Unrestricted investment earnings (loss)	(607,119)	(133,927)	(741,046)	641,440
Dividends from associated companies	-	4,335,722	4,335,722	-
Other revenues	631,995	492,649	1,124,644	1,511,632
Transfers in/(out)	<u>3,770,452</u>	<u>(3,770,452)</u>	<u>-</u>	<u>-</u>
Total general revenues and transfers	<u>57,704,385</u>	<u>6,103,506</u>	<u>63,807,891</u>	<u>70,226,085</u>
Change in Net Position	13,179,623	30,063,699	43,243,322	2,547,352
Net Position:				
Beginning of year, as restated	<u>88,311,155</u>	<u>280,801,286</u>	<u>369,112,441</u>	<u>23,412,873</u>
End of year	<u>\$ 101,490,778</u>	<u>\$ 310,864,985</u>	<u>\$ 412,355,763</u>	<u>\$ 25,960,225</u>

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

GOVERNMENTAL FUNDS

BALANCE SHEET

JUNE 30, 2022

	<u>General</u>	<u>Capital Projects Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Total Governmental Funds</u>
ASSETS				
Cash and short term investments	\$ 848,358	\$ 11,884,001	\$ 22,633,085	\$ 35,365,444
Investments	10,072,953	-	951,588	11,024,541
Escrows	2,223,000	-	-	2,223,000
Receivables, net of allowance for uncollectibles:				
Property and other taxes	1,787,222	-	-	1,787,222
Departmental and other	3,374,880	-	76,305	3,451,185
Intergovernmental	-	5,338,046	465,590	5,803,636
Loans	-	-	4,811,370	4,811,370
Accrued interest	-	-	1,288,636	1,288,636
Due from fiduciary fund	6,140,000	-	-	6,140,000
Due from other funds	3,823,883	-	-	3,823,883
Advances to other funds	703,308	-	-	703,308
Inventory	194,823	-	351,395	546,218
Prepaid expenditures	472,662	-	545	473,207
Other assets	176,096	-	-	176,096
TOTAL ASSETS	\$ 29,817,185	\$ 17,222,047	\$ 30,578,514	\$ 77,617,746
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 1,279,650	\$ 4,134,812	\$ 478,449	\$ 5,892,911
Accrued liabilities	1,395,972	41,502	59,555	1,497,029
Unearned revenue	735,365	-	11,552,600	12,287,965
Notes payable	-	2,000,000	-	2,000,000
Due to other funds	-	-	3,823,883	3,823,883
Advances from other funds	-	703,308	-	703,308
Insurance reserve	891,194	-	-	891,194
Other liabilities	307,319	133,934	4,077	445,330
TOTAL LIABILITIES	4,609,500	7,013,556	15,918,564	27,541,620
Deferred Inflows of Resources:				
Unavailable revenues	3,080,043	1,603,124	6,319,073	11,002,240
Fund Balances:				
Nonspendable	1,370,793	-	1,555,426	2,926,219
Restricted	2,342,852	9,308,675	9,619,648	21,271,175
Committed	861,380	-	1,164,738	2,026,118
Assigned	8,914,744	-	-	8,914,744
Unassigned	8,637,873	(703,308)	(3,998,935)	3,935,630
TOTAL FUND BALANCES	22,127,642	8,605,367	8,340,877	39,073,886
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES	\$ 29,817,185	\$ 17,222,047	\$ 30,578,514	\$ 77,617,746

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

RECONCILIATION OF TOTAL GOVERNMENTAL FUND
BALANCES TO NET POSITION OF GOVERNMENTAL
ACTIVITIES IN THE STATEMENT OF NET POSITION

JUNE 30, 2022

Total governmental fund balances	\$ 39,073,886
• Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	191,670,821
• Revenues are reported on the accrual basis of accounting and are not deferred until collection.	11,002,236
• Deferred outflows and inflows of resources related to pension and OPEB are applicable to future periods and, therefore, are not reported in the funds.	
Deferred outflows of resources related to pension	12,056,010
Deferred inflows of resources related to pension	(20,367,983)
Deferred outflows of resources related to OPEB	903,985
Deferred inflows of resources related to OPEB	(1,940,756)
• Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.	
Bonds payable, net of related unamortized premiums	(76,206,371)
Equipment notes payable	(5,963,839)
Compensated absences liability	(2,605,789)
Insurance reserves, long-term	(298,632)
Total other post-employment benefits payable	(4,089,665)
Net pension liability	(41,261,286)
Accrued interest on long-term obligations	<u>(481,839)</u>
Net position of governmental activities	<u><u>\$ 101,490,778</u></u>

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

GOVERNMENTAL FUNDS

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

FOR THE YEAR ENDED JUNE 30, 2022

	<u>General</u>	<u>Capital Projects Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Total Governmental Funds</u>
Revenues:				
Taxes	\$ 42,865,821	\$ 3,173,277	\$ 4,639,168	\$ 50,678,266
Payments in lieu of taxes	1,517,590	-	-	1,517,590
Licenses and permits	3,561,535	158,719	123,775	3,844,029
Intergovernmental	8,269,924	4,485,286	7,932,410	20,687,620
Charges for services	16,688,789	-	4,898,623	21,587,412
Contributions	851,455	208,500	304,435	1,364,390
Investment income (loss)	(554,714)	358	(52,763)	(607,119)
Loan repayments	-	-	171,851	171,851
Other	385,657	88,643	157,692	631,992
Total Revenues	73,586,057	8,114,783	18,175,191	99,876,031
Expenditures:				
Current:				
General government	15,991,250	-	2,969,902	18,961,152
Public safety	31,253,528	-	-	31,253,528
Public works	5,075,203	-	3,830,017	8,905,220
Culture and recreation	12,836,743	-	-	12,836,743
Community development	1,352,586	-	5,256,070	6,608,656
Capital outlay	-	20,113,950	327,779	20,441,729
Debt service:				
Principal	4,606,920	-	2,254,150	6,861,070
Interest and bond issue costs	2,725,959	16,265	600,379	3,342,603
Total Expenditures	73,842,189	20,130,215	15,238,297	109,210,701
Excess (deficiency) of revenues over (under) expenditures	(256,132)	(12,015,432)	2,936,894	(9,334,670)
Other Financing Sources (Uses):				
Issuance of equipment notes	-	2,830,700	-	2,830,700
Issuance of bonds	-	1,750,000	-	1,750,000
Bond premium	289,792	-	-	289,792
Transfers in	5,436,615	4,691,147	775,709	10,903,471
Transfers out	(4,434,585)	-	(2,698,434)	(7,133,019)
Total Other Financing Sources (Uses)	1,291,822	9,271,847	(1,922,725)	8,640,944
Net change in fund balances	1,035,690	(2,743,585)	1,014,169	(693,726)
Fund Balances, at Beginning of Year	21,091,952	11,348,952	7,326,708	39,767,612
Fund Balances, at End of Year	\$ 22,127,642	\$ 8,605,367	\$ 8,340,877	\$ 39,073,886

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES OF
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2022

Net Changes in Fund Balances - Total Governmental Funds	\$ (693,726)																								
- Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense: <table> <tr> <td>Capital outlay purchases</td><td style="text-align: right;">17,146,731</td></tr> <tr> <td>Depreciation</td><td style="text-align: right;">(7,493,350)</td></tr> <tr> <td>Effect from disposal of capital assets</td><td style="text-align: right;">(29,512)</td></tr> </table> - Revenues in the Statement of Activities that do not provide current financial resources are fully deferred in the Statement of Revenues, Expenditures and Changes in Fund Balances. Therefore, the recognition of revenue for various types of accounts receivable (i.e., real estate and personal property, etc.) differ between the two statements. (377,075) - The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the financial resources of governmental funds. Neither transaction, however, has any effect on net position: <table> <tr> <td>Issuance of bonds</td><td style="text-align: right;">(1,750,000)</td></tr> <tr> <td>Issuance of equipment notes</td><td style="text-align: right;">(2,830,700)</td></tr> <tr> <td>Repayments of debt</td><td style="text-align: right;">6,861,070</td></tr> <tr> <td>Final amortization of deferred amount on refunding</td><td style="text-align: right;">(157,117)</td></tr> <tr> <td>Bond premium activity, net of amortization</td><td style="text-align: right;">130,042</td></tr> </table> - In the statement of activities, interest is accrued on outstanding long-term debt, whereas in governmental funds interest is not reported until due. 19,813 - Some expenses reported in the Statement of Activities do not require the use of current financial resources and therefore, are not reported as expenditures in the governmental funds. <table> <tr> <td>Increase in pension expense from GASB 68</td><td style="text-align: right;">2,086,322</td></tr> <tr> <td>Increase in OPEB expense from GASB 75</td><td style="text-align: right;">(330,046)</td></tr> <tr> <td>Change in compensated absences liability</td><td style="text-align: right;">490,354</td></tr> <tr> <td>Change in insurance reserves</td><td style="text-align: right;">106,817</td></tr> </table>	Capital outlay purchases	17,146,731	Depreciation	(7,493,350)	Effect from disposal of capital assets	(29,512)	Issuance of bonds	(1,750,000)	Issuance of equipment notes	(2,830,700)	Repayments of debt	6,861,070	Final amortization of deferred amount on refunding	(157,117)	Bond premium activity, net of amortization	130,042	Increase in pension expense from GASB 68	2,086,322	Increase in OPEB expense from GASB 75	(330,046)	Change in compensated absences liability	490,354	Change in insurance reserves	106,817	
Capital outlay purchases	17,146,731																								
Depreciation	(7,493,350)																								
Effect from disposal of capital assets	(29,512)																								
Issuance of bonds	(1,750,000)																								
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Bond premium activity, net of amortization	130,042																								
Increase in pension expense from GASB 68	2,086,322																								
Increase in OPEB expense from GASB 75	(330,046)																								
Change in compensated absences liability	490,354																								
Change in insurance reserves	106,817																								
Change in Net Position OF Governmental Activities	\$ 13,179,623																								

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

PROPRIETARY FUNDS

STATEMENT OF NET POSITION

JUNE 30, 2022

	Business-Type Activities Enterprise Funds				
	<u>Electric</u>	<u>Airport</u>	<u>Wastewater</u>	<u>Nonmajor Enterprise Funds</u>	<u>Total</u>
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES					
ASSETS:					
Current:					
Cash and cash equivalents	\$ 12,257,496	\$ 8,230,172	\$ 2,886,679	\$ 8,392,040	\$ 31,766,387
Restricted investments	376,569	-	-	-	376,569
Escrows	-	-	194,167	64,722	258,889
Receivables, net of allowance for uncollectibles:					
User fees	6,909,936	1,644,990	1,704,228	1,890,560	12,149,714
Intergovernmental	-	11,293,705	1,831,280	324,845	13,449,830
Passenger facility charges	-	248,386	-	-	248,386
Loans	-	83,795	-	-	83,795
Leases	-	3,082,279	-	-	3,082,279
Inventory	6,000,306	342,047	155,398	377,984	6,875,735
Prepaid expenses	-	175,967	122	4,014	180,103
Other current assets	<u>1,563,825</u>	<u>200</u>	<u>-</u>	<u>-</u>	<u>1,564,025</u>
Total current assets	27,108,132	25,101,541	6,771,874	11,054,165	70,035,712
Noncurrent:					
Restricted cash and short-term investments	-	15,161,978	1,433,365	906,473	17,501,816
Restricted investments	25,504,651	-	-	-	25,504,651
Loans receivable, net of current portion	-	266,989	-	-	266,989
Leases receivable, net of current portion	-	16,598,189	-	-	16,598,189
Equity interests in associated companies	34,666,846	-	-	-	34,666,846
Regulatory assets	1,833,710	-	-	-	1,833,710
RES inventory	1,944,355	-	-	-	1,944,355
Other noncurrent assets	831,876	-	-	-	831,876
Capital assets:			-		
Land and construction in progress	5,542,601	120,415,557	6,992,411	2,430,850	135,381,419
Capital assets, net of accumulated depreciation	<u>88,358,311</u>	<u>95,918,412</u>	<u>18,374,092</u>	<u>18,159,360</u>	<u>220,810,175</u>
Total noncurrent assets	<u>158,682,350</u>	<u>248,361,125</u>	<u>26,799,868</u>	<u>21,496,683</u>	<u>455,340,026</u>
TOTAL ASSETS	185,790,482	273,462,666	33,571,742	32,550,848	525,375,738
DEFERRED OUTFLOWS OF RESOURCES					
Related to pension	3,151,949	467,390	178,721	330,307	4,128,367
Related to OPEB	248,169	94,814	33,885	82,055	458,923
Deferred amount on refunding	<u>338,070</u>	<u>533,400</u>	<u>-</u>	<u>-</u>	<u>871,470</u>
TOTAL DEFERRED OUTFLOWS OF RESOURCES	<u>3,738,188</u>	<u>1,095,604</u>	<u>212,606</u>	<u>412,362</u>	<u>5,458,760</u>
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	<u>\$ 189,528,670</u>	<u>\$ 274,558,270</u>	<u>\$ 33,784,348</u>	<u>\$ 32,963,210</u>	<u>\$ 530,834,498</u>

(continued)

CITY OF BURLINGTON, VERMONT

PROPRIETARY FUNDS

STATEMENT OF NET POSITION

JUNE 30, 2022

(continued)

	Business-Type Activities				
	Enterprise Funds				
	<u>Electric</u>	<u>Airport</u>	<u>Wastewater</u>	Nonmajor Enterprise Funds	<u>Total</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION					
LIABILITIES:					
Current:					
Accounts payable	\$ 4,864,424	\$ 5,382,906	\$ 659,077	\$ 836,283	\$ 11,742,690
Accrued liabilities	-	33,630	15,320	33,733	82,683
Accrued interest	-	607,046	-	-	607,046
Unearned revenue	-	1,045,417	-	-	1,045,417
Notes payable	-	2,541,057	3,919,049	1,514,506	7,974,612
Other current liabilities	1,848,964	2,597	-	39,719	1,891,280
Payable from restricted assets:					
Deposits with bond trustees	376,569	-	-	-	376,569
Current portion of long-term liabilities:					
Bonds and loans payable	5,425,000	314,728	1,054,457	346,635	7,140,820
Equipment notes payable	315,301	618,132	47,141	119,003	1,099,577
Lease payable	-	191,472	-	-	191,472
Compensated absences liability	-	331,279	143,654	234,184	709,117
Total current liabilities	12,830,258	11,068,264	5,838,698	3,124,063	32,861,283
Noncurrent, net of current portion:					
Bonds and loans payable	85,675,359	26,288,923	11,687,220	7,180,420	130,831,922
Equipment notes payable	1,539,915	1,937,445	174,734	359,527	4,011,621
Lease payable	-	1,504,836	-	-	1,504,836
Net pension liability	11,606,188	1,482,310	622,663	861,933	14,573,094
Total OPEB liability	909,836	213,927	94,264	132,284	1,350,311
Compensated absences liability	1,143,326	-	-	-	1,143,326
Total noncurrent liabilities	100,874,624	31,427,441	12,578,881	8,534,164	153,415,110
TOTAL LIABILITIES	113,704,882	42,495,705	18,417,579	11,658,227	186,276,393
DEFERRED INFLOWS OF RESOURCES					
Regulatory deferral	5,660,315	-	-	-	5,660,315
Related to pension	6,337,356	712,713	341,692	424,721	7,816,482
Related to OPEB	653,384	94,819	41,780	58,632	848,615
Related to leases	-	19,367,708	-	-	19,367,708
TOTAL DEFERRED INFLOWS OF RESOURCES	12,651,055	20,175,240	383,472	483,353	33,693,120
NET POSITION:					
Net investment in capital assets	40,686,130	183,303,869	9,867,576	12,202,084	246,059,659
Restricted:					
For debt service/renewal and replacements/capital projects	-	15,161,978	-	906,473	16,068,451
For contingency reserve	-	-	1,433,365	-	1,433,365
Deposits with bond trustees	6,300,800	-	-	-	6,300,800
Unrestricted	16,185,803	13,421,478	3,682,356	7,713,073	41,002,710
TOTAL NET POSITION	63,172,733	211,887,325	14,983,297	20,821,630	310,864,985
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION					
	\$ 189,528,670	\$ 274,558,270	\$ 33,784,348	\$ 32,963,210	\$ 530,834,498

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

PROPRIETARY FUNDS

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION

FOR THE YEAR ENDED JUNE 30, 2022

	Business-Type Activities Enterprise Funds				Nonmajor Enterprise Funds	Total
	Electric	Airport	Wastewater			
Operating Revenues:						
Charges for services	\$ 59,470,618	\$ 18,918,987	\$ 8,458,113	\$ 8,597,287	\$ 95,445,005	
Intergovernmental	-	160,600	-	-	160,600	
Miscellaneous	-	-	-	956,659	956,659	
Total Operating Revenues	59,470,618	19,079,587	8,458,113	9,553,946	96,562,264	
Operating Expenses:						
Personnel	-	4,482,622	1,619,228	3,573,334	9,675,184	
Nonpersonnel	-	12,179,973	3,610,658	3,652,263	19,442,894	
Purchased power and other costs	51,504,250	-	-	-	51,504,250	
Depreciation and amortization	6,048,674	6,848,831	1,208,164	988,356	15,094,025	
Total Operating Expenses	57,552,924	23,511,426	6,438,050	8,213,953	95,716,353	
Operating Income (Loss)	1,917,694	(4,431,839)	2,020,063	1,339,993	845,911	
Nonoperating Revenues (Expenses):						
Dividends from associated companies	4,335,722	-	-	-	4,335,722	
Passenger facility charges	-	2,283,319	-	-	2,283,319	
Intergovernmental revenue	139,892	3,685,399	15,060	1,339,163	5,179,514	
Investment income (loss)	(98,687)	(28,088)	1,433	(8,585)	(133,927)	
Other income	40,320	621,022	40,082	48,069	749,493	
Interest expense	(2,305,770)	(1,572,927)	(455,600)	(340,706)	(4,675,003)	
Loss on disposal of capital assets	(256,663)	-	-	(181)	(256,844)	
Total Nonoperating Revenues (Expenses), net	1,854,814	4,988,725	(399,025)	1,037,760	7,482,274	
Income Before Contributions and Other Items	3,772,508	556,886	1,621,038	2,377,753	8,328,185	
Capital contributions	439,770	24,959,650	106,546	-	25,505,966	
Transfers in	-	-	-	50,702	50,702	
Transfers out	(2,274,239)	-	(1,163,570)	(383,345)	(3,821,154)	
Change in Net Position	1,938,039	25,516,536	564,014	2,045,110	30,063,699	
Net Position, at Beginning of Year, as restated	61,234,694	186,370,789	14,419,283	18,776,520	280,801,286	
Net Position, at End of Year	\$ 63,172,733	\$ 211,887,325	\$ 14,983,297	\$ 20,821,630	\$ 310,864,985	

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT
 PROPRIETARY FUNDS
 STATEMENT OF CASH FLOWS
 FOR THE YEAR ENDED JUNE 30, 2022

	Electric	Airport	Wastewater	Nonmajor Enterprise Funds	Total
Cash Flows From Operating Activities:					
Receipts from customers and users	\$ 59,693,499	\$ 18,018,050	\$ 8,371,729	\$ 9,469,825	\$ 95,553,103
Receipts of operating grants	-	160,600	-	-	160,600
Payments for power and other costs	(51,077,285)	-	-	-	(51,077,285)
Payments to suppliers	-	(11,818,943)	(3,804,280)	(3,396,058)	(19,019,281)
Payments for wages and benefits	-	(4,422,175)	(1,591,892)	(3,513,817)	(9,527,884)
Other receipts	40,320	489,515	40,083	1,731	571,649
Net Cash Provided by Operating Activities	8,656,534	2,427,047	3,015,640	2,561,681	16,660,902
Cash Flows From Noncapital Financing Activities:					
Payment in lieu of taxes	(2,274,239)	-	(1,201,208)	(506,520)	(3,981,967)
Energy efficiency utility	139,892	-	-	-	139,892
Intergovernmental revenues	-	1,627,514	15,060	-	1,642,574
Loan payments from BCDC	-	81,321	-	-	81,321
Transfers in	-	-	37,638	173,877	211,515
Net Cash Provided by (Used for) Noncapital Financing Activities	(2,134,347)	1,708,835	(1,148,510)	(332,643)	(1,906,665)
Cash Flows From Capital and Related Financing Activities:					
Acquisition and construction of capital assets	(5,554,606)	(24,549,688)	(2,141,737)	(1,944,560)	(34,190,591)
Proceeds from bonds and loans	21,045,000	-	-	-	21,045,000
Proceeds from bond premium	3,640,554	-	-	-	3,640,554
Capital grants/contributions	439,770	21,064,484	-	-	21,504,254
Passenger facility charges	-	2,385,138	-	-	2,385,138
COVID grants	-	-	-	1,339,163	1,339,163
Drawdowns on notes and loans	-	3,829,737	1,843,530	82,698	5,755,965
Repayment of notes and loans	-	(1,288,680)	-	(41,845)	(1,330,525)
Debt service reserve fund release	-	2,505,664	-	-	2,505,664
Principal paid on:					
Bonds and loans	(5,230,000)	-	(1,052,029)	(289,973)	(6,572,002)
Notes	-	(616,585)	(46,659)	(116,979)	(780,223)
Leases	-	(191,109)	-	-	(191,109)
Interest paid on outstanding debt, including issue costs	(2,568,742)	(1,604,240)	(455,600)	(340,704)	(4,969,286)
Net Cash Provided by (Used for) Capital and Related Financing Activities	11,771,976	1,534,721	(1,852,495)	(1,312,200)	10,142,002
Cash Flows From Investing Activities:					
Purchase of investments	(23,238,034)	(1,657,923)	-	-	(24,895,957)
Sale of investments	2,855,002	-	-	-	2,855,002
Receipt of interest and dividends	4,486,377	-	1,433	(8,603)	4,479,207
Net Cash Provided by (Used for) Investing Activities	(15,896,655)	(1,657,923)	1,433	(8,603)	(17,561,748)
Net Increase in Cash and Short Term Investments	2,397,508	4,012,680	16,068	908,235	7,334,491
Cash and short term investments at beginning of year	9,859,988	19,379,470	4,303,976	8,390,278	41,933,712
Cash and short term investments at end of year	\$ 12,257,496	\$ 23,392,150	\$ 4,320,044	\$ 9,298,513	\$ 49,268,203

(continued)

CITY OF BURLINGTON, VERMONT
 PROPRIETARY FUNDS
 STATEMENT OF CASH FLOWS
 FOR THE YEAR ENDED JUNE 30, 2022

(continued)

	Electric	Airport	Wastewater	Nonmajor Enterprise Funds	Total
Adjustments to Reconcile Operating Income/(Loss) to Net Cash Provided by Operating Activities:					
Operating income/(loss)	\$ 1,917,694	\$ (4,431,839)	\$ 2,020,063	\$ 1,339,993	\$ 845,911
Depreciation and amortization*	5,792,213	6,848,831	1,208,164	988,356	14,837,564
Other receipts	40,320	489,515	40,083	1,731	571,649
Changes in assets, liabilities, and deferred outflows/inflows:					
(Increase)/decrease in receivables	113,094	2,566,396	(86,383)	(93,442)	2,499,665
(Increase)/decrease in inventory	(1,603,595)	(39,923)	(31,081)	(72,142)	(1,746,741)
(Increase)/decrease in prepaids	-	34,278	228	(2,874)	31,632
(Increase)/decrease in deferred outflows	285,933	377,543	148,193	229,762	1,041,431
Increase/(decrease) in accounts payable	1,941,893	366,675	(162,770)	331,222	2,477,020
Increase/(decrease) in accrued liabilities	-	(58,801)	(22,725)	(52,366)	(133,892)
Increase/(decrease) in net pension liability	(5,808,394)	(881,608)	(339,123)	(517,626)	(7,546,751)
Increase/(decrease) in total OPEB liability	(144,487)	(57,088)	(23,396)	(3,386)	(228,357)
Increase/(decrease) in compensated absences	72,318	36,550	20,125	27,239	156,232
Increase/(decrease) in unearned revenue liability	-	(171,802)	-	-	(171,802)
Increase/(decrease) in other operating assets/liabilities	755,875	-	-	9,461	765,336
Increase/(decrease) in deferred inflows	5,293,670	(2,651,680)	244,262	375,753	3,262,005
Net Cash Provided by Operating Activities	\$ 8,656,534	\$ 2,427,047	\$ 3,015,640	\$ 2,561,681	\$ 16,660,902

* Electric depreciation and amortization includes change in deferred depreciation reported in other noncurrent assets.

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT
FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2022

	Pension Trust <u>Fund</u>	Private Purpose Trust <u>Fund</u>	Custodial <u>Fund</u>
ASSETS			
Current:			
Cash and short term investments	\$ 3,098,860	\$ 38,389	\$ 3,706,742
Investments:			
Mutual funds	197,281,568	-	-
Limited partnerships	13,987,828	-	-
Accounts receivable	-	-	296,862
Contributions receivable	1,119,077	-	-
Prepaid expenses	20,097	-	-
Noncurrent:			
Capital assets, net of accumulated depreciation	<u>280,322</u>	<u>-</u>	<u>-</u>
Total Assets	<u>\$ 215,787,752</u>	<u>\$ 38,389</u>	<u>\$ 4,003,604</u>
LIABILITIES AND NET POSITION			
LIABILITIES			
Current:			
Accounts payable	\$ 75,951	\$ -	\$ 311,443
Gross revenue taxes payable	-	-	5,830
Fuel taxes payable	-	-	897
Accrued liabilities	2,277	-	-
Due to primary government	6,140,000	-	-
Current portion of long-term liabilities:			
Note payable	<u>74,490</u>	<u>-</u>	<u>-</u>
Total current liabilities	6,292,718	-	318,170
Noncurrent, net of current portion:			
Note payable	<u>70,231</u>	<u>-</u>	<u>-</u>
Total Liabilities	6,362,949	-	318,170
NET POSITION			
Restricted for pension	209,424,803	-	-
Restricted for individuals and organizations	-	38,389	-
Restricted for energy efficiency utility programs	<u>-</u>	<u>-</u>	<u>3,685,434</u>
Total Net Position	<u>209,424,803</u>	<u>38,389</u>	<u>3,685,434</u>
TOTAL LIABILITIES AND NET POSITION	<u>\$ 215,787,752</u>	<u>\$ 38,389</u>	<u>\$ 4,003,604</u>

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

FIDUCIARY FUNDS

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION

FOR THE YEAR ENDED JUNE 30, 2022

	Pension Trust <u>Fund</u>	Private Purpose Trust <u>Fund</u>	Custodial <u>Fund</u>
Additions:			
Contributions:			
Employer - pension	\$ 10,821,716	\$ -	\$ -
Plan members	<u>3,931,883</u>	<u>-</u>	<u>-</u>
Total Contributions	14,753,599	-	-
Investment earnings:			
Investment income	19,633,869	87	-
Net decrease in the fair value of investments	<u>(51,981,987)</u>	<u>-</u>	<u>-</u>
Total Investment Earnings (Loss)	(32,348,118)	87	-
Less: Investment Expenses	<u>(308,224)</u>	<u>-</u>	<u>-</u>
Net Investment Earnings (Loss)	(32,656,342)	87	-
EEC collections from customers	-	-	2,536,076
Forward Capacity Market	-	-	411,587
Regional Greenhouse Gas Initiative	<u>-</u>	<u>-</u>	<u>340,999</u>
Total Additions	(17,902,743)	87	3,288,662
Deductions:			
Benefits - pension	20,619,873	-	-
Administrative expenses	937,403	-	-
Depreciation	50,100	-	-
Payments for programs	-	-	2,537,487
Payments for administration	-	-	334,660
EEC uncollectible return	-	-	16,141
Gross revenue taxes	-	-	13,323
Fuel taxes	<u>-</u>	<u>-</u>	<u>12,680</u>
Total Deductions	<u>21,607,376</u>	<u>-</u>	<u>2,914,291</u>
Change in net position	(39,510,119)	87	374,371
Net position restricted for pension and other purposes:			
Beginning of year, as restated	<u>248,934,922</u>	<u>38,302</u>	<u>3,311,063</u>
End of year	<u>\$ 209,424,803</u>	<u>\$ 38,389</u>	<u>\$ 3,685,434</u>

The accompanying notes are an integral part of these financial statements.

CITY OF BURLINGTON, VERMONT

Notes to Financial Statements

Incorporated in 1865, the City of Burlington, Vermont (the City) operates under a tripartite system of government with the Mayor serving as Chief Executive, the City Council as the legislative body and the Commissioners as the primary policy makers within their respective departments. The City Charter authorizes the provision for the following services for the residents of the City: general administration, public safety, public works, community development, culture and recreation, utilities and education.

1. Summary of Significant Accounting Policies

The accounting policies adopted by the City conform to generally accepted accounting principles (GAAP) as applicable to governmental entities. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing accounting and financial reporting principles. The following is a summary of the more significant accounting policies employed in the preparation of these financial statements.

A. *The Financial Reporting Entity*

This report includes all of the funds of the City of Burlington, Vermont. The reporting entity consists of the primary government; organizations for which the primary government is financially accountable; and other organizations for which the nature and significance of their relationship with the primary government are such that their exclusion would cause the reporting entity's financial statements to be misleading or incomplete. Component units are legally separate organizations for which the elected officials of the primary government are financially accountable. The primary government is financially accountable if it appoints a voting majority of the organization's governing body and it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to or burdens on the primary government. The following entity is reported as a discretely presented component unit, in a separate column in the government-wide financial statements to emphasize that it is legally separate from the City because it is fiscally dependent on the City, but does not provide services almost entirely to the City and the City guarantees debt of the School District. The City Council can override the School District's decisions concerning the debt that the City issues on behalf of the School District.

Burlington School District (the School District) – the School District's primary purpose is to carry out the vision of education in the community. The Burlington School District is governed by a separately elected School Board, the legal entity for conducting a system of public education within the geographic area of a school district. The system was created by, and is governed by, state statutes. Members of a Board are, therefore, state officers chosen by citizens of a district to represent them, and the state, in the legislative management of public

schools. The Board of School Commissioners has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' desires for educating the community's youth. For detailed information on the Burlington School District accounts, refer to separately issued financial statements, which can be obtained by contacting the School District's Financial Management at 150 Colchester Avenue, Burlington, Vermont 05401.

B. Basis of Presentation

The accounts of the City are organized and operated on the basis of fund accounting. A fund is an independent fiscal and accounting entity with a separate set of self-balancing accounts, which comprise its assets, liabilities, fund equity, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are spent and the means by which spending activities are controlled.

The basic financial statements of the City include both government-wide statements and fund financial statements. The focus of the government-wide statements is on reporting the operating results and financial position of the City as a whole and present a longer-term view of the City's finances. The focus of the fund financial statements is on reporting on the operating results and financial position of the most significant funds of the City and present a shorter-term view of how operations were financed and what remains available for future spending.

Government-wide Statements: The Statement of Net Position and the Statement of Activities display information about the primary government, the City, and its component unit, the Burlington School District. These statements include the financial activities of the overall City, except for fiduciary activities. The statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Eliminations have been made to minimize the double counting of activities between funds. However, interfund services provided and used are not eliminated in the consolidation. These statements distinguish between the governmental and business-type activities of the City. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the City's governmental activities and for each segment of the City's business-type activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the City's funds, including fiduciary funds. Separate statements for each fund

category—governmental, proprietary, and fiduciary – are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

The proprietary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Under this method, revenues are recognized when earned and expenses are recorded when liabilities are incurred.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Operating revenues consists of sales of electricity, rents of electric property, fees to transmit electricity of others, sales of renewable energy credits, operation of other utilities to run generation facilities, rent of airport terminal space and buildings, concessions, commissions, parking receipts, sales of water, wastewater user charges, and other miscellaneous fees for service. Nonoperating revenues result from certain nonexchange transactions or ancillary activities. Nonoperating revenues consist of investment earnings, electric services rendered to customers upon their request, passenger facility charges, grant income, and building rents from buildings purchased for future expansion.

Operating expenses are defined as the ordinary costs and expenses for the operation, maintenance and repairs of the electric plant, airport, water facility, and wastewater facility. Operating expenses include the cost of production, purchased power, maintenance of transmission and distribution systems, administrative, and general expenses and depreciation and amortization. Operating expenses do not include the interest on bonds, notes or other evidences of indebtedness and related costs.

The City reports on the following major governmental funds:

General Fund - This is the City's main operating fund. It accounts for all financial resources of the City except those required to be accounted for in another fund.

Capital Projects Fund – This fund accounts for resources obtained and expended for the acquisition of major capital facilities or equipment.

The City reports on the following major enterprise funds:

Electric Fund - This fund accounts for the operations of the Burlington Electric Enterprise Fund. For more details on this fund, refer to its separately issued financial statements.

Airport Fund - This fund accounts for the operations of the Burlington International Airport. For more details on this fund, refer to its separately issued financial statements.

Wastewater Fund - The Division of Public Works provides 3 wastewater treatment plants, 25 pump stations, and 100 miles of collection system for year-round wastewater disposal. For more details on this fund, refer to its separately issued financial statements.

The fiduciary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Under this method, revenues are recognized when earned and expenses are recorded when liabilities are incurred. The City reports the following fund types:

Pension Trust Fund – This fund accounts for monies contributed by the City and its employees and the income on investments, less amounts expended for the pensions of retired City employees. This fund is partially funded by a dedicated tax rate, which is determined by the City’s Retirement Board, and subject to annual appropriation by the City Council.

Private-Purpose Trust Fund – This fund is used to report trust arrangements under which resources are to be used for the benefit of firemen injured in the line of duty, Christmas gifts for servicemen overseas, and Christmas dinners for the destitute. All investment earnings, and in some cases the principal of these funds, may be used to support these activities.

Custodial Fund – Effective January 1, 2020, Burlington Electric Department (BED) began to function as a fiscal agent and fund administrator under 30 V.S.A Section 209(d)(3) for Vermont Energy Efficiency Utility (EEU) and Thermal Energy and Process Fuels (TEPF) activities.

C. *Measurement Focus*

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. Government-wide and proprietary fund financial statements are reported using the economic resources measurement focus. This means that all assets and liabilities associated with the operation of these funds (whether current or noncurrent) are included on the balance sheet (or statement of net position). Equity (i.e., net total assets) is segregated into net investment in capital assets; restricted net position; and unrestricted net position. Operating statements present increases (i.e., revenues) and decreases (i.e., expenses) in net total position.

Governmental fund financial statements are reported using the current financial resources measurement focus. This means that only current assets and current liabilities are generally reported on their balance sheets. Their reported fund balances (net current assets) are considered a measure of available spendable resources, and are segregated into nonspendable; restricted; committed; assigned and unassigned amounts. Operating statements of these funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of available spendable resources during a period.

D. Basis of Accounting

Basis of accounting refers to when revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide and proprietary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time the liabilities are incurred, regardless of when the related cash flow takes place. Nonexchange transactions, in which the City gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On the accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental funds are reported using the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. “Measurable” means the amount of the transaction can be determined, and “available” means the amount is collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. The City considers all revenues reported in governmental funds to be available if the revenues are collected within thirty days after year-end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, certain compensated absences, self-insured health and dental benefits, reserves for property and casualty and workers’ compensation claims, net pension obligation, post-employment benefits and other long-term liabilities, which are recognized when the obligations are expected to be liquidated or are funded with expendable available financial resources.

General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under leases are reported as other financing sources in governmental funds.

Under the terms of grant agreements, the City funds certain programs by a combination of specific cost-reimbursement grants, categorical block grants, and general revenues. Thus, when program expenses are incurred, there is both restricted and unrestricted net position available to finance the program. It is the City’s policy to first apply cost-reimbursement grant resources to such programs, followed by general revenues. Expenditure driven grants are recognized as revenue when the qualifying expenditures have been incurred and other grant requirements have been met.

Recognition of revenues on funds received in connection with loan programs are recognized when loans are awarded and expenses incurred in excess of current grants and program income. An offsetting deferred inflows is recognized for all loans receivable. Loan repayment revenue is recognized as the loans are repaid.

The Burlington Electric Department (the Department) is an enterprise fund of the City. The City has overall financial accountability for the Department; its Council appoints the Commissioners of the Department which oversee its operations, and the City collateralizes the Department's general obligation debt. The Department is also subject as to rates, accounting, and other matters, to the regulatory authority of the State of Vermont Public Service Board (VPSB) and the Federal Energy Regulatory Commission (FERC). In accordance with FASB ASC Topic 980, *Regulated Operations* (and Codified in GASB Statement 62), the Department records certain assets and liabilities in accordance with the economic effects of the rate making process.

E. Cash and Short-Term Investments

Cash balances from all funds, except those required to be segregated by law, are combined to form a consolidation of cash. Cash balances are invested to the extent available, and interest earnings are recognized in the general fund. Certain special revenue, proprietary, and fiduciary funds segregate cash, and investment earnings become a part of those funds.

Deposits with financial institutions consist primarily of demand deposits, certificates of deposits, and savings accounts. A cash and sweep account is maintained that is available for use by all funds. Each fund's portion of this pool is reflected on the financial statements under the caption "cash and short-term investments".

For purpose of the Statement of Cash Flows, the proprietary funds consider investments with maturities of one year or less to be short-term investments.

F. Investments

Investments, generally, are presented at fair value. Where applicable, fair values are based on quotations from national securities exchanges, except for certain investments that are required to be presented using net asset value (NAV). The NAV per share is the amount of net assets attributable to each share outstanding at the close of the period. Investments measured using NAV for fair value are not subject to level classification.

G. Leases

Effective July 1, 2021, the City implemented a new standard, GASB Statement Number 87, *Leases*.

City as a Lessor: The City recognizes a lease receivable and a related deferred inflow of resources. At the commencement of a lease, the City initially measures the lease receivable at the present value of payments expected to be received during the lease term. Subsequently, the lease receivable is reduced by the principal portion of lease payments received. The deferred inflow of resources is initially measured as the initial amount of the lease receivable, adjusted for lease payments received at or before the lease commencement date. Subsequently, the deferred inflow of

resources is recognized as revenue over the life of the lease term on a straight-line basis over its useful life. The following key assumptions are made:

The City uses its estimated incremental borrowing rate as the discount rate for leases when the interest rate is not explicitly stated.

The lease term includes the noncancellable period of the lease, including renewal terms reasonably certain to be exercised. Lease receipts included in the measurement of the lease receivable are comprised of fixed payments from the lessee.

The City monitors changes in circumstances that would require a remeasurement of its lease receivable and will remeasure the lease receivable if certain changes occur that are expected to significantly affect the amount of the lease receivable.

City as a Lessee: At the commencement of a lease, the City initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of lease payments made. The lease asset is initially measured as the initial amount of the lease liability, adjusted for lease payments made at or before the lease commencement date, plus certain initial direct costs. Subsequently, the lease asset is amortized on a straight-line basis over its useful life. The following assumptions are made:

The City uses the interest rate charged by the lessor as the discount rate. When the interest rate charged is not provided, the City uses its estimated incremental borrowing rate as the discount rate for leases.

The lease term includes the noncancellable period of the lease, including renewal terms reasonably certain to be exercised. Lease payments included in the measurement of the lease liability are comprised of fixed payments and purchase option price, if the City is reasonably certain that it will be exercised.

The City monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability. Lease assets are reported with other capital assets and lease liabilities are reported with long-term debt on the statement of net position.

H. Interfund Receivables and Payables

Transactions between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either “due from/to other funds” (i.e., the current portion of interfund loans) or “advances to/from other funds” (i.e., the noncurrent portion of interfund loans).

Advances between funds are offset by a fund balance reserve account in applicable governmental funds to indicate the portion not available for appropriation and not available as expendable financial resources.

Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as “internal balances”.

I. Jointly Owned Facilities

The Burlington Electric Department has recorded its 50% ownership interest in the McNeil Generating Station as capital assets. The Department is responsible for its proportionate share of the operating expenses of the jointly owned facilities, which are billed to the Department on a monthly basis. The associated operating costs allocated to the Department are classified in their respective expense categories in the statement of operations. Separate financial statements are available from the Department.

J. Equity Interests in Associated Companies

The Electric Department follows the cost method of accounting for its 6.38% Class B common stock, 1.97% Class C common stock and 7.69% Class C preferred stock ownership interest in Vermont Electric Power Company, Inc. (VELCO), and its 5.46% ownership interest in Vermont Transco LLC (Transco). Transco is an affiliated entity of VELCO. VELCO owns and operates a transmission system in the State of Vermont over which bulk power is delivered to all electric utilities in the State of Vermont. Under a Power Transmission Contract with the State of Vermont, VELCO bills all costs, including amortization of its debt and a fixed return on equity, to the State of Vermont and others using the system.

During the year ended June 30, 2022, the Department purchased 47,273 Class A Units and 60,165 Class B Units in Transco for a cost of \$1,074,380.

Schedule of ownership in associated companies at June 30, 2022:

Velco, Class B Common Stock	\$ 1,403,800
Velco, Class C Common Stock	39,200
Velco, Class C Preferred Stock	11,196
VT Transco, LLC, A Units	14,613,571
VT Transco, LLC, B Units	<u>18,599,079</u>
	<u>\$ 34,666,846</u>

K. Inventory and Prepaid Items

Inventory is valued at cost using the first-in/first-out (FIFO) method. The costs of governmental fund-type inventories are recorded as expenditures when purchased rather than when consumed. No significant inventory balances were on hand in governmental funds.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government wide and fund financial

statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

L. Capital Assets

City

Capital assets, which include property, plant, equipment, land improvements, buildings and improvements, infrastructure, and right to use assets, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements, as well as proprietary and fiduciary fund financial statements. Depreciable capital assets are defined by the City as assets with an estimated useful life of five years or greater, while non-depreciable do not consider estimated useful life. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant, and equipment are depreciated/amortized using the straight-line method over the following estimated useful lives:

	<u>Capitalization Threshold</u>	<u>Estimated Service Life</u>
Land	\$ -	N/A
Construction in Progress	-	N/A
Land Improvements	25,000	30 years
Buildings	-	25-150 years
Building Improvements	20,000	25-150 years
Vehicles, Machinery, Equipment and Furniture	10,000	5-15 years
Right to Use Vehicles, Machinery and Equipment	10,000	5-15 years
Book Collections	10,000	5 years
Infrastructure	50,000	10-40 years

Capital assets reported in the government-wide and proprietary fund financial statements are depreciated in order that the cost of these assets will be charged to expenses over their estimated service lives, generally using the straight-line method of calculating depreciation.

Electric Department

The Electric Department capital assets are stated at historical cost. Provisions for depreciation of general capital assets are reported using the straight-line method at rates based upon the estimated service lives and salvage values of the several classes of property. Depreciation of capital assets of the McNeil Station, the Highgate Converter Facility, and the Winooski One hydroelectric plant are calculated using the straight-line method. However, a portion of the current depreciation expense is only recoverable through future rates. The difference is included in deferred charges (calculated as the straight-line depreciation expense, less the depreciation expense on a sinking fund basis) and will be recovered in future years. See Note 12, Regulatory Assets and Regulatory Deferred Inflows of Resources.

Maintenance and repairs of capital assets are charged to maintenance expense. Replacements and betterments are capitalized to capital assets. When assets are retired or otherwise disposed of, the costs are removed from capital assets, and such costs, plus removal costs, net of salvage, are charged to accumulated depreciation.

The Department's capitalization policy considers four factors. Property will be capitalized when:

- 1) The combined cost to put a unit in service is more than \$500.
- 2) The unit's estimated life is at least three years.
- 3) The unit is vital to the Department and must be controlled, and tracked, even if it falls under the dollar limit stated in (1) above. Watt-hour meters to record electric usage are the only unit in this category.
- 4) The Public Utilities Commission (PUC) rules in a rate making decision that the Department will capitalize a cost that normally would not be capitalized based on the first three factors above. The Department does not have any assets in this category.

The depreciable lives of utility plant are as follows:

	<u>Estimated Service Life</u>
Production plant	10-50 years
Transmission plant	33-50 years
Distribution plant	10-50 years
General plant	5-50 years
Other plant	5 years

Discretely Presented Component Unit – School District

Capital assets purchased or acquired with an original cost of \$5,000 or more are reported at historical cost or estimated historical cost. Contributed assets are reported at acquisition value as of the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the estimated useful lives.

The assets are valued at historical cost when available and estimated historical cost where actual invoices or budgetary data was unavailable. Donated capital assets are valued at their acquisition value on the date received. All retirements have been recorded by eliminating the net carrying values.

Estimated useful lives are as follows:

	<u>Capitalization Threshold</u>	<u>Estimated Service Life</u>
Buildings	\$ 5,000	20-50 years
Machinery and Equipment	5,000	3-50 years
Vehicles	5,000	3-25 years

M. Renewable Energy Credit Sales

The Electric Department received Renewable Energy Certificates (RECs) based on the amount of energy produced by its resources in a year. These RECs have value in terms of allowing the holder to demonstrate compliance with the Renewable Portfolio Standard (RPS) requirements of the various New England states. These RECs may be bought and sold, separate from the underlying energy production, and vary in value based on the amount of supply versus the demands created by the RPS, for that particular type of REC. The ability to claim energy renewability is transferred with the REC (either lost in the case of a REC sale or acquired in the case of a REC purchase).

The Electric Department's resource planning staff monitors output levels from the REC producing units, REC commitments made, the markets for these RECs, and the State statutes and rules that govern the creation and sale of these RECs. The Electric Department has and will continue to involve itself in discussions/proceedings as needed, either in Vermont or elsewhere in New England, where such rules and statutes are the subject at hand.

In 2008, the McNeil Generating Station (McNeil) installed a Regenerative Selective Catalytic Reduction (RSCR) unit. The RSCR unit significantly reduces McNeil's Nitrous Oxide (NOx) emission levels, which allows the station to qualify to sell Connecticut Class 1 Renewable Energy Certificates (RECs). The McNeil RECs are determined to be qualified for sale based on a review of emissions outputs submitted by McNeil. At the end of every quarter, an affidavit is signed stating whether or not McNeil's emissions output met the requirements needed to sell the RECs.

McNeil receives a certification from the State of Connecticut indicating that they met the standards for the quarter based on the statistics provided by McNeil. Sales are recorded as revenue upon delivery of the RECs to the customer.

Effective September 1, 2014, the Electric Department became the 100% owner of the Winooski One hydro facility. Currently operations at the facility are being managed through a contract with Northbrook Energy. Winooski One is a Low Impact Hydro Institute (LIHI) certified generator and is qualified to produce Massachusetts Class 2 RECs (non-waste-to-energy).

The Electric Department receives RECs from the Vermont Wind Project in Sheffield (the Electric Department is entitled to 40% of the output of the 40MW project), the Georgia Mountain Community Wind Farm (the Electric Department has entitlement to the full 100 MW of output from this project), along with RECs from its entitlement to 13.5 MW of the 52 MW Hancock Wind Project. The RECs from all of these wind facilities are qualified for participation in most of the high value New England REC markets.

In February 2015, the Electric Department commissioned a 500 KW AC solar array at the Burlington International Airport (and leases space on the parking garage roof under a long-term agreement between the Department and the Burlington International Airport). Following that, in October 2018, the Department commissioned a 107 KW AC solar array at the Electric Department's offices at 585 Pine Street. The Department owns 100% of these resources. Additionally, the City receives RECs from South Forty Solar, a 2.5 MW solar array, as well as several smaller solar arrays totaling 409 kW. These solar arrays are designed to help reduce the Electric Department's peak demand and energy needs during high priced periods.

The Electric Department no longer receives RECs from Vermont Standard Offer projects purchased by the Vermont Purchasing Agent. At the end of 2016, the Department's status as a distribution utility that sources 100% of the load it serves from renewable sources exempted it from purchasing energy from these projects in 2017. This exemption will continue through at least 2023.

The Department purchases Vermont Tier I RECs to replace the New England Class I RECs that are sold in the market to maintain its ability to claim 100% renewability.

For the fiscal year ended June 30, 2022, REC revenue for McNeil, wind resources, the Winooski One hydro facility, and the solar arrays were \$6,599,441, \$2,341,500, \$670,140, and \$178,252, respectively.

N. Pollution Remediation Obligations

The Electric Department faces possible liability as a potentially responsible party (PRP) with respect to the cleanup of certain hazardous waste sites. The City is currently a PRP as a landowner of a hazardous waste superfund site in Burlington, Vermont that is the subject of a remediation investigation by the Environmental Protection Agency (the EPA). The Department has agreed to share on an equal basis

all past and future costs incurred in connection with any and all settlements or actions resulting from the designation of the City as a PRP at this site. In light of the agreement between the City and the EPA concerning the remediation plan at the site, the Department believes that the likelihood of any liability material to the financial position of the Department is remote and as such, no liability has been accrued as of June 30, 2022.

The Electric Department faces possible liability with respect to the J. Edward Moran Electric Generation Station ("Moran Station"). The Moran Station is a decommissioned coal-fired power plant that was controlled and operated by the Department from 1954 until 1990 when the Department entered into a memorandum of understanding ("MOU") with the City of Burlington transferring responsibility for the Moran Station to the City. The MOU transferred the Moran Station to the City in "as is" condition and held the Department harmless for any and all future liability and or responsibility for such Moran Station and property, excluding environmental remediation (if any) which shall be required in the future by a state or federal environmental regulatory agency, for conditions existing before the transfer. In 2009 the City conducted an assessment of activities at the Moran Station site and was engaged in a corrective action plan with the Vermont Department of Environmental Conservation. The City and the Department entered into a letter of agreement in December 2009 where it was agreed that the Department shall make a \$100,000 payment to the City as settlement of the Department's liability for any and all environmental remediation costs associated with known environmental contamination at the Moran Station. In September 2019, the City began the efforts of creating a Site Resolution Plan and in February 2020, the City Council authorized the Mayor to execute a settlement agreement between the City and the Department to compensate the City for the costs of abating/remediating contaminants that had been identified at that time as requiring such abatement. In June 2022, the Department entered into a new MOU with the City of Burlington that calls for the Department to make a contribution of \$950,715 in eight equal installments with an annual interest rate of 1%.

O. Compensated Absences

It is the City's policy to permit employees to accumulate earned, but unused vacation and sick pay benefits. All vested sick and vacation pay is accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

P. Liabilities to be Paid from Restricted Assets

The balance in these liabilities represents accrued interest payable on revenue bonds and construction invoices, which will be paid from restricted assets. The restricted assets will also be used for additional construction of certain assets, including certain costs in accounts and contracts payable.

Q. Fund Equity

Fund equity at the governmental fund financial reporting level is classified as “fund balance”. Fund equity for all other reporting is classified as “net position”.

Fund Balance - Fund balance represents the difference between current assets/deferred outflows and current liabilities/deferred inflows. The City reserves those portions of fund balance that are legally segregated for a specific future use or which do not represent available, spendable resources, and therefore, are not available for appropriation or expenditure. Unassigned fund balance indicates that portion of fund balance that is available for appropriation in future periods.

The City’s fund balance classification policies and procedures are as follows:

- 1) *Nonspendable funds* represents amounts that cannot be spent because they are either (a) not in spendable form (i.e., inventory or prepaid items) or (b) legally or contractually required to be maintained intact (i.e., perpetual care). This fund balance classification includes General Fund reserves for prepaid expenditures, inventory, long-term advances to other funds and nonmajor governmental fund reserves for the principal portion of permanent trust funds.
- 2) *Restricted funds* represent amounts that are restricted to specific purposes by constraints imposed by creditors, grantors, contributors, or laws or regulations of other governments, or constraints imposed by law through constitutional provisions or enabling legislation. In the case of capital projects fund, these funds are restricted for projects financed by bonds. In the case of permanent fund, it represents the income portion of trust funds.
- 3) *Committed funds* represent amounts that can only be used for specific purposes pursuant to constraints imposed by formal action, resolutions of the City’s highest level of decision-making authority, the City Council. Subsequent City Council approval is necessary to modify or rescind a fund balance commitment.
- 4) *Assigned funds* represent amounts that are constrained by the City’s intent to use these resources for a specific purpose. The City’s fund balance policy gives authority to the Mayor to delegate assignments to staff. Approved resolutions after year-end are also classified as assigned funds.
- 5) *Unassigned funds* represent the residual classification for the General Fund and include all amounts not contained in other classifications. Unassigned amounts are available for any purpose. Temporary fund balance deficits are reported as negative amounts in the unassigned classification in other governmental funds. Positive unassigned amounts are reported only in the General Fund.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

Net Position - Net position represents the difference between assets/deferred outflows and liabilities/deferred inflows. Net investment in capital assets, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvement of those assets. Net position is reported as restricted when there are limitations imposed on use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments. The remaining net position is reported as unrestricted.

R. Use of Estimates

The preparation of basic financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures for contingent assets and liabilities at the date of the basic financial statements, and the reported amounts of revenues and expenditures/expenses during the fiscal year. Actual results could vary from estimates that were used.

2. Stewardship, Compliance, and Accountability

A. Budgetary Information

The City follows these procedures in establishing the budgetary data reflected in the financial statements for the General Fund:

- 1) Departments, and departments with commission approval, prepare detailed recommendations to the Mayor on the budget. Prior to June 15, the Mayor, with the assistance of the other members of the Board of Finance, prepares and submits to the City Council a proposed budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and estimated revenues.
- 2) Prior to July 1, the budget is legally enacted through passage of a resolution of the City Council.
- 3) The Mayor may propose, with the advice of the Board of Finance, amendments to the budget. Such proposed amendments require a majority approval of the City Council. The amount of such proposed amendments may be decreased by a simple majority vote of the City Council. Such proposed amendments may be increased above the level proposed by the Mayor only with a two-thirds vote of the City Council.
- 4) The Board of Finance is authorized to transfer budgeted amounts between line items within an appropriation account or within accounts of a depart-

ment. Any revisions which increase the total expenditures of any department function or fund above the original appropriation must be approved by resolution of the City Council.

- 5) That portion of the designated fund balance that consists of operating and capital improvement carry-overs, represents unexpended appropriations, which are allowed to be carried over to later years as provided for by the City Charter or by resolution of the City Council. All other unexpended appropriations lapse at the close of the fiscal year. The City Charter specifically prohibits expenditures in excess of appropriations, except on an emergency basis for health, police, fire and public welfare.
- 6) The City of Burlington tax rate can change each year by the cost of CCTA, retirement, county and debt service without voter approval. However, any rate change on the tax rate for other purposes, above the maximum approved tax rate previously approved by voters, must be approved by City voters.
- 7) Title III, Section 70(a) of the Burlington City Charter defines the legal level of budgeting control at the department level. Excerpts of Section 70(a) are as follows:

No superintendent, Board or commission member or corresponding executive officer of any City department, with the exception of the health, police and fire departments, and then only in case of an emergency, shall expend any money or incur any obligation, unless there is an available appropriation from which the same may be paid and to which it may be charged, and shall not at any time expend any money or incur any obligation in excess of such appropriation. In case any such superintendent, Board or commission member or corresponding executive officer of any city department violates this provision, the city chief administrative officer shall report such occurrence to the mayor and to the city council. The mayor shall advise the city council as to whether there was appropriate justification for such violation and if the mayor and city council agree that such violation was unjustified, the mayor may recommend and the city council may determine that the office shall thereupon become vacant and shall be forthwith filled for the unexpired term of the officials authorized to make the original appointment in such case. Nothing in this section shall be construed to authorize the city council to remove a duly elected school commissioner or the superintendent of schools.

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed as an extension of formal budgetary integration in any fund in the City.

B. Budgetary Basis

The General Fund final appropriation appearing on the “Budget and Actual” page of the fund financial statements represents the final amended budget after all reserve fund transfers and supplemental appropriations.

C. Budget Over Expenditures

The REIB and fire departments overspent their budget by \$51,386 and \$441,855, respectively. The fire department had offsetting revenues that exceeded budget to cover the expenditures.

D. Deficit Fund Equity

Certain individual funds reflected unassigned fund balance deficits as of June 30, 2022. It is anticipated that the deficits will be eliminated through future departmental revenues, bond proceeds, and transfers from other funds. See the combining statements for deficits, which are reflected as negative unassigned fund balance.

3. Deposits and Investments

Primary Government, excluding Electric Department

A. Custodial Credit Risk - Deposits

The custodial credit risk for deposits or investments is the risk that, in the event of the failure of the bank or counterparty to a transaction, the City will not be able to recover the value of its deposits, investments, or collateral securities that are in the possession of another party. The City’s deposits were insured or collateralized as of June 30, 2022.

B. Investment Summary

The following is a summary of the City’s investments as of June 30, 2022:

<u>Investment Type</u>	<u>Amount</u>
Municipal bonds	\$ 1,805,386
Federal agencies	6,676,870
Market-linked certificates of deposits	<u>2,542,284</u>
Total investments	<u><u>\$ 11,024,540</u></u>

C. Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. The City’s investments in municipal

bonds were rated Aa3 by Moody's at June 30, 2022. Market-linked certificates of deposits were unrated at June 30, 2022.

D. Concentration of Credit Risk

The City places no limit on the amount the City may invest in any one issuer. At June 30, 2022, the City's investment in Connecticut State General Obligation BDS Teachers Retirement Fund A of \$1,037,150 represented 9% of City's investments while each of the remaining investments represented under 5% of City's investments.

E. Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The City has a formal investment policy that limits investment maturities based on type of security as a means of managing its exposure to fair value losses arising from increasing interest rates. Per the policy, investments remain sufficiently liquid to enable the City to meet its cash flow requirements. The City categorizes investments with maturities of one year or less as short-term investments. As of June 30, 2022, the maturities of the City's long-term investments were as follows:

<u>Investment Type</u>	<u>Fair Value</u>	<u>Maturity in Years</u>	
		<u>1-5</u>	<u>6-10</u>
Municipal bonds	\$ 1,805,386	\$ 1,805,386	\$ -
Federal agencies	6,676,870	6,676,870	-
Market-linked certificates of deposit	2,542,284	2,542,284	-
Total investments	<u>\$ 11,024,540</u>	<u>\$ 11,024,540</u>	<u>\$ -</u>

F. Foreign Currency Risk

Foreign currency risk is the risk that changes in foreign exchange rates will adversely affect the fair value of an investment. The City does not have any such investments, or policies for foreign currency risk.

G. Fair Value

The City categorizes its fair value measurements within the fair value hierarchy established by Governmental Accounting Standards Board Statement No. 72, *Fair Value Measurement and Application* (GASB 72). The hierarchy is based on the valuation inputs used to measure the fair value of the asset and give the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1 measurements) and the lowest priority to unobservable inputs (level 3 measurements).

Level 1 - Unadjusted quoted prices for identical instruments in active markets.

Level 2 – Quoted prices for similar instruments in active markets; quoted prices for identical or similar instruments in markets that are not active; and model-derived valuations in which all significant inputs are observable.

Level 3 – Valuations derived from valuation techniques in which significant inputs are unobservable.

The City categorizes its fair value measurements as follows:

		Fair Value Measurements Using:		
		Quoted prices in active markets for identical assets (Level 1)	Significant observable inputs (Level 2)	Significant unobservable inputs (Level 3)
Investment Type	Fair Value			
Investments by fair value level:				
Debt securities:				
Municipal bonds	\$ 1,805,386	\$ -	\$ 1,805,386	\$ -
Federal agencies	6,676,870	-	6,676,870	-
Market-linked certificates of deposit	<u>2,542,284</u>	<u>-</u>	<u>2,542,284</u>	<u>-</u>
Total	<u>\$ 11,024,540</u>	<u>\$ -</u>	<u>\$ 11,024,540</u>	<u>\$ -</u>

Debt securities classified in Level 2 are valued using either a bid evaluation or a matrix pricing technique. Bid evaluations may include market quotations, yields, maturities, call features, and ratings. Matrix pricing is used to value securities based on the security's relationship to benchmark quote prices. Level 2 debt securities have non-proprietary information that is readily available to market participants, from multiple independent sources, which are known to be actively involved in the market.

Burlington Electric Department

A. Custodial Credit Risk – Deposits

Except for the custodial fund deposits of \$3,706,742, the Department's deposits at June 30, 2022 are insured or collateralized.

B. Investments

The Department has a formal investment policy and is authorized per Article 1, Section 1.1 of the General Bond Resolution to invest in obligations as follows:

- 1) Direct obligations of the United States of America or obligations guaranteed by the United States of America.
- 2) Bonds, notes or other evidence of indebtedness issued or guaranteed by the CoBank, Federal Intermediate Credit Banks, FHLB, FNMA, GNMA, Export-Import Bank of the United States, Federal Land Banks, U.S. Postal Service, Federal Financing Bank, or any agency or instrumentality of or corporation wholly owned by the United States of America.

- 3) New Housing Authority Bonds issued by public agencies or municipalities and fully secured by a pledge of annual contributions under annual contribution contracts with the United States or America, or Project Notes issued by public agencies or municipalities and fully secured by a requisition or payment agreement with the United States of America.
- 4) Obligations of any state, commonwealth or territory of the United States of America, or the District of Columbia, or any political subdivision of the foregoing, with an investment grade rating not lower than the three highest categories by at least one nationally recognized debt rating service.
- 5) Certificates of deposit and bankers acceptances issued by banks which are members of the FDIC and each of which has a combined capital and surplus of not less than ten million dollars, provided that the time deposits in and acceptances of any bank under the Resolution (a) do not exceed at any time 25% of the combined capital and surplus of the bank or (b) are fully secured by obligations described in items 1, 2, 3, and 4 of this paragraph.
- 6) Repurchase contracts with banks, which are described in item 5 of this paragraph, or with recognized primary dealers in government bonds, fully secured by obligations described in items 1, 2, 3, and 4 of this paragraph.

C. Concentration of Credit Risk

Concentration of credit risk of investments is the risk of loss attributable to the magnitude of an investment in a single issuer. The Electric Department's invested balance was primarily in U.S. Treasuries at June 30, 2022.

D. Interest Rate Risk

Interest rate risk is the risk that changes in interest rates of debt investments will adversely affect the fair value of an investment. The Electric Department has minimized its risk exposure as its investments are limited to government securities and other conservative investments as outlined in the investment policy.

The Electric Department's investments as of June 30, 2022 (all of which are restricted by Bond resolution) only included money market funds and U.S. Treasury Bills.

The Department is required by its bond indenture to make monthly deposits into the renewal and replacement fund equal to 10% of the monthly revenue bond debt service funding requirements. Funds on deposit may be withdrawn from the renewal and replacement fund for expenses allowed by the bond covenant. Amounts in excess

of \$867,000 at June 30, 2022 may be returned to the revenue fund. A summary of deposits with bond trustees at June 30, 2022 is as follows:

Bond funds:	
Construction fund	\$ 19,203,851
Renewal and replacement fund	\$ 867,000
Debt service fund	2,235,013
Debt service reserve fund	3,536,882
Accrued interest receivable	<u>38,474</u>
Total	<u>\$ 25,881,220</u>

E. Fair Value

All of the Electric Department's investments as of June 30, 2022, are considered to be Level 1 under the fair value hierarchy.

Discretely Presented Component Unit – School District

A. Credit Risk

Statutes for the State of Vermont authorize the School District to invest in obligations of the U.S. Treasury, agencies and instrumentalities, other states and Canada, provided such securities are rated within the three highest grades by an approved rating service of the State of Vermont, corporate stocks and bonds within statutory limits, financial institutions, mutual funds and repurchase agreements. The School District does not have an investment policy on credit risk. Generally, the School District invests excess funds in savings accounts and various insured certificates of deposit.

B. Custodial Credit Risk

The custodial credit risk for investments is that in the event of failure of the counterparty, the School District will not be able to recover the value of its investments or collateral securities that are in possession of an outside party. Currently, the School District does not have a policy for custodial credit risk for investments.

At June 30, 2022, out of the School Districts deposits of \$36,098,889, \$132,163 were uninsured or uncollateralized.

C. Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The School District does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from fluctuations in interest rates.

Burlington Employees Retirement System (the System)

A. Credit Risk

The System invests in private equities, which are exempt from the credit risk disclosure.

B. Custodial Credit Risk

The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The System does not have a policy for custodial credit risk.

The System's investment in private equities has a custodial credit risk exposure because the related securities are either uninsured or uncollateralized.

C. Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. The System does not have a policy for interest rate risk.

D. Foreign Currency Risk

Foreign currency risk is the risk that changes in foreign exchange rates will adversely affect the fair value of an investment. The System does not have a policy to manage foreign currency risk.

E. Fair Value

GASB 72 established fair value hierarchy levels based on the valuation inputs used to measure the fair value of the asset. The System does not place their investments by these levels, as they are all measured using NAV (net asset value per share or its equivalent), such as share of index funds or partnership member units.

Investments that are measured at fair value using NAV as a practical expedient are not classified in the fair value hierarchy per GASB 72. Hamilton Lane, Sustainable Woodlands, and USB Realty Investors investment value is based on the System's share of fair value of partner's capital at year-end. The System's share of EB DV and DL Index Funds of the Bank of New York Mellon and Johnson Mutual Funds were valued based on net asset values of the funds derived from audited financial statements of the respective funds. The investment strategy of the System matches the investment strategy of the funds. The primary holdings of the BNY Mellon funds and Johnson Mutual Funds are as follows:

- EB DV Non-SL Stock Index Fund – Level 1
- EB DL Smid Cap Stock Index Fund – Level 2
- EB DV Non-SL International Stock Index Fund – Level 1
- EB DV Non-SL Emerging Markets Stock Index Fund – Level 1
- Johnson Institutional Core Bond – Level 2

The following summarizes the investment strategies of the underlying BNY Mellon funds and Johnson Mutual funds:

Equities – Stocks traded on U.S. security exchanges are valued by the service approved by the Trustee at closing market prices on the valuation date. Stocks traded on a non-U.S. security exchange are valued at closing market prices on the applicable non-U.S. security exchange on the valuation date. These types of investments are generally categorized within Level 1 of the fair value hierarchy. If market quotations are not readily available for any stocks traded on U.S. or non-U.S. security exchanges, the assets may be valued by a method the Trustee of the fund has determined accurately reflects fair value. In these instances, stocks are generally categorized within Level 2 of the fair value hierarchy.

Bond funds – Fixed income securities are valued on the basis of valuations provided by the service, which determines valuations using methods based on market transactions for comparable securities and various relationships between securities, which are generally recognized by institutional traders. These valuations are based on methods, which include the consideration of: yields or prices of securities of comparable quality, coupon, maturity and type; indications as to values from dealers; and general market conditions. If market quotations are not readily available for valuations, assets may be valued by a method the Trustee of the fund has determined accurately reflects fair value. These types of investments are generally categorized within Level 2 of the fair value hierarchy.

The System categorizes its investments as follows:

Investments measured at the net asset value (NAV):	<u>Value</u>	<u>Unfunded Commitments</u>	Redemption		
			Frequency (If currently eligible)	Redemption Notice Period	
Hamilton Lane Secondary Fund II LP	\$ 23,945	\$ 417,305	N/A	(a)	N/A
Hamilton Lane Private Equity Offshore Fund VII Series A LP	599,992	195,175	N/A	(a)	N/A
Hamilton Lane Private Equity Offshore Fund VII Series B LP	267,287	174,774	N/A	(a)	N/A
Sustainable Woodlands Fund II LP	322,154	-	N/A	(a)	N/A
EB DV Non-SL Stock Index Fund	64,079,566	-	daily		1 day
Johnson Institutional Core Bond	44,960,446	-	daily		1 day
EB DL Smid Cap Stock Index Fund	21,539,422	-	daily		1 day
EB DV Non-SL International Stock Index Fund	47,173,823	-	daily		1 day
EB DV Non-SL Emerging Markets Stock Index Fund	19,528,311	-	weekly		2 days
USB Realty Investors LLC - Trumbull Prop	<u>12,774,450</u>	-	N/A	(a)	N/A
Total	<u>\$ 211,269,396</u>				

(a) Units may be sold at any time on the secondaries market, with approval of the General Partner, although not ordinarily done, as this most likely will result in a loss. Partnership agreements are entered into with the intent of holding them to maturity when the partnerships sell all the remaining assets and declare distributions. Therefore, redemptions are not typically eligible until end of partnership terms.

4. Property Taxes Receivable

The City is responsible for assessing and collecting its own property taxes, as well as education property taxes for the State. Property taxes are assessed based on property valuations as of April 1, annually. Taxes are due four times per year on August 12, November 12, March 12, and June 12. Taxes unpaid after each due date are considered to be late and are subject to 1% interest added on the next day; an additional 4% interest is added after the tenth day late and an additional 1% per month thereafter. Taxes which remain unpaid ten days after the June 12 due date are delinquent and are subject to an 8% penalty and interest calculated at 12%. Unpaid taxes become an enforceable lien on the property and such properties are subject to tax sale.

Property taxes receivable at June 30, 2022 consisted of the following:

Property taxes:	
2022	\$ 417,218
2021	399,405
2020	214,437
Prior years	989,990
Less: Allowance for doubtful taxes	<u>(233,828)</u>
Total	<u>\$ 1,787,222</u>

5. User Fees Receivable

User fees receivable include amounts due from customers for electric service, rent and passenger facility charges at the airport, water, wastewater, and stormwater usage. User fees receivable are reported net of an allowance for doubtful accounts depending on the aging of the receivables. Water, wastewater, and stormwater delinquent receivables are lienied in a similar manner as property taxes, described in Note 4.

User fees receivable and the related allowance for doubtful accounts at June 30, 2022 consist of the following:

	Billed Service Fees	Estimated Unbilled Fees	Allowance for Doubtful Fees	Total
Electric	\$ 4,947,895	\$ 2,121,852	\$ (159,811)	\$ 6,909,936
Airport	1,652,834	-	(7,844)	1,644,990
Wastewater	1,067,891	639,337	(3,000)	1,704,228
Nonmajor Enterprise Funds:				
Water	1,037,193	524,317	(3,000)	1,558,510
Stormwater	208,432	123,618	-	332,050
Total	<u>\$ 8,914,245</u>	<u>\$ 3,409,124</u>	<u>\$ (173,655)</u>	<u>\$ 12,149,714</u>

6. Departmental and Other Receivables

Departmental and other receivables represent the following receivables, net of allowance for doubtful accounts depending on the aging of the receivables:

	Gross	Allowance for Doubtful Accounts	Total
Police tickets	\$ 1,900,318	\$ (1,337,351)	\$ 562,967
Local option sales tax	647,086	-	647,086
Ambulance	1,470,997	(525,995)	945,002
Church Street marketplace	75,136	-	75,136
Code enforcement	400,005	(92,147)	307,858
Equipment maintenance	72,110	-	72,110
Fire	93,100	(17,996)	75,104
Franchise fees	115,221	-	115,221
Gross receipts tax	436,805	-	436,805
Other	222,358	(8,462)	213,896
Total	<u>\$ 5,433,136</u>	<u>\$ (1,981,951)</u>	<u>\$ 3,451,185</u>

7. Intergovernmental Receivables

This balance represents reimbursements requested from Federal and State agencies for expenditures incurred in fiscal year 2022.

	Governmental <u>Activities</u>	Business-Type <u>Activities</u>	<u>Total</u>
Community and economic development	\$ 465,590	\$ -	\$ 465,590
Capital project grants	5,338,046	-	5,338,046
Airport improvement program (AIP) grants	-	8,880,925	8,880,925
COVID and other grants		2,412,780	2,412,780
State Revolving Loan program	-	2,156,125	2,156,125
Total	<u>\$ 5,803,636</u>	<u>\$ 13,449,830</u>	<u>\$ 19,253,466</u>

8. Loans Receivable

The City, through various state and federal grant programs, has extended loans for the development or rehabilitation of residential and commercial properties within the City and small business loans for new Burlington businesses. The repayment terms of these loans and interest rates all vary and are contingent on numerous factors outside of the control of the City, such as the financial viability of the projects. It is the City's policy to recognize the grant revenues when the loans are repaid.

The following is a summary of the loans receivable related to Community and Economic Development Office (CEDO), Burlington Community Development Corporation (BCDC) and the Burlington International Airport at June 30, 2022:

	<u>Receivable</u>	Less: <u>Discount</u>	Less: <u>Allowance</u>	<u>Total</u>
CEDO:				
HODAG loans	\$ 7,415,942	\$ -	\$ (5,932,754)	\$ 1,483,188
Housing and urban development programs:				
HOME loans	10,772,252	(4,785,807)	(4,177,698)	1,808,747
Lead paint loans	2,787,088	(150,456)	(1,979,096)	657,536
Other CEDO loans	326,150	(75,436)	(90,465)	160,249
BCDC:				
Relief loan from Champlain Housing Westlake Parking - \$72,000 annual payment at 7% interest with \$448,000 due on July 26, 2026	87,018	-	-	87,018
	614,632	-	-	614,632
Governmental funds subtotal	<u>22,003,082</u>	<u>(5,011,699)</u>	<u>(12,180,013)</u>	<u>4,811,370</u>
Airport:				
Aviation Support Hanger - annual payments of \$93,172 with an interest rate of 3%, maturing in June 2026	350,784	-	-	350,784
Total loans receivable	<u>\$ 22,353,866</u>	<u>\$ (5,011,699)</u>	<u>\$ (12,180,013)</u>	<u>\$ 5,162,154</u>

9. Leases Receivable

For the year ended June 30, 2022, the financial statements include the adoption of GASB Statement No. 87, *Leases*. The primary objective of this statement is to enhance the relevance and consistency of information about governments' leasing activities. This statement establishes a single model for lease accounting based on the principle that leases are financings of the right to use an underlying asset. Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources. The Airport leases office, building, and ground space to various Airport related businesses, car rental companies, food and gift concessions, governmental agencies and others. The lease rates vary and are computed based upon square footage, percentages of gross revenues, and combinations of the two. Material leases valued at more than \$1,000,000 are shown in more detail below.

The Airport entered into a 195-month lease as a lessor for the use of Airport - GSA - National Weather Service. An initial lease receivable was recorded in the amount of \$4,147,896. As of June 30, 2022, the value of the lease receivable was \$3,915,611. The lessee is required to make monthly fixed payments of \$23,648. The lease has an interest rate of 1.394%. The value of the deferred inflow of resources as of June 30, 2022 was \$3,893,119, and Airport recognized lease revenue of \$254,776 during the fiscal year. The Airport has 1 extension option for 60 months.

The Airport entered into a 114-month lease as lessor for the use of the Airport - BETA North Hangar. An initial lease receivable was recorded in the amount of \$1,852,847. As of June 30, 2022, the value of the lease receivable was \$1,852,847. The lessee is required to make monthly fixed payments of \$18,313. The lease has an interest rate of 1.170%. The value of the deferred inflow of resources as of June 30, 2022 was \$1,657,811, and the Airport recognized lease revenue of \$195,037 during the fiscal year.

The Airport entered into a 178-month lease as lessor for the use of the Airport Heritage Building 890. An initial lease receivable was recorded in the amount of \$2,723,276. As of June 30, 2022, the value of the lease receivable was \$2,553,565. The lessee is required to make monthly variable fixed in substance principal and interest payments of \$16,886. The lease has an interest rate of 1.362%. The value of the deferred inflow of resources as of June 30, 2022 was \$2,539,684, and the Airport recognized lease revenue of \$183,592 during the fiscal year. The lessee has 2 extension options, each for 60 months.

The Airport entered into a 60-month lease as lessor for the use of the Airport - Budget Rent-A-Car. An initial lease receivable was recorded in the amount of \$2,750,716. As of June 30, 2022, the value of the lease receivable was \$2,205,841. The lessee is required to make monthly fixed payments of \$46,498.42. The lease has an interest rate of 0.577%. The value of the deferred inflow of resources as of June 30, 2022 was \$2,200,572, and the Airport recognized lease revenue of \$550,143 during the fiscal year.

The Airport entered into a 60-month lease as lessor for the use of the Airport - Hertz Dollar. An initial lease receivable was recorded in the amount of \$2,730,920. As of June 30, 2022, the value of the lease receivable was \$2,189,967. The lessee is required to make monthly fixed payments of \$46,164. The lease has an interest rate of 0.577%. The value of the deferred inflow of resources as of June 30, 2022 was \$2,184,736, and the Airport recognized lease revenue of \$546,184 during the fiscal year.

The Airport entered into a 60-month lease as lessor for the use of the Airport - ELRAC Concession agreement. An initial lease receivable was recorded in the amount of \$2,791,297. As of June 30, 2022, the value of the lease receivable was \$2,238,384. The lessee is required to make monthly fixed payments of \$47,184. The lease has an interest rate of 0.577%. The value of the deferred inflow of resources as of June 30, 2022 was \$2,233,038, and the Airport recognized lease revenue of \$558,259 during the fiscal year.

The Airport entered into an 87-month lease as lessor for the use of the Airport - Hudson News. An initial lease receivable was recorded in the amount of \$1,735,179. As of June 30, 2022, the value of the lease receivable was \$1,514,856. The lessee is required to make monthly fixed payments of \$18,131. Additionally, there are monthly other reasonably certain payments of \$1,263. The lease has an interest rate of 0.833%. The value of the deferred inflow of resources as of June 30, 2022 was \$1,495,844, and the Airport recognized lease revenue of \$239,335 during the fiscal year.

Regarding the non-material leases: There are eighteen leases falling into this category. These leases range in length from 24 months to 154 months. As of June 30, 2022, the value of the individual lease receivables ranged from \$41,972 to \$640,745. The range of monthly fixed payments for this group of leases is \$637 to \$15,272. The range value of the deferred inflow of resources as of June 30, 2022 was \$13,082 to \$570,204, and Airport recognized lease revenues ranging from \$7,780 to \$182,286 for each lease during the fiscal year.

Regulated Leases

The Airport leases office, building and ground space to various airlines. These leases are excluded from lease receivables and related deferred inflows per GASB Statement No. 87, as these are regulated leases. Lease revenue for the year ending June 30, 2022 was \$1,309,189. One year remains in the contracts (fiscal year 2023) and minimum expected receipts for fiscal year 2023 are \$1,237,005.

10. Interfund Accounts

Interfund receivable and payable accounts as of June 30, 2022 were as follows:

<u>Fund</u>	<u>Due from Other Funds</u>	<u>Due to Other Funds</u>
General Fund	\$ 3,823,883	\$ -
Nonmajor governmental funds:		
Parking facilities	-	2,239,706
Church street marketplace	-	46,881
Community development corporation	-	1,537,296
Total	<u>\$ 3,823,883</u>	<u>\$ 3,823,883</u>

The composition of advances to/from other funds (amounts considered to be long-term) as of June 30, 2022 is as follows:

<u>Fund</u>	<u>Advances to Other Funds</u>	<u>Advances from Other Funds</u>
General Fund	\$ 703,308	\$ -
Capital Projects Fund (major fund)	-	703,308
Total	<u>\$ 703,308</u>	<u>\$ 703,308</u>

The City reports interfund transfers between many of its funds. The sum of all transfers presented in the table agrees with the sum of interfund transfers presented in the governmental and proprietary fund financial statements. The following is a summary of interfund transfers made in fiscal year 2022:

<u>Governmental Funds:</u>	<u>Transfers In</u>	<u>Transfers Out</u>
Major funds:		
General Fund	\$ 5,436,615	\$ 4,434,585
Capital Projects fund	4,691,147	-
Nonmajor governmental funds:		
Special revenue funds:		
Traffic	-	-
Parking facilities	-	64,400
Community and economic development	754,709	2,045,522
TIF waterfront	-	51,079
TIF downtown	-	91,807
Church street marketplace	21,000	-
Impact fees	-	421,815
Permanent funds:		
Cemetery	-	23,811
Subtotal Nonmajor Governmental funds	775,709	2,698,434
<u>Business-type Funds:</u>		
Major fund:		
Electric	-	2,274,239
Wastewater	-	1,163,570
Nonmajor funds:		
Water	-	358,759
Stormwater	50,702	24,586
Subtotal Business-type Funds:	50,702	3,821,154
Grand Total	\$ 10,954,173	\$ 10,954,173

Significant transfers include Electric, Wastewater, Water and Stormwater primarily for payments in lieu of taxes to the General Fund. The General Fund transfer out to the Capital Projects Fund was primarily for the use of assigned fund balance for capital projects.

11. Capital Assets

Capital asset activity for the City's governmental and business-type activities for the year ended June 30, 2022 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental Activities:				
Capital assets, not being depreciated:				
Land	\$ 15,751,200	\$ 124,728	\$ -	\$ 15,875,928
Construction in progress	45,595,474	10,881,195	-	56,476,669
Antiques and works of art	52,000	-	-	52,000
Total capital assets, not being depreciated	61,398,674	11,005,923	-	72,404,597
Capital assets, being depreciated:				
Land improvements	12,789,763	-	-	12,789,763
Buildings and building improvements	59,013,727	-	-	59,013,727
Vehicles, machinery, equipment and furniture	31,062,701	1,640,178	(698,300)	32,004,579
Book collections	2,730,166	324,428	-	3,054,594
Infrastructure	149,952,059	4,176,202	-	154,128,261
Total capital assets, being depreciated	255,548,416	6,140,808	(698,300)	260,990,924
Less accumulated depreciation for:				
Land improvements	(3,304,883)	(405,534)	-	(3,710,417)
Buildings and building improvements	(17,749,339)	(856,941)	-	(18,606,280)
Vehicles, machinery, equipment and furniture	(20,679,555)	(1,861,924)	668,788	(21,872,691)
Book collections	(2,426,450)	(159,776)	-	(2,586,226)
Infrastructure	(90,739,911)	(4,209,175)	-	(94,949,086)
Total accumulated depreciation	(134,900,138)	(7,493,350)	668,788	(141,724,700)
Total capital assets, being depreciated, net	120,648,278	(1,352,542)	(29,512)	119,266,224
Governmental activities capital assets, net	\$ 182,046,952	\$ 9,653,381	\$ (29,512)	\$ 191,670,821
	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Business-Type Activities:				
Capital assets, not being depreciated:				
Land	\$ 54,970,553	\$ -	\$ -	\$ 54,970,553
Construction in progress	61,548,244	31,629,940	(12,767,318)	80,410,866
Total capital assets, not being depreciated	116,518,797	31,629,940	(12,767,318)	135,381,419
Capital assets, being depreciated:				
Land improvements	182,024,430	11,187,087	-	193,211,517
Buildings and building improvements	30,885,999	-	-	30,885,999
Vehicles, machinery, equipment and furniture	27,459,442	207,700	-	27,667,142
Right to use vehicles, machinery and equipment	1,887,417	-	-	1,887,417
Distribution and collection systems	258,261,878	5,064,820	(3,271,626)	260,055,072
Total capital assets, being depreciated/amortized	500,519,166	16,459,607	(3,271,626)	513,707,147
Less accumulated depreciation for:				
Land improvements	(49,941,754)	(6,112,425)	-	(56,054,179)
Buildings and building improvements	(67,675,353)	(651,748)	-	(68,327,101)
Vehicles, machinery, equipment and furniture	(21,333,583)	(878,228)	-	(22,211,811)
Right to use vehicles, machinery and equipment	-	(198,676)	-	(198,676)
Distribution and collection systems	(142,614,511)	(6,494,389)	3,003,695	(146,105,205)
Total accumulated depreciation/amortized	(281,565,201)	(14,335,466)	3,003,695	(292,896,972)
Total capital assets, being depreciated, net	218,953,965	2,124,141	(267,931)	220,810,175
Business-type activities capital assets, net	\$ 335,472,762	\$ 33,754,081	\$ (13,035,249)	\$ 356,191,594

Depreciation expense was charged to functions of the City as follows:

Governmental Activities:

General government	\$ 130,792
Public safety	1,044,995
Public works	4,489,429
Community development	208,041
Culture and recreation	<u>1,620,093</u>
Total depreciation expense - governmental activities	<u>\$ 7,493,350</u>

Business-Type Activities:

Electric	\$ 5,290,116 *
Airport	6,848,830
Wastewater	1,208,164
Water	885,157
Stormwater	<u>103,199</u>
Total depreciation expense - business-type activities	<u>\$ 14,335,466</u>

*Represents depreciation of Electric capital assets and not regulatory amortization expense as reported on the Proprietary Funds Statement of Revenues, Expenses, and Changes in Net Position.

A summary of the Burlington School District's capital assets activity was as follows for the year ended June 30, 2022:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Burlington School District:				
Capital assets, not being depreciated:				
Land	\$ 2,251,677	\$ -	\$ -	\$ 2,251,677
Construction in progress	<u>227,651</u>	<u>2,052,783</u>	<u>(178,967)</u>	<u>2,101,467</u>
Total capital assets, not being depreciated	2,479,328	2,052,783	(178,967)	4,353,144
Capital assets, being depreciated:				
Buildings and building improvements	68,764,010	1,046,090	-	69,810,100
Vehicles, machinery, equipment and furniture	5,412,382	344,961	(73,300)	5,684,043
Right of use lease asset	<u>-</u>	<u>6,318,984</u>	<u>-</u>	<u>6,318,984</u>
Total capital assets, being depreciated	74,176,392	7,710,035	(73,300)	81,813,127
Less accumulated depreciation for:				
Buildings and building improvements	(21,447,252)	(1,770,277)	-	(23,217,529)
Vehicles, machinery, equipment and furniture	(4,185,584)	(355,380)	43,980	(4,496,984)
Right to use lease asset	<u>-</u>	<u>(1,931,368)</u>	<u>-</u>	<u>(1,931,368)</u>
Total accumulated depreciation	<u>(25,632,836)</u>	<u>(4,057,025)</u>	<u>43,980</u>	<u>(29,645,881)</u>
Total capital assets, being depreciated, net	<u>48,543,556</u>	<u>3,653,010</u>	<u>(29,320)</u>	<u>52,167,246</u>
Burlington School District capital assets, net	<u>\$ 51,022,884</u>	<u>\$ 5,705,793</u>	<u>\$ (208,287)</u>	<u>\$ 56,520,390</u>

12. Regulatory Assets and Regulatory Deferred Inflows of Resources

For the Electric Department, regulatory assets and regulatory deferred inflows of resources at June 30, 2022 comprise the following:

Deferred depreciation expense to be recovered in future years	\$ 1,265,260
COVID-19 capitalized personnel costs	227,139
IBEW pension back-payment	304,643
Triennial consulting engineer report	<u>36,668</u>
Total regulatory assets	<u>\$ 1,833,710</u>
Deferred depreciation expense - McNeil Plant	\$ 2,874,376
Deferred depreciation expense - operating	<u>2,785,939</u>
Total regulatory deferred inflows of resources	<u>\$ 5,660,315</u>

Provisions for depreciation of capital assets are reported using the straight-line method at rates based upon the estimated service lives and salvage values of the several classes of property. However, a portion of the current depreciation expense is only recoverable through future rates. The difference is included in deferred charges (calculated as the straight-line depreciation expense less the depreciation expense on a sinking fund basis) and will be recovered in future years. The Department recorded straight-line depreciation of \$4,798,210 for the year ended June 30, 2022. In 2022, \$930,427 of deferred depreciation expense was realized. Unamortized deferred depreciation balance of \$1,265,260 remained at June 30, 2022. The deferred inflows represent accumulated deferred depreciation balances that became negative due to the fact that the financed assets were close to being fully depreciated when compared to the future debt sinking fund requirements.

13. Deferred Outflows of Resources

Deferred outflows of resources represent the consumption of net assets by the City that is applicable to future reporting periods. Deferred outflows of resources have a positive effect on net position, similar to assets. Deferred outflows of resources related to pensions and OPEB will be recognized as expense in future years are described in the corresponding pension and OPEB notes. Deferred outflows of resources also represent unamortized balances of deferred amounts on refunded debt.

14. Short-Term Debt

A. Grant Anticipation Note (GAN)

In November 2021, the Airport renewed the GAN 3.065%. The drawdowns during fiscal year 2022 were \$3,829,737, and repayments were \$1,288,680 with

outstanding balance of \$2,541,057 at June 30, 2022. The unused limit at June 30, 2022 was \$7,458,943.

B. Revenue Anticipation Note

On June 30, 2022, the City renewed on behalf of the Electric Department, a \$5,000,000 General Obligation Revenue Anticipation Note (line of credit) with a local bank, placing the line of credit directly with the Electric Department. This line of credit matures on June 30, 2024. The Electric Department had the entire line of credit balance of \$5,000,000 available for use during fiscal year 2022 and there was no activity during the year.

C. State Revolving Loan Interim Notes

The Wastewater, Water and Stormwater Funds had interim loans from the State of Vermont EPA Clean Water State Revolving Fund with a beginning balance of \$6,522,666 at July 1, 2021, additional drawdowns of \$1,923,418 during fiscal year 2022, and permanent refinancing of \$3,012,529. Available balance for use was \$4,379,334 at June 30, 2022.

15. Long-Term Obligations – Primary Government

A. Types of Long-Term Obligations

General Obligation (GO) Bonds. The City issues general obligation bonds to provide resources for the acquisition and construction of major capital facilities and to refund prior bond issues. General obligation bonds have been issued for both governmental and proprietary activities. Bonds are reported in governmental activities if the debt is expected to be repaid from governmental fund revenues and in business-type activities if the debt is expected to be repaid from proprietary fund revenues.

No-Interest Revolving Loans. – The State of Vermont offers a number of no-interest revolving loan programs to utilize for predetermined purposes. Two of the five no-interest loans do charge a 2% administration fee. The City has borrowed money from the Vermont Special Environmental Revolving Fund for sewer and stormwater projects. These bonds are both general obligation and revenue supported bonds.

Revenue Bonds – The City issues bonds where the City pledges income to pay the debt service. Revenue bonds are reported in business type activities only because the debt is expected to be repaid from proprietary fund revenues.

Unamortized Premiums and Discounts – Debt premiums and discounts incurred in connection with the sale of bonds are amortized over the terms of the related debt. Unamortized balances are included as a component of long-term debt.

Certificates of Participation (COPS) – The City enters into agreements for the purpose of financing the acquisition and/or renovation of land and buildings. These agreements qualify as long-term debt obligations for accounting purposes (even though they

include clauses that allow for cancellation of the certificate of participation in the event the City does not appropriate funds in future years). The Certificates of Participation are reported in governmental activities because all of the debt is expected to be repaid from general governmental revenues.

Other Notes Payable – The City has other notes payable to finance various capital projects through local banks and U.S. government agencies.

Equipment Financing Notes Payable – The City enters into agreements for the purpose of financing the acquisition of major pieces of equipment. Notes are reported in governmental activities if the debt is expected to be repaid from general fund revenues and in business-type activities if the debt is expected to be repaid from proprietary fund revenues.

Leases Payable – The rent of snow equipment by the Airport qualified as GASB 87 lease liability and will be repaid by Airport proprietary fund revenues.

Compensated Absences – It is the policy of the City to permit certain employees to accumulate earned but unused benefits. The City allows employees to carryover up to 360 hours of vested vacation time to the next fiscal year. The City also allows all employees hired prior to July 1, 2000 to carry over the lesser of 25% of their sick leave balance or 120 hours. City employees hired after July 1, 2000 may carryover earned sick leave balances; however, it is not a vested benefit upon termination. Compensated absences are paid by the applicable fund where the employee is charged, specifically the General Fund, special revenue funds and enterprise funds.

Insurance Reserves – This liability represents an estimate of claims incurred but not reported and includes only an estimate for known loss events expected to later be presented as claims. The City is unable to estimate the amount of unknown loss events expected to become claims and expected future developments on claims already reported. Insurance reserves are generally liquidated by the General Fund.

Pension and Other Post-employment Benefits – The City has recorded a liability for governmental and business-type activities in the Statement of Net Position and in the individual enterprise funds which represent their actuarially determined liabilities for pension and other post-employment benefits. These costs relate to retirement and subsidized health care and life insurance for retirees during the period from retirement to the date of eligibility for social security benefits. Our proprietary fund pension and OPEB liabilities are liquidated by the Electric, Airport, and other enterprise funds. Remaining pension and OPEB liabilities are paid by the General Fund.

A detailed listing of the general obligation bonds and other debt payable is as follows:

	Serial Maturities Through	Interest Rate(s) %	Amount Issued	Amount Outstanding as of 6/30/22
<u>Governmental Activities:</u>				
Non-TIF Public offering general obligation and revenue bonds:				
General Improvements 2011 Series B	06/30/2030	2.00 - 4.75%	\$ 1,000,000	\$ 455,000
Public Improvement Bonds 2012 Series A	06/30/2023	5.00%	3,000,000	140,000
Taxable G.O. Bonds 2013 Series A - Fiscal Stability	11/01/2028	3.50 - 5.25%	9,000,000	4,820,000
Public Improvement Bonds 2015 Series A	06/30/2023	5.00%	2,000,000	80,000
Refunding Bond Series 2016A	06/30/2030	3.00 - 5.00%	2,195,000	815,000
Public Improvement Bonds 2016 Series B	11/01/2036	4.00 - 5.00%	2,000,000	1,665,000
Refunding Bond Series 2016C	11/01/2029	2.00 - 5.00%	2,545,000	1,950,000
Public Improvement Bonds 2017 Series A	11/01/2036	1.20 - 3.85%	5,267,000	3,917,000
Public Improvement Bonds 2017 Series B	11/01/2032	5.00%	2,730,000	2,730,000
Public Improvement Bonds 2017 Series C	11/01/2037	2.00 - 5.00%	2,000,000	1,730,000
Public Improvement Bonds 2018 Series A - UVM & Champlain College	11/01/2037	4.00 - 5.00%	5,650,000	4,905,000
Public Improvement Bonds 2018 Series A - Fire Truck	11/01/2030	4.00 - 5.00%	3,000,000	2,410,000
Public Improvement Bonds 2018 Series A - G.O. Capital	11/01/2038	4.00 - 5.00%	6,000,000	5,430,000
Public Improvement Bonds 2018 Series B - City Portion	11/01/2038	5.00%	2,000,000	1,815,000
Public Improvement Bonds 2019 Series A - City Portion	11/01/2039	3.00 - 5.00%	2,000,000	1,880,000
Public Improvement Bonds 2019 Series A - Sustainable Bonds	11/01/2039	3.00 - 5.00%	10,500,000	9,855,000
Taxable G.O. Bonds Refunding 2019 Series C - City Portion	11/01/2035	1.844 - 3.031%	9,225,000	8,620,000
G.O. Public Improvement Series 2021A - City Portion	11/01/2041	3.00 - 5.00%	1,750,000	1,750,000
Total non-TIF public offering general obligation bonds				54,967,000
TIF public offering general obligation bonds:				
Refunding COP Series 2016A - Lakeview Garage Project	06/30/2025	3.00 - 5.00%	5,145,000	1,650,000
General Obligation Tax Increment Bonds, Series 2017D	11/01/2035	2.00 - 5.00%	3,400,000	2,850,000
General Obligation Tax Increment Bonds, Series 2018C	05/01/2025	5.00%	405,000	200,000
General Obligation Tax Increment Bonds, Series 2018D	11/01/2035	5.00%	1,570,000	1,380,000
General Obligation Waterfront Tax Increment Bonds Series 2018E	05/01/2025	4.30%	745,000	360,000
Total TIF public offering general obligation bonds				6,440,000
Total public offering general obligation and revenue bonds				61,407,000
TIF direct borrowing debt:				
HUD Section 108 - US Guaranteed Notes 2014	06/15/2025	5.00%	2,091,000	754,000
Special Obligation Tax Increment Financing Bond	11/15/2024	0.51 - 4.28%	7,800,000	2,340,000
General Obligation Waterfront Tax Increment Bonds Series 2019	06/30/2025	2.61%	4,360,000	3,995,909
Non-TIF direct borrowing general obligation bond:				
Public Improvement Bonds 2014 Series A	11/15/2034	0.51 - 3.99%	2,000,000	1,300,000
BCDC direct borrowing loans:				
Aviation support hanger	06/01/2026	3.00%	1,400,000	651,468
Gilbane property	10/30/2025	6.25%	324,049	102,757
Relief long term notes	11/15/2024	3.25 - 4.00%	996,116	87,021
Total direct borrowing debt:				9,231,155
Total Governmental Activities:				\$ 70,638,155

A detailed listing of the general and revenue obligation bonds expected to be repaid by proprietary funds are as follows:

<u>Business-Type Activities:</u>	<u>Serial Maturities Through</u>	<u>Interest Rate(s) %</u>	<u>Amount Issued</u>	<u>Amount Outstanding as of 6/30/22</u>
Public offering general obligation bonds:				
Electric General Improvements 2011 Series B	11/01/2031	2.00 - 4.75%	\$ 1,000,000	\$ 595,000
Electric Public Improvement 2012 Series A	11/01/2032	5.00%	2,000,000	95,000
Electric Public Improvement 2012 Series A	11/01/2032	5.00%	1,750,000	80,000
Electric Taxable Public Improvement 2012 Series B	11/01/2032	6.00%	1,250,000	860,000
Electric G.O. Public Improvement Bonds 2014 Series 3	11/01/2034	2.78%	3,000,000	1,950,000
Electric G.O. Public Improvement Bonds 2015 Series A	11/01/2035	5.00%	3,000,000	120,000
Electric G.O. Refunding Bond 2016 Series A	11/01/2029	2.00-5.00%	10,235,000	7,125,000
Electric G.O. Public Improvement Bonds 2016 Series B	11/01/2036	4.00 - 5.00%	3,000,000	2,500,000
Electric G.O. Refunding Bond 2016 Series C	11/01/2029	2.00 - 5.00%	7,785,000	5,970,000
Electric Taxable Refunding 2016 Series D	11/01/2029	1.15 - 3.25%	9,680,000	7,125,000
Electric G.O. Public Improvement Bonds 2017 Series C	11/01/2037	2.00 - 5.00%	3,000,000	2,590,000
Electric G.O. Public Improvement Bonds 2018 Series B	11/01/2038	5.00%	3,000,000	2,715,000
Electric G.O. Public Improvement Bonds 2019 Series A	11/01/2040	4.39%	3,000,000	2,815,000
Electric G.O Public Improvement Bonds 2019 Series C	11/01/2036	2.59%	8,130,000	7,745,000
Electric G.O Public Improvement Bonds 2021 Series A	11/1/2041	3.45%	2,625,000	2,625,000
Electric Bond Anticipation Note 2021	10/21/2022	0.44%	3,000,000	3,000,000
Total public offering general obligation bonds				47,910,000
Other public offering debt:				
Electric Revenue Bonds 2014 Series A	07/01/2035	3.78%	12,000,000	8,715,000
Electric Revenue Bonds 2014 Series B	07/01/2035	3.36%	5,820,000	1,930,000
Airport Revenue Refunding 2014 Series A	07/01/2030	0.67 - 3.59%	15,660,000	9,515,000
Water System Revenue Bonds 2017 Series A	11/01/2036	2.00 - 5.00%	3,250,000	2,755,000
Electric Revenue Bonds 2017 Series A	07/01/2031	4.00 - 5.00%	4,010,000	4,010,000
Taxable Electric Revenue Bonds 2017 Series B	07/01/2031	2.20 - 3.65%	5,410,000	4,520,000
Water System Revenue Bonds 2018 Series A	11/01/2038	4.00 - 5.00%	2,000,000	1,810,000
Water System Revenue Bonds 2018 Series B	11/01/2038	5.00%	2,000,000	1,815,000
Airport Revenue Refunding 2021 Series A	07/01/2030	1.20 - 3.00%	5,175,000	5,175,000
Airport Revenue Refunding 2022 Series A	06/30/2029	4.00 - 5.00%	10,635,000	10,635,000
Electric Revenue Bonds 2022 Series A	06/30/2043	5.00%	18,045,000	18,045,000
Total other public offering debt				68,925,000
Total public offering debt:				116,835,000
Direct borrowing debt:				
Stormwater Revenue Obligation Bond (VMBB)	10/01/2031	0.00%	1,204,000	275,857
Wastewater State of VT-EPA 2006 Series 1 (Siphon)	02/01/2027	0.00%	1,650,000	511,500
Wastewater State of VT-EPA 2001 Series 1 (Digester)	08/01/2027	0.00%	2,500,000	626,138
Wastewater State of VT-EPA 2009 Series I (Turbo)	10/01/2031	0.00%	120,000	34,094
Water State Revolving Loan RF3-295	11/01/2034	1.00%	253,340	146,788
Wastewater VT Municipal Bond Bank 2014 Series 1	11/15/2033	0.643 - 4.723%	14,645,620	8,787,372
Wastewater State of VT-EPA Series 2020	06/01/2041	0.00%	390,063	372,571
Wastewater State of VT-EPA RF1-246-3.0 (disinfection Systems)	04/01/2041	0.00%	2,622,466	2,410,001
Total direct borrowing debt				13,164,321
Total Business-Type Activities:				\$ 129,999,321

B. Future Debt Service

The annual payments to retire all governmental general obligation long-term debt outstanding as of June 30, 2022 are as follows:

Year Ending June 30,	Governmental Activities			
	Public Offering General Obligation		Direct Borrowing	
	Bonds		Direct Borrowing	
	Principal	Interest	Principal	Interest
2023	\$ 4,205,000	\$ 2,598,167	\$ 1,405,201	\$ 264,985
2024	4,355,000	2,420,450	1,391,855	221,667
2025	4,660,000	2,228,514	5,120,831	176,994
2026	4,060,000	2,036,533	239,357	68,351
2027	4,227,000	1,852,723	136,235	42,736
2028 - 2032	19,742,000	6,479,360	637,676	120,645
2033 - 2037	15,143,000	2,701,797	300,000	17,839
2038 - 2042	5,015,000	281,525	-	-
Total	\$ 61,407,000	\$ 20,599,069	\$ 9,231,155	\$ 913,217

The annual payments to retire all business-type long-term debt outstanding as of June 30, 2022 are as follows:

Year Ending June 30,	Business-Type Activities			
	Public Offering General Obligation		Direct Borrowing	
	and Revenue Bonds		Direct Borrowing	
	Principal	Interest	Principal	Interest
2023	\$ 5,695,000	\$ 4,551,339	\$ 1,085,018	\$ 347,349
2024	11,615,000	5,239,598	1,092,152	322,155
2025	8,980,000	4,782,209	1,099,431	295,581
2026	8,695,000	4,307,900	1,106,857	267,770
2027	8,925,000	3,819,794	1,114,435	238,957
2028 - 2032	44,245,000	11,698,469	4,665,893	734,175
2033 - 2037	17,050,000	4,658,982	2,324,750	64,581
2038 - 2042	9,960,000	1,515,500	675,785	-
2043	1,670,000	41,750	-	-
Total	\$ 116,835,000	\$ 40,615,541	\$ 13,164,321	\$ 2,270,568

C. Changes in General Long-Term Liabilities

During the year ended June 30, 2022, the following changes occurred in long-term liabilities for the City's governmental and business-type activities:

	Total Balance 7/1/2021	Additions	Reductions	Total Balance 6/30/2022	Less Current Portion	Equals Long Term Portion
Governmental Activities:						
Bonds payable:						
General obligation and other bonds	\$ 63,672,000	\$ 1,750,000	\$ (4,015,000)	\$ 61,407,000	\$ (4,205,000)	\$ 57,202,000
Direct borrowing bonds and loans	10,630,096	-	(1,398,941)	9,231,155	(1,405,201)	7,825,954
Add unamortized premium	5,698,258	289,792	(419,834)	5,568,216	(419,834)	5,148,382
Subtotal bonds payable	80,000,354	2,039,792	(5,833,775)	76,206,371	(6,030,035)	70,176,336
Net pension liability	66,665,322	-	(25,404,036)	41,261,286	-	41,261,286
Total OPEB liability	5,359,651	-	(1,269,986)	4,089,665	-	4,089,665
Direct borrowing equipment notes payable	4,580,268	2,830,700	(1,447,129)	5,963,839	(1,501,279)	4,462,560
Compensated absences liability	3,096,143	2,032,642	(2,522,996)	2,605,789	(260,579)	2,345,210
Insurance reserves	1,021,521	168,305	-	1,189,826	(891,194)	298,632
Total	\$ 160,723,259	\$ 7,071,439	\$ (36,477,922)	\$ 131,316,776	\$ (8,683,087)	\$ 122,633,689
Business-type Activities:						
Bonds payable:						
General obligation bonds	\$ 48,330,000	\$ 3,000,000	\$ (3,420,000)	\$ 47,910,000	\$ (3,575,000)	\$ 44,335,000
Revenue bonds	53,835,000	28,680,000	(13,590,000)	68,925,000	(2,120,000)	66,805,000
Direct borrowing bonds and loans	11,340,340	3,012,529	(1,188,548)	13,164,321	(1,085,018)	12,079,303
Add unamortized premium	5,471,624	4,187,434	(221,135)	9,437,923	(360,802)	9,077,121
Less unamortized discount	(1,538,968)	74,466	-	(1,464,502)	-	(1,464,502)
Subtotal bonds and loans payable	117,437,996	38,954,429	(18,419,683)	137,972,742	(7,140,820)	130,831,922
Net pension liability	22,119,845	-	(7,546,751)	14,573,094	-	14,573,094
Total OPEB liability	1,578,668	-	(228,357)	1,350,311	-	1,350,311
Direct borrowing notes and loans payable	4,166,495	1,903,479	(958,776)	5,111,198	(1,099,577)	4,011,621
Lease payable	1,887,417	-	(191,109)	1,696,308	(191,472)	1,504,836
Compensated absences liability	1,696,211	156,232	-	1,852,443	(709,117)	1,143,326
Total	\$ 148,886,632	\$ 41,014,140	\$ (27,344,676)	\$ 162,556,096	\$ (9,140,986)	\$ 153,415,110

D. Advanced Refunding

On March 16, 2021, the Airport issued taxable airport revenue refunding bonds 2021 Series A (the "refunding bonds") in the amount of \$5,175,000 with variable interest rates ranging from 1.2% to 3.0% and released debt service reserves of \$2,157,700 to partially advance refund \$5,085,000 of the 2012 and 2014 Series A Revenue Bond payments with interest rates of 4-5% maturing on July 1, 2021, January 1, 2022 and July 1, 2022. After issuance costs and discount of \$329,908, and funding of the new debt service reserve of \$258,962, the net proceeds were \$6,743,830. The net proceeds from the issuance of the refunding bonds were used to purchase U.S. government securities and those securities were deposited in an irrevocable trust with an escrow agent to provide debt service payments until the refunded bonds mature. The advance refunding met the requirements of an in-substance debt defeasance and the refunded bonds were removed from the Airport's financial statements.

As a result of the advance refunding, the Airport reduced its total debt service cash flow requirements by \$1,589,226, which resulted in an economic gain (difference between the present value of the debt service payments on the old and new debt) of \$481,634. Defeased debt at June 30, 2021 was \$5,085,000.

E. Equipment Notes Payable

The City acquired certain equipment under direct purchase financing agreements repaid with General Fund, Airport Fund, Wastewater and the Water Funds. The notes are collateralized by the following equipment and include the following repayment terms.

	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
Airport equipment - payments are to be made in equal annual installments of \$74,487 including interest at 2.77% annually, maturing on August 10, 2025.	\$ -	\$ 279,246
General fund, traffic, and airport equipment - payments are to be made in equal semiannual installments of \$201,469 including interest at 2.37% annually, maturing on September 2, 2024.	345,466	408,432
Airport equipment - payments are to be made in equal semiannual installments of \$172,507 including interest at 2.99% annually, maturing on September 18, 2027.	-	1,737,842
Airport and parks vehicles, DPW equipment - payments are to be made in equal semiannual installments of \$172,696 including interest at 2.465% annually, maturing on September 30, 2023.	375,519	130,055
Wastewater truck - payments are to be made in equal monthly installments of \$1,812 including interest at 3.76% annually, maturing on February 20, 2025.	-	55,089
General fund vehicles -rental payments are to be made in equal monthly installments of \$102,833, including interest at 3.45%, maturing on May 15, 2023.	99,353	-
Water truck - payments are to be made in equal annual installments of \$16,338 including interest at 4.15% annually, maturing on March 15, 2026.	-	59,095
Water equipment and vehicles - payments are to be made in equal semiannual installments of \$159,498, including interest at 1.64% annually, maturing on June 19, 2027.	765,840	363,840
General fund vehicles - payments are to be made in semiannual installments that range from \$320,181 to \$153,457, including interest at 1.10% annually, maturing on November 1, 2030.	1,999,588	-
General fund equipment - payments are to be made in semiannual installments of \$95,379, including interest at 0.93% annually, maturing on May 1, 2026.	747,280	-
General fund, wastewater and water equipment - payments are to be made in semiannual installments of \$159,368, including interest at 0.93% annually, maturing on May 1, 2028.	1,630,793	222,383
Total Equipment Financing Notes Payable	<u>\$ 5,963,839</u>	<u>\$ 3,255,982</u>

Future minimum payments under the equipment financing notes, which exclude the Electric Department, consisted of the following as of June 30, 2022:

Fiscal Year	Governmental Activities			Business-Type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2023	\$ 1,501,279	\$ 91,976	\$ 1,593,255	\$ 784,276	\$ 73,831	\$ 858,107
2024	1,261,630	67,983	1,329,613	744,590	60,314	804,904
2025	1,068,871	43,962	1,112,833	549,497	41,688	591,185
2026	798,367	26,738	825,105	519,071	26,730	545,801
2027	275,755	18,164	293,919	450,607	14,155	464,762
2028 - 2032	806,063	24,047	830,110	207,941	2,818	210,759
2033 - 2034	251,874	4,667	256,541	-	-	-
Total	\$ 5,963,839	\$ 277,537	\$ 6,241,376	\$ 3,255,982	\$ 219,536	\$ 3,475,518

16. Long-Term Liabilities - Burlington School District

A. Bonds Payable

All bonds payable and notes from direct borrowings payable are direct obligations of the Burlington School District, for which its full faith and credit are pledged. The Burlington School District is not obligated for any special assessment debt. All debt is payable from taxes levied on all taxable property within the Burlington School District.

The Burlington School District has various bonds outstanding as follows (amounts exclude unamortized bond premium):

School District:	Serial Maturities Through	Interest Rate(s) %	Amount Issued	Amount Outstanding as of 6/30/22
General obligation bonds, net of premiums:				
G.O. School 2010 Series A Qualified School Constr.	11/1/2026	6.50%	9,700,000	\$ 9,700,000
G.O. School 2010 Series B Taxable GO Public Impr.	11/1/2026	6.50%	2,000,000	2,000,000
General Improvements 2011 Series B	11/1/2031	2.00 - 4.75%	2,000,000	1,185,000
G.O. Public Improvements 2012 Series A	6/30/2023	5.00%	440,000	155,000
G.O. Public Improvement Bonds 2014 Series A	11/15/2034	0.51 - 3.99%	2,000,000	1,300,000
G.O. Public Improvement Bonds 2015 Series A	6/30/2023	5.00%	230,000	80,000
G.O. Public Improvement Bonds 2016 Series A	3/15/2036	2.00 - 5.00%	4,005,000	1,985,000
G.O. Public Improvement Bonds 2016 Series B	11/1/2036	4.00 - 5.00%	2,000,000	1,665,000
G.O. Public Improvement Bonds 2016 Series C	11/1/2029	2.00 - 5.00%	1,650,000	1,270,000
G.O. Public Improvement Bonds 2017 Series C	11/1/2037	2.00 - 5.00%	2,300,000	1,980,000
G.O. Public Improvement Bonds 2018 Series B	11/1/2038	5.00%	8,000,000	7,245,000
G.O. Public Improvement Bonds 2019 Series A	11/1/2039	4.00%	6,000,000	5,635,000
G.O. Public Improvement Refunding Bonds 2019 Series C	11/1/2035	1.84 - 3.03%	5,495,000	5,275,000
G.O. Public Improvement Bonds 2021 Series A	11/1/2041	3.00-5.00%	1,750,000	1,750,000
Subtotal School District				41,225,000
Plus: unamortized premiums				1,809,535
Total School District				\$ 43,034,535

B. Future Debt Service

The annual payments to retire the Burlington School District's bonds payable outstanding as of June 30, 2022 are as follows (amounts include unamortized bond premiums):

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 1,973,666	\$ 1,976,822	\$ 3,950,488
2024	1,973,666	1,898,975	3,872,641
2025	2,063,666	1,820,572	3,884,238
2026	2,043,666	1,655,234	3,698,900
2027	13,778,666	1,188,622	14,967,288
2028 - 2032	9,102,502	2,955,664	12,058,166
2033 - 2037	7,187,064	1,340,819	8,527,883
2038 - 2042	4,911,639	799,500	5,711,139
Total	<u>\$ 43,034,535</u>	<u>\$ 13,636,208</u>	<u>\$ 56,670,743</u>

17. Deferred Inflows of Resources

Deferred inflows of resources are the acquisition of net assets by the City that is applicable to future reporting periods. Deferred inflows of resources have a negative effect on net position, similar to liabilities. Deferred inflows of resources related to pension and OPEB will be recognized as expense in future years and are described in the corresponding pension and OPEB notes.

Governmental funds report *unavailable revenue* in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period.

The Electric Department's regulatory deferred inflows of resources are disclosed in Note 12.

Deferred inflows in relation to the Airport Department's leases receivable are disclosed in Note 9.

18. Governmental Funds – Fund Balances

Following is a summary of the City's fund balances at June 30, 2022:

	General Fund	Capital Projects Fund	Nonmajor Governmental Funds	Total Governmental Funds
Nonspendable				
Advances to other funds	\$ 703,308	\$ -	\$ -	\$ 703,308
Inventory and prepaid expenditures	667,485	-	351,940	1,019,425
Nonexpendable permanent funds	-	-	1,203,486	1,203,486
Total Nonspendable	1,370,793	-	1,555,426	2,926,219
Restricted				
Future debt payments	2,048,210	-	-	2,048,210
Police equitable sharing funds	294,642	-	-	294,642
Community development	-	-	1,732,717	1,732,717
TIF waterfront	-	-	2,408,724	2,408,724
TIF downtown	-	-	4,289,076	4,289,076
Impact fees	-	-	1,114,802	1,114,802
Capital improvement program	-	9,308,675	-	9,308,675
Expendable permanent funds	-	-	73,931	73,931
ARPA	-	-	398	398
Total Restricted	2,342,852	9,308,675	9,619,648	21,271,175
Committed				
Public records restoration	428,638	-	-	428,638
Compressed natural gas	174,483	-	-	174,483
Fire alarm surcharge	143,681	-	-	143,681
Traffic	79,300	-	271,109	350,409
Library books and donations	12,278	-	-	12,278
Parking and other projects	23,000	-	-	23,000
Telecom sale proceeds	-	-	893,629	893,629
Total Committed	861,380	-	1,164,738	2,026,118
Assigned for				
Health insurance reserve - limits	750,000	-	-	750,000
Liability insurance reserve	1,000,000	-	-	1,000,000
Great Streets - Champlain College	780,000	-	-	780,000
Early learning initiative grant	680,805	-	-	680,805
BPRW investment	520,000	-	-	520,000
Fleet reserve	665,000	-	-	665,000
Reappraisal	441,958	-	-	441,958
Regional programs	480,000	-	-	480,000
Police rebuilding fund	750,000	-	-	750,000
Recycling toters	500,000	-	-	500,000
Information technology	500,000	-	-	500,000
Other purposes	1,846,981	-	-	1,846,981
Total Assigned	8,914,744	-	-	8,914,744
Unassigned	8,637,873	(703,308)	(3,998,935)	3,935,630
Total Unassigned	8,637,873	(703,308)	(3,998,935)	3,935,630
Total Fund Balance	\$ 22,127,642	\$ 8,605,367	\$ 8,340,877	\$ 39,073,886

19. Retirement System (GASB 68)

The City follows the provisions of *GASB Statement No. 68, Accounting and Financial Reporting for Pensions* with respect to the Burlington Employees' Retirement System (the System).

A. Plan Description

The System is a cost sharing, single employer, defined benefit pension plan covering substantially all of its employees except elective officials, other than the Mayor, and the majority of the public-school teachers, who are eligible for the Vermont State Teacher's Retirement System. The plan is broken down into Class A participants and Class B participants. Class A participants are composed of firemen and policemen. Class B participants include all other covered City employees. The System does not issue a stand-alone financial report.

The System is governed by an eight-member board. The eight members include three appointed by the City Council, two Class A members of the system selected by the Class A membership, two Class B members of the system elected by the Class B membership, and the City Treasurer as an ex officio member. Of the Class A and Class B board members, no two shall be employed at the same department.

The City Council has the authority to amend the benefit terms of the System by enacting ordinances and sending them to the Mayor for approval.

As of June 30, 2022, there are 882 active members and 814 retirees or beneficiaries currently receiving benefits. Additionally, there are 656 former employees with vested rights.

B. Benefits Provided

Class A participants vest 20% after three years of creditable service, and 20 percent for each year thereafter until they are 100% vested after 7 years of creditable service. The normal benefit is payable commencing at age 55 or with 25 years of service. Class A participants who retire at or after age 55 with 7 years of creditable service are entitled to a retirement benefit, payable monthly for life, equal to 2.75% of their average final compensation (AFC) during the highest three non-overlapping twelve-month periods (five years for certain non-union police employees) times creditable service not in excess of 25 years plus .5% of the AFC times years of creditable service between 25 and 35 years, prior to age 60 and a yearly COLA based on CPI. Class A retirees could alternatively elect to choose an accrual rate of 3.25% and one-half the yearly COLA, or an accrual rate of 3.8% (3.6% for service from July 2006 forward) and no COLA. The half and no COLA options have been eliminated for new policemen hired after July 1, 2006 and new firemen hired after January 1, 2007. Also, these new hires have a 2.65% accrual rate only. Employees may retire prior to age 55 and receive reduced retirement benefits. Class A employees have unreduced benefits after 25 years of service, regardless of age.

All eligible City Class B employees vest 20% after three years of creditable service, and 20% for each year thereafter until they are 100% vested after 7 years of creditable service. Class B participants who retire at or after age 65 are entitled to a retirement benefit, payable monthly for life, equal to 1.60% of AFC (at age 65) during the highest three non-overlapping twelve-month periods times creditable service at age 65 not in excess of 25 years plus 0.5% of AFC times creditable

service at age 65 in excess of 25 years and a yearly COLA based on the CPI. Class B retirees could alternatively elect to choose an accrual rate of 1.9% for service up to June 30, 2006 and 1.8% thereafter and one half the yearly COLA, or an accrual rate of 2.2% for service up to June 30, 2006 and 2.0% thereafter and no COLA. The half and no COLA options have been eliminated for new hires after January 1, 2006 and they are only entitled to a 1.4% accrual rate. Employees may retire prior to age 65 and receive reduced retirement benefits. Creditable service or an actuarial increase is used after age 65. For Class B IBEW participants hired after October 30, 2012, the number of years used in the calculation of AFC was changed from three years to five. Also, the disability retirement was revised from 75% of pay to 66²/₃% of pay.

The System also provides accidental and line of duty death benefits for Class A participants, and disability and survivor income benefits for both Class A and Class B participants. The benefits are changed by negotiation and by the Retirement Board with budgetary approval by the City Council.

C. Contributions

Participants contribute a set percentage of their gross regular compensation annually. Class A participants contribute 12.28% of earnable compensation for the first 35 years of creditable service, and none thereafter. Class B participants, who elected to continue to be eligible for early retirement benefits at 2% per year deduction between ages 55 and 65 contribute 6.2%. All Class B participants not covered by a collective bargaining agreement contribute 5.34% and all Class A employees not covered by a collective bargaining agreement contribute 14.42%.

The Board establishes employer contributions based on an actuarially determined contribution recommended by an independent actuary. The actuarially determined contribution is the estimated amount necessary to finance the costs of benefits earned by the System members during the year, with an additional amount to finance a portion of any unfunded accrued liability. The calculation of the actuarially determined contribution is governed by the applicable provisions of the Retirement Code.

D. Net Pension Liability

The components of the net pension liability as of June 30, 2022, measured as of June 30, 2021, are shown below:

Total pension liability	\$ 310,778,910
System fiduciary net position	<u>(248,934,922)</u>
Net pension liability	<u>\$ 61,843,988</u>
Plan fiduciary net position as a percentage of the net pension liability	80.10%

Target Allocations – The long-term expected rate of return on pension plan investments was selected from a best estimate range determined using the building block approach. Under this method, an expected future real return range (expected returns, net of pension plan investment expense and inflation) is calculated separately for each asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return net of investment expenses by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major class are summarized in the following table:

<u>Asset Class</u>	<u>Target Asset Allocation</u>	<u>Long-term Expected Real rate of Return</u>
Core Fixed Income	17.50%	3.70%
US Bonds - Dynamic	7.50%	3.70%
U.S. Large Cap Equity	31.00%	7.10%
U.S. Small Cap Equity	9.00%	7.40%
International Developed Equity	20.50%	9.90%
International Emerging Markets Equity	7.00%	11.20%
Private Equity	0.50%	10.20%
Real Estate	6.00%	7.40%
Timberland	1.00%	7.40%

Discount Rate – The discount rate used to measure the total pension liability was 7.20%. The projection of cash flows used to determine the discount rate assumed that contributions will continue to be made in accordance with the current funding policy. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments to current System members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Net Pension Liability to Changes in the Discount Rate – The following presents the System’s net pension liability calculated using the discount rate of 7.20%, as well as what the System’s net pension liability would be if it was calculated using a discount rate that is one percentage-point lower (6.20%) or one percentage-point higher (8.20%) than the current rate:

	1% <u>Decrease</u>	Current Discount <u>Rate</u>	1% <u>Increase</u>
Primary government	\$ 88,157,331	\$ 55,834,380	\$ 28,835,071
Discretely presented component unit	<u>9,311,807</u>	<u>6,009,608</u>	<u>3,222,896</u>
Net Pension Liability	<u>\$ 97,469,138</u>	<u>\$ 61,843,988</u>	<u>\$ 32,057,967</u>

E. Deferred Outflows and (Inflows) of Resources

For the year ended June 30, 2022, the City recognized pension expense of \$8,128,990. In addition, the City reported deferred outflows of resources and deferred (inflows) of resources related to pension from the following sources:

	Deferred Outflows of Resources	Deferred (Inflows) of Resources
Primary Government:		
Fiscal year 2022 deferred pension contributions	\$ 9,717,126	\$ -
Changes in proportional share of contributions	1,397,500	(1,361,687)
Difference between expected and actual pension experience	1,732,751	-
Changes in assumptions	3,337,000	-
Difference between projected and actual investment earnings	<u>-</u>	<u>(26,822,778)</u>
Total Primary Government	16,184,377	(28,184,465)
Discretely Presented Component Unit:		
Changes in proportional share of contributions	99,153	(134,966)
Difference between expected and actual pension experience	186,501	-
Changes in assumptions	359,170	-
Difference between projected and actual investment earnings	<u>-</u>	<u>(2,887,009)</u>
Total Discretely Presented Component Unit	<u>644,824</u>	<u>(3,021,975)</u>
Total	<u>\$ 16,829,201</u>	<u>\$ (31,206,440)</u>

Deferred outflows of resources related to pension resulting from contributions subsequent to the measurement date will be recognized in pension expense in the year ended June 30, 2023. Other amounts reported as deferred outflows of resources and deferred (inflows) of resources related to pension will be recognized in pension expense as follows:

	Deferred Outflows/ (Inflows) of Resources
Year ended June 30:	
2023	\$ (2,541,224)
2024	(4,394,043)
2025	(6,511,567)
2026	<u>(8,270,380)</u>
Total Primary Government	(21,717,214)
Year ended June 30:	
2023	(270,772)
2024	(515,356)
2025	(700,858)
2026	<u>(890,165)</u>
Total Discretely Presented Component Unit	<u>(2,377,151)</u>
Total	<u><u>\$ (24,094,365)</u></u>

F. Rate of Return

For the year ended June 30, 2022, the annual money-weighted rate of return on pension plan investments, net of pension plan investment expenses, was -13.2%. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

20. Retirement System (GASB 67)

The System follows the provision of GASB Statement No. 67, *Financial Reporting for Pension Plans*.

A. Actuarial Assumptions

The total actuarially determined contribution to the system for 2022 was \$10,821,716. A summary of the actuarial assumptions as of the latest actuarial valuation is shown below:

Valuation Date	June 30, 2021
Actuarial cost method	Entry Age Normal Actuarial Cost Method (level percentage of salary)
Actuarial assumptions:	
Investment rate of return	7.20% (Prior: 7.30%)
Inflation rate	2.60%
Post-employment cost-of-living adjustment	3.00%
Assumed annual rates of salary increases	3.50% - 10.00%

Ongoing actuarial valuation of the System involves estimates of the reported amounts and assumptions about probability of occurrence of events far into the future. Examples include assumptions about future employment mortality and future salary increases. Amounts determined regarding the net pension liability are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The actuarial assumptions used in the June 30, 2021 valuation were based on the results of the most recent actuarial experience study covering the period July 1, 2012 to June 30, 2017.

Mortality rates were based on the RP-2014 Mortality Tables. This mortality assumption was selected based on the most recently published mortality study released by the Society of Actuaries.

Discount Rate – The discount rate used to measure the total pension liability was 7.2%. The projection of cash flows used to determine the discount rate assumed that contributions will continue to be made in accordance with the current funding policy. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments to current System members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Net Pension Liability – The components of the net pension liability, measured as of June 30, 2022, were as follows:

Total pension liability	\$ 319,075,820
Plan fiduciary net position	<u>(209,424,801)</u>
Net pension liability	<u>\$ 109,651,019</u>
Plan fiduciary net position as a percentage of the net pension liability	65.63%

21. Vermont State Teachers' Retirement System

A. Plan Description

All of the teachers employed by the Burlington School District (BSD), a component unit of the City, participate in the Vermont State Teachers' Retirement System (VSTRS), a cost-sharing multiple-employer defined benefit pension plan with a special funding situation, covering nearly all public day school and nonsectarian private Union teachers and administrators as well as teachers in schools and teacher training institutions within and supported by the State of Vermont that are controlled by the State Board of Education. Membership in the VSTRS for those covered classes is a condition of employment. During the year ended June 30, 2020 (the most recent period available), the retirement system consisted of 23,436 participating members.

The plan was established effective July 1, 1947, and is governed by *Title 16, V.S.A. Chapter 55*. Subsequent Vermont state legislation, *Act 74*, which became effective on July 1, 2010, contained numerous changes to the plan benefits available to current and future members, as well as a change in access to health care coverage after retirement, resulting from a multi-party agreement to provide sustainability of quality pension and retiree health benefits for Vermont teachers.

The general administration and responsibility for formulating administrative policy and procedures of the VSTRS for its members and their beneficiaries is vested in the Board of Trustees consisting of six members. They are the Secretary of Education (ex-officio), the State Treasurer (ex-officio), the Commissioner of Financial Regulation (ex-officio), two members and one alternate elected by active members of the System under rules adopted by the Board and one retired member and one alternate elected by the Board of Directors of Association of Retired Teachers of Vermont. The Chair is elected by the Board and acts as executive officer of the Board.

All assets are held in a single trust and are available to pay retirement benefits to all members. Benefits available to each group are based on average final compensation (AFC) and years of creditable service. The Vermont State Agency of Administration issues a publicly available Annual Comprehensive Financial Report (ACFR) that includes financial statements and required supplementary information for the

VSTRS. That report may be viewed on the State's Department of Finance & Management website at: http://finance.vermont.gov/reports_and_publications/ACFR.

B. Benefits Provided

The VSTRS provides retirement, and disability benefits, annual cost-of-living adjustments, health care and death benefits to plan members and beneficiaries. There are two levels of contributions and benefits in the System: Group A - for public school teachers employed within the State of Vermont prior to July 1, 1981 and elected to remain in Group A; and Group C - for public school teachers employed within the State of Vermont on or after July 1, 1990. Group C also includes those teachers hired prior to July 1, 1990 and were in Group B on July 1, 1990. When *Act 74* became effective on June 30, 2010, Group C was further bifurcated into Groups 1 and 2. Group 1 contains members who were at least 57 years of age or had at least 25 years of service, and Group 2 contains members who were less than 57 years of age and had less than 25 years of service.

Benefits available to each group are based on average final compensation (AFC) and years of creditable service, and the full chart is disclosed in the stand-alone BSD financial statements.

C. Contributions

VSTRS is a cost-sharing, public employee retirement system with one exception: all risks and costs are not shared by the School District, but are the liability of the State of Vermont. VSTRS is funded through State and employee contributions and trust fund investment earnings; and the School District has no legal obligation for paying benefits. Required contributions to the System are made by the State of Vermont based on a valuation report prepared by the System's actuary, which varies by plan group. The Vermont State Teachers Retirement System estimates the contributions on behalf of the School District's employees included in the teacher's retirement plan, which approximates \$6,807,198 or 19% of total payroll for employees covered under the plan.

Employee contribution rates by plan group follow:

<u>VSTRS</u>	<u>Group A</u>	<u>Group C - Group 1</u>	<u>Group C - Group 2</u>
Employee Contributions	5.5% of gross salary; contributions stop after 25 years of creditable service	5.0% of gross salary	5.0% of gross salary with 5 or more years of service as of 7/1/14 6.0% of gross salary if less than 5 years of service as of 7/1/14

Employee contributions totaled \$1,955,100 during the year and were paid by the School District to the State of Vermont. The School District has no other liability under the plan. The School District's total payroll for all employees covered under this plan was \$35,307,041 for the year ended June 30, 2022. Beginning in 2016, school districts that pay for teachers with federal dollars are required to include costs of pensions in

the federal grant, lowering the liability for the State. Federally funded pension costs reimbursed to the State by the Supervisory Union for the fiscal year ending June 30, 2022 were \$365,853. The Supervisory Union's total payroll for all federally funded employees covered under this plan was \$1,897,581 for the year ended June 30, 2022.

D. Pension Liabilities

The State is a nonemployer contributor and is required by statute to make all actuarially determined employer contributions on behalf of member employers. Therefore, these employers are considered to be in a special funding situation as defined in GASB No. 68 and the State is treated as a nonemployer to VSTRS. Since the School District does not contribute directly to VSTRS, no net pension liability was recorded at June 30, 2020. The State's portion of the collective net pension liability that was associated with the School District was \$79,841,269 as of June 30, 2022.

The State of Vermont's proportionate share of the net pension liability associated with the School District is equal to the collective net pension liability, actuarially measured as of June 30, 2021, multiplied by the School District's proportionate share percentage. The School District's proportionate share percentage was based on its reported salaries to the total reported salaries for all participating employers. At June 30, 2021, the School District's proportion was 4.709% which was an increase of 0.101% from its proportion measured as of June 30, 2020.

E. Pension Expense

For the year ended June 30, 2022, the School District recognized total pension expense and revenue of \$10,218,483 for support provided by the State of Vermont for the VSTRS plan.

F. Significant Actuarial Assumptions and Methods

The total pension liability for the June 30, 2021 measurement date was determined by an actuarial valuation as of June 30, 2019 rolled forward to June 30, 2020 using the actuarial assumptions outlined below.

Investment Rate of Return – 7.00% net of pension plan investment expenses, including inflation.

Inflation – 2.30%.

Salary Increases – ranging from 3.30% to 10.50%.

Deaths After Retirement – PubT-2010 Teacher Employee Amount-Weighted Table with generational projection using scale MP-2019 for pre-retirement, PubT-2010 Teacher Healthy Retiree Amount-Weighted Table with generational projection using scale MP-2019 for healthy retirees, and the PubNS-2010 Non-Safety Disabled Retiree Amount-Weighted Table with generational projection using scale MP-2019 for disabled retirees.

Inactive Members - Valuation liability for the VSTRS plan equals 100% of accumulated contributions.

Unknown Data for Participants - For the VSTRS plan, it is the same as those exhibited by participants with similar known characteristics. If not specified, participants are assumed to be male.

Percent Married - 85% of male members and 35% of female members are assumed to be married.

Cost-of-Living Adjustments – Adjustments for the VSTRS plan are assumed to occur on January 1 following one year of retirement. For the VSTRS plan this occurs at the rate of 2.40% per annum for Group A members and 1.35% per annum for Group C members (beginning at age 62 for Group C members who elect reduced early retirement). The January 1, 2022 COLA is assumed to be 4.60% for Group A and 2.30% for Group C.

Actuarial Cost Method – Uses the Entry Age Actuarial Cost Method. Entry age is the age at date of employment, or, if date is unknown, current age minus years of service. Normal Cost and Accrued Actuarial Liability are calculated on an individual basis and are allocated by salary, with Normal Cost determined using the plan of benefits applicable to each participant.

For the VSTRS plan, the *asset valuation method* used equals the preliminary asset value plus 20% of the difference between the market and preliminary asset values. The preliminary asset value is equal to the previous year's asset value (for valuation purposes) adjusted for contributions less benefit payments and expenses and expected investment income. If necessary, a further adjustment is made to ensure that the valuation assets are within 20% of the market value.

The *long-term expected rate of return* on the VSTRS plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of investment expense and inflation) developed for each major asset class. These best estimate ranges were combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

Best estimates of arithmetic rates of return for each major asset class included in the target asset allocation as of June 30, 2021 are summarized in the following table:

<u>Asset Class</u>	<u>Target Asset Allocation</u>	<u>Long-term Expected Real rate of Return</u>
Global Equity	24.00%	5.05%
US Equity - Large Cap	4.00%	4.00%
US Equity - Small/Mid Cap	3.00%	4.50%
Non-US Equity - Large Cap	7.00%	5.50%
Non-US Equity - Small Cap	0.00%	0.00%
Emerging Markets Debt	4.00%	3.00%
Core Bonds	19.00%	0.00%
Private & Alternative Credit	10.00%	4.75%
US TIPS	3.00%	-0.50%
Core Real Estate	4.00%	3.75%
Non-Core Real Estate	4.00%	5.75%
Private Equity	10.00%	6.75%
Infrastructure/Farmland	3.00%	4.25%

G. Discount Rate

The discount rate used to measure the total pension liability was 7.00% for the VSTRS plan. The projection of cash flows used to determine the discount rate assumed that contributions will continue to be made in accordance with the current funding policy which exceeds the actuarially determined contribution rate. Based on these assumptions, the fiduciary net position was projected to be available to make all projected future benefit payments to current VSTRS members. The assumed discount rate has been determined in accordance with the method prescribed by GASB 68.

22. Other Post-Employment Benefits (OPEB)

GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, replaces the requirements of *GASB Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. This statement establishes standards for recognizing and measuring liabilities, deferred outflows of resources, deferred inflows of resources, and expense/expenditures. This statement identifies the methods and assumptions that are required to be used to project benefit payments, discounted projected benefit payments to their actuarial present value, and attribute that present value to periods of employee service. The City's post-employment benefit plan is a single-employer plan.

A. City OPEB Plan

All the following OPEB disclosures are based on a measurement date of June 30, 2022.

General Information about the OPEB Plan

Plan Description

The City provides post-employment healthcare benefits for retired employees through the City's plan. The OPEB plan is not administered through a trust that meets the criteria in paragraph 4 of GASB 75.

The City indirectly provides post-employment healthcare for retired employees through an implicit rate covered by current employees. Retirees of the City who participate in this single-employer plan pay 100% of the healthcare premiums to participate in the City's healthcare program. Since they are included in the same pool as active employees, the insurance rates are implicitly higher for current employees due to the age consideration. This increased rate is an implicit subsidy the City pays for the retirees.

In addition, the City allows certain retired employees to purchase health insurance through the City at the City's group rate. GASB 75 recognizes this as an implied subsidy and requires accrual of this liability.

Benefits Provided

The City provides medical, prescription drug, mental health/substance abuse, and life insurance to retirees and their covered dependents. All active employees who retire from the City and meet the eligibility criteria may receive these benefits.

Contributions

The employees contribute 5.83% of their compensation for fiscal year 2022.

Plan Membership

At July 1, 2022 (the last full valuation date), the following employees were covered by the benefit terms:

Inactive plan members or beneficiaries	
currently receiving benefit payments	433
Active plan members	<u>623</u>
Total	<u><u>1,056</u></u>

Actuarial Assumptions and Other Inputs

The total OPEB liability was determined by an actuarial valuation as of July 1, 2022, using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.60%
Rate of annual aggregate payroll growth	2.60%
Discount rate	3.54% (prior 2.16%)
Healthcare cost trend rates	6.50% in 2021, reducing by 0.2% each year to an ultimate rate of 4.60% per year rate for 2031 and later

Since the OPEB plan is not funded, the selection of the discount rate is consistent with the GASB 75 standard linking the discount rate to the 20- year AA municipal bond index for unfunded OPEB plans. The discount rate was based on the published Bond Buyer GO 20-Bond Municipal Index effective as of June 30, 2022.

Mortality rates were as follows:

- Class A: RP-2014 Adjusted to 2006 Total Dataset Mortality Table, projected to the valuation date with Scale MP-2021.
- Class B: RP-2014 Adjusted to 2006 Total Dataset Mortality Table, projected to the valuation date with Scale MP-2021, set forward two years.
- Disabled: RP-2014 Adjusted to 2006 Disabled Mortality Table, projected to the valuation date with Scale MP-2021.

The actuarial assumptions used in the valuation were based on the results of the experience study that was performed for the five-year period ending June 30, 2017.

Discount Rate

The discount rate used to measure the total OPEB liability was 3.54%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate.

Total OPEB Liability

The City's total OPEB liability was measured as of June 30, 2022 and was determined by an actuarial valuation as of July 1, 2022.

Changes in the Total OPEB Liability

The following summarizes the changes in the total OPEB liability for the past year.

	Total OPEB Liability
Balance as of June 30, 2021	\$ 6,938,319
Changes for the year:	
Service cost	446,755
Interest	160,062
Differences between expected and actual experience	(1,243,743)
Changes in assumptions or other inputs	(912,019)
Benefit payments	<u>50,602</u>
Net Changes	<u>(1,498,343)</u>
Balance as of June 30, 2022	<u>\$ 5,439,976</u>

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability calculated using the discount rate of 3.54%, as well as what the total OPEB liability would be if it was calculated using a discount rate that is one percentage-point lower (2.54%) or one percentage-point higher (4.54%) than the current rate:

1% <u>Decrease</u>	Current Discount <u>Rate</u>	1% <u>Increase</u>
\$ 6,172,410	\$ 5,439,976	\$ 4,827,298

Sensitivity of the Total OPEB Liability to Changes in the Healthcare Cost Trend Rates

The following presents the total OPEB liability, as well as what the total OPEB liability would be if it were calculated using healthcare cost trend rates that are one percentage-point lower or one percentage-point higher than the current healthcare cost trend rates:

1% <u>Decrease</u>	Healthcare Cost Trend <u>Rates</u>	1% <u>Increase</u>
\$ 4,952,962	\$ 5,439,976	\$ 6,029,852

OPEB Expense and Deferred Outflows of Resources and Deferred (Inflows) of Resources Related to OPEB

For the year ended June 30, 2022, the City recognized an OPEB expense of \$365,065. At June 30, 2022, the City reported deferred outflows and (inflows) of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred (Inflows) of Resources
Difference between expected and actual experience	\$ 44,891	\$ (1,606,441)
Change in assumptions	939,811	(804,724)
Changes in proportional share of contributions	<u>378,206</u>	<u>(378,206)</u>
Total	<u>\$ 1,362,908</u>	<u>\$ (2,789,371)</u>

Amounts reported as deferred inflows and outflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Year Ended June 30:</u>	
2023	\$ (241,752)
2024	(241,761)
2025	(241,554)
2026	(320,608)
2027	<u>(380,788)</u>
Total	<u>\$ (1,426,463)</u>

B. Burlington School District OPEB Plan

Plan Description

In addition to providing pension benefits, the City provides post-employment health-care insurance benefits for retired employees from the Burlington School District. The OPEB Plan is a single-employer defined benefit plan.

Benefits Provided

The City provides medical benefits in various options for both active employees and retirees. Each class of employees are eligible for explicit subsidies based on dates of enrollment and years of service. Spouses of retirees are able to remain on the applicable plan as long as the retiree is covered. Surviving spouses are allowed to continue coverage only as permitted by COBRA.

The City provides life insurance benefits to certain classes of employees. Office personnel retired on/before June 30, 2018 and AFSCME (bus, food, technology services, and maintenance) employees are eligible to obtain \$10,000 in life insurance at normal, disability, or termination retirement with the premiums being paid by the School District.

Eligibility

All employees are eligible for disability retirement with 10 years of service. All employees are eligible to retire after termination with the District if at termination the employee is age 50 with 15 years of service. Retiree health benefits will commence at age 55 for these terminated employees. Retiree health benefits are only available to Teachers, Administrative Staff, and Paraeducators.

Teachers/Administrative Staff

Certified teachers and staff are eligible for retiree health care benefits until age 65 once they meet the District's retirement eligibility requirements:

1. Age 55 and 15 years of service
2. 30 years of service

Paraeducators

Paraeducators are eligible for retiree health care benefits until age 65 once they meet the District's retirement eligibility requirements, which is age 55 with 20 years of service.

Food, Maintenance, Bus, Technology Services

Food, maintenance, technology services, and bus personnel are eligible for subsidized life insurance once they meet the School District's retirement eligibility requirements, which are as follows:

1. Age 55
2. 25 years of service

These groups are only eligible for subsidized life insurance and are ineligible to continue health coverage with the District at retirement.

Employees Covered by Benefit Terms

At June 30, 2022, the following employees were covered by the benefit terms:

Retirees and spouses	46
Active plan members	<u>585</u>
Total	<u>631</u>

The active participants' number above may include active employees who currently have no health care coverage.

Total OPEB Liability, OPEB Expense and Deferred Outflows of Resources and Deferred (Inflows) of Resources Related to OPEB

The total OPEB liability was measured as of June 30, 2022 and was determined by an actuarial valuation as of that date.

For the year ended June 30, 2022, the District recognized OPEB expense of \$386,848. At June 30, 2022, the District reported deferred outflows of resources and deferred (inflows) of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience	\$ 131,735	\$ 362,376
Change in assumptions	<u>220,684</u>	<u>755,072</u>
Total	<u>\$ 352,419</u>	<u>\$ 1,117,448</u>

Amounts reported as deferred outflows of resources and deferred (inflows) of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ended June 30:

2023	\$ (196,535)
2024	(119,446)
2025	(165,601)
2026	(61,353)
2027	(61,353)
Thereafter	<u>(160,741)</u>
Total	<u>\$ (765,029)</u>

Discount Rate

The discount rate is the assumed interest rate used for converting projected dollar related values to a present value as of June 30, 2022. The discount rate determination is based on the yield for 20-year tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher (or equivalent quality on another rating scale). The rate of 4.09% per annum for June 30, 2022 was based upon a measurement date of June 30, 2022. The sensitivity of the total and net OPEB liability to changes in discount rate are as follows:

1% Decrease (3.09%)	Current Discount Rate (4.09%)	1% Increase (5.09%)
\$ 6,770,336	\$ 6,394,701	\$ 6,029,502

Healthcare Trend

The healthcare trend is the assumed dollar increase in dollar-related values in the future due to the increase in the cost of health care. The healthcare cost trend rate is the rate of change in per capita health claim costs over time as a result of factors such as medical inflation, utilization of healthcare services, plan design and technological developments. The sensitivity of the total and net OPEB liability to changes in healthcare cost trend rates are as follows:

1% Decrease	Healthcare Cost Trend Rates	1% Increase
\$ 5,786,185	\$ 6,394,701	\$ 7,096,931

Actuarial Methods, Inputs and Assumptions

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples included assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multi-year trend information that shows whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial liabilities for benefits.

The total OPEB liability for the Plan was determined as of June 30, 2022 based on an actuarial valuation date of June 30, 2022.

Discount Rate: 4.09% as of June 30, 2022 and 2.19% for July 1, 2021

Experience Study

Best actuarial practices call for a periodic assumption review and Nyhart recommends the School District to complete an actuarial assumption review (also referred to as an experience study).

Health Care Trend Rates

<u>FYE</u>	<u>Rates</u>	<u>FYE</u>	<u>Rates</u>
2023	7.5%	2026	6.0%
2024	7.0%	2027	5.5%
2025	6.5%	2028	5.0%
		2029+	4.5%

Inflation Rate: 2.3% per year

Mortality:

Teachers and Admin employees and retirees: SOA Pub-2010 Teacher Headcount Weighted Mortality Table fully generational using Scale MP-2021

Non-Teacher Employees and retirees: SOA Pub-2010 General Headcount Weighted Mortality Table fully generational using Scale MP-2021

Disabled Retirees: SOA Pub-2010 Non-Safety Disabled Retiree Headcount Weighted Mortality Table fully generational using Scale MP-2021

Surviving Spouses: SOA Pub-2010 Continuing Survivor Headcount Weighted Mortality Table fully generational using Scale MP-2021

Salary Increase Rate

General wage inflation of 2.3% plus merit/productivity increases based on the assumptions used in the City of Burlington actuarial valuation as of June 30, 2021 for non-teachers and Vermont State Teachers Retirement System (VSTRS) OPEB actuarial valuation as of June 30, 2022 for teachers and administration.

Benefit Changes

There have been no substantive plan provision changes since the last full valuation, which was for the fiscal year ending June 30, 2020.

23. Other Post Employment Benefit (OPEB) Plans – Burlington School District

Vermont State Teachers' Retirement System

A. Plan Description

The Vermont State Teachers' Retirement System provides postemployment benefits to eligible VSTRS employees who retire from VSTRS through a cost-sharing, multiple-employer postemployment benefit (OPEB) plan (the Plan).

The plan covers nearly all public day school and nonsectarian private high school teachers and administrators as well as teachers in schools and teacher training institutions within and supported by the State that are controlled by the State Board of Education. Membership in the system for those covered classes is a condition of employment. During the year ended June 30, 2020, the Plan consisted of 7,094 retired members or beneficiaries currently receiving benefits and 9,996 active members.

Vermont Statute Title 16 Chapter 55 assigns the authority to VSTRS to establish and amend the benefits provisions of the Plan and to establish maximum obligations of the Plan members to contribute to the Plan. Management of the Plan is vested in the Vermont State Teachers' Retirement System Board of Trustees, which consists of the Secretary of Education (ex-officio), the State Treasurer (ex-officio), the Commissioner of Financial Regulation (ex-officio), two trustees and one alternate who are members of the system (each elected by the system under rules adopted by the Board) and one trustee and one alternate who are retired members of the system receiving retirement benefits (who are elected by the Association of Retired Teachers of Vermont).

All assets of the Plan are held in a single trust and are available to pay OPEB benefits to all members. The Vermont State Agency of Administration issues a publicly available Annual Comprehensive Financial Report (ACFR) that includes financial statements and required supplementary information for the VSTRS. That report may be viewed on the State's Department of Finance & Management website at: http://finance.vermont.gov/reports_and_publications/ACFR.

B. Benefits Provided

VSTRS retirees and their spouses are eligible for medical, prescription drug, and dental benefits on a lifetime basis if the retiree is eligible for pension benefits.

C. Contributions

The contributions chart is disclosed in the stand-alone Burlington School District financial statements.

Premium Reduction Option: Participants retiring on or after January 1, 2007 with a VSTRS premium subsidy have a one-time option to reduce the VSTRS subsidy percentage during the retiree's life so that a surviving spouse may continue to receive the same VSTRS subsidy for the spouse's lifetime. If the retiree elects the joint and

survivor pension option but not the Premium Reduction Option, spouses are covered for the spouse's lifetime but pay 100% of the plan premium after the retiree's death.

D. OPEB Liabilities

The State is a nonemployer contributor and is required by statute to make all actuarially determined employer contributions on behalf of member employers. Therefore, these employers are considered to be in a special funding situation as defined in GASB 75 and the State is treated as a nonemployer to VSTRS. Since the District does not contribute directly to VSTRS, no net OPEB liability was recorded at June 30, 2022. The State's portion of the collective net OPEB liability that was associated with the District was \$51,875,317.

The State of Vermont's proportionate share of the net OPEB liability associated with the District is equal to the collective net OPEB liability, actuarially measured as of June 30, 2021, multiplied by the District's proportionate share percentage. The District's proportionate share percentage was based on its reported salaries to the total reported salaries for all participating employers. At June 30, 2021, the District's proportion was 4.067% which was an increase of 0.070% from its proportion measured as of June 30, 2020.

E. OPEB Expense

For the year ended June 30, 2022, the District recognized total OPEB expense and revenue of \$3,427,753 for support provided by the State of Vermont for the Plan.

F. Discount Rate

The discount rate is the single rate of return, that when applied to all projected benefit payments, results in an actuarial present value that is the sum of the actuarial present value of projected benefit payments projected to be funded by plan assets using a long-term rate of return, and the actuarial present value of projected benefit payments using a yield or index rate for 20-year tax exempt general obligation municipal bonds with an average rating of AA/Aa or higher.

G. Healthcare Trend Rate

Health care trend measures the anticipated overall rate at which health plan costs are expected to increase in future years. The trend rate assumptions were developed using Segal's internal guidelines, which are established each year using data sources such as the 2021 Segal Health Trend Survey, internal client results, trends from other published surveys prepared by the S&P Dow Jones Indices, consulting firms and brokers, and CPI statistics published by the Bureau of Labor Statistics.

H. Actuarial Methods and Assumptions

The total OPEB liability for the Plan was determined by an actuarial valuation as of June 30, 2021, using the following methods and assumptions applied to all periods included in the measurement:

Actuarial Cost Method

The Entry Age Normal Actuarial Cost Method is used to determine costs. Under this funding method, a normal cost rate is determined as a level percent of pay for each active Plan member and then summed to produce the total normal cost for this Plan. The unfunded actuarial liability is the difference between the actuarial liability and the actuarial value of assets.

Amortization

The total OPEB liability of this Plan is amortized on an open 30-year period. The amortization method is a level dollar amortization method.

Asset Valuation Method

The Asset Valuation Method used equals the preliminary asset value plus 20% of the difference between the market and preliminary asset values. The preliminary asset value is equal to the previous year's asset value (for valuation purposes) adjusted for contributions less benefit payments and expenses and expected investment income. If necessary, a further adjustment is made to ensure that the valuation assets are within 20% of the market value.

The long-term expected rate of return on both plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of investment expense and inflation) developed for each major asset class. These best estimate ranges were combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

Best estimates of arithmetic rates of return for each major asset class included in the target asset allocation as of June 30, 2021 are summarized in the following table:

<u>Asset Class</u>	<u>Target Asset Allocation</u>	<u>Long-term Expected Real rate of Return</u>
Global Equity	29.00%	5.05%
US Equity - Large Cap	4.00%	4.00%
US Equity - Small/Mid Cap	3.00%	4.50%
Non-US Developed Market Equities	7.00%	5.50%
Emerging Markets Debt	4.00%	3.00%
Core Bonds	19.00%	0.00%
Private & Alternative Credit	10.00%	4.75%
US TIPS	3.00%	-0.50%
Core Real Estate	4.00%	3.75%
Non-Core Real Estate	4.00%	5.75%
Private Equity	10.00%	6.75%
Infrastructure/Farmland	3.00%	4.25%

Assumptions

The actuarial assumptions used to calculate the actuarially determined contribution rates can be found in the Report on the Actuarial Valuation of Post- Retirement Benefits of the Vermont State Teachers' Retirement System Prepared as of June 30, 2016 completed by Buck Consulting. As of June 30, 2021, they are as follows:

Discount Rate	2.20%
Salary Increase Rate	Varies by age
Non-Medicare	6.7% graded to 4.5% over 10 years
Medicare	6.0% graded to 4.5% over 11 years
Retiree Contributions	Equal to health trend
Pre-retirement Mortality	PubT-2010 Teacher Employee Headcount-Weighted Table with generational projection using Scale MP-2019.
Post-retirement Mortality	Retirees: PubT-2010 Teacher Healthy Headcount-Weighted Table Spouses: 109 % of the Pub-2010 Contingent Survivor Headcount-Weighted Table, both Retiree RP- Retirees and Spouses with generational projection using Scale MP-2019.

I. Changes in Net OPEB Liability

Changes in net OPEB liability are recognized in OPEB expense for the year ended June 30, 2021 with the following exceptions:

Changes in Assumptions

Differences due to changes in assumptions about future economic, demographic or claim and expense factors or other inputs are recognized in OPEB expense using a straight-line amortization method over a closed period equal to the average expected remaining service lives of active and inactive members in each plan. The first year is recognized as OPEB expense and the remaining years are shown as either deferred outflows of resources or deferred inflows of resources. The amortization period was twenty-seven years as of July 1, 2021. For the fiscal year ended June 30, 2021, there were no changes in assumptions except for the discount rate being increased from 2.21% to 2.20%.

24. Defined Contribution Plans

The City offers its employees a Defined Contribution Plan (DCP) in accordance with Internal Revenue Code Section 457(b) through the International City/County Management Association's (ICMA) Retirement Corporation and Nationwide Retirement Solutions, which is also supplemented with the Post Employment Health Plan (PEHP) for its police and fire employees. The DCP permits full-time employees to defer a portion of their salary until future years. Deferred compensation is not available to employees until termination, retirement, or death. The PEHP permits contributions to offset medical expenses upon separation from service or retirement. The City has no liability for losses under these plans, but does have the duty of due care that would be required of an ordinary prudent investor for safeguarding purposes only. The investments are self-directed by employees.

25. Commitments and Contingencies

A. Burlington International Airport

Grants

Amounts received or receivable from grantor agencies, including possible grant assurance violations, are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount of expenditures which may be disallowed by the grantor cannot be determined at this time, although the Fund expects such amounts, if any, to be immaterial.

Construction Commitments

The Airport has a number of ongoing Airport Improvement Program (AIP) projects for construction and land acquisition as well as several Passenger Facility Charges (PFC) projects for terminal improvements that are funded from restricted assets. AIP projects include taxiway reconstruction, storm-water treatment projects, building demolition related to previously acquired property and land acquisition. The PFC projects include energy projects, cargo apron reconstruction, escalator and baggage carousel projects and related work.

B. Electric Department Commitments and Contingencies

The Burlington Electric Department (BED) receives output from generation of the McNeil Generating Station, the Burlington Gas Turbine, the Winooski One hydro facility, the Airport Solar array, and the Pine Street Solar array. Except for the McNeil Generating Station (for which BED is the operator and 50% owner), BED owns 100% of the remaining resources and is also responsible for their operation.

In addition to energy provided by its owned generation, BED purchases a portion of its electricity requirements pursuant to long-term (greater than one year in duration) contracts. During the fiscal year ended June 30, 2022, long-term sources of purchased power included:

- New York Power Authority (NYPA) power from hydro stations on the Niagara and St. Lawrence rivers under contracts through September 1, 2025 (Niagara) and through April 30, 2032 (St. Lawrence).
- Under the Vermont Wind contract, BED receives 16 MW (40%) of Vermont Wind's wind farm in northeast Vermont (Sheffield) through October 18, 2026. BED's 16 MW entitlement is expected to provide approximately 10% of BED's annual energy requirements.
- BED purchases energy from the Georgia Mountain Community Wind (GMCW) project with commercial operation on December 31, 2012. Pursuant to a 25-year contract, BED receives 10MW (100%) entitlement from Georgia Mountain's wind farm in Milton/Georgia, Vermont. GMCW is expected to produce energy sufficient to meet 9% of BED's annual energy needs.
- Deliveries pursuant to a ten-year contract with Hancock began in December 2016. Under the contract, BED will receive 13.5 MW (26.5%) of Hancock's wind farm. It is expected to produce energy sufficient to meet approximately 11% of BED's annual energy needs.
- Prior to 2017, BED has received energy from long-term purchases from a number of small in-state resources under a state mandated feed-in tariff program (called Standard Offer Resources). Effective January 1, 2017, BED was exempted from purchasing energy from these high-priced resources (in recognition of its 100% renewable energy purchases). BED expects this exemption to continue through at least 2023.

- The Burlington City Council, the Vermont Public Service Board, and the voters of Burlington have approved a 23-year energy-only contract with Hydro-Quebec. The contract was executed and deliveries began (for BED) in November 2015. Under the contract, BED will receive 5 MW of contract energy for the period November 1, 2015 to October 31, 2020 and a second (additional) 4 MW of contract energy for the period November 1, 2020 to October 31, 2038. BED's entitlement is expected to provide approximately 6%-15% of BED's annual energy requirements depending on whether one, or both, contract entitlements are flowing in a particular year.
- In 2013, BED entered a long-term power agreement to purchase the output of a proposed 2.5 MW solar generating facility to be located in Burlington (South Forty Solar). This facility came online in January of 2018 and provides the Department with VT Class 2 RECs as well as energy and reduced capacity and transmission requirements.
- In addition to South Forty Solar, BED purchased the output from 7 small in-city solar projects under long-term agreements that amount to 414kW.
- In 2017, BED signed a two-year contract with Great River Hydro with deliveries beginning January 1, 2019. In 2019, this contract was extended for five additional years from 2021 through 2024. The Department receives 7.5 MW during 16 peak hours of each day, along with the attributed RECs (that qualify as VT Class I). This contract is sourced from one or more hydro facilities in the State of Vermont.

Energy and Capacity Payments under these long-term power supply contracts were \$13,884,484 for the year ended June 30, 2022. Budgeted commitments under these long-term contracts and long-term contracts approved and executed for future delivery periods total approximately \$69,144,498 for the 5-year period from July 1, 2022 to June 30, 2027.

<u>Fiscal Year</u>	<u>Budgeted Commitment</u>
2023	\$ 15,399,469
2024	16,048,962
2025	15,396,546
2026	12,465,867
2027	9,833,654
Total	<u>\$ 69,144,498</u>

The remainder of BED’s energy requirement (if any) is satisfied through short-term purchases including:

- Short-term purchases from a number of market counterparties, if necessary.
- Net exchange of energy through the Independent System Operator New England power markets.

The costs of power purchased under these contracts are accounted for as purchase power expenses in the statements of revenues, expenses, and changes in net position. The percentages of the Department’s total energy requirements were provided as follows:

	<u>2022</u>
McNeil Generating Station and Gas Turbine	34.0%
Winooski One	8.0%
New York Power Authority	5.0%
Wind Production	25.0%
Hydro-Quebec	15.0%
Great River Hydro	12.0%
In-City Solar	<u>1.0%</u>
Total	<u><u>100.0%</u></u>

Note the percentages are relative to the Department’s total sources rather than a percentage of requirements, and the Department sells RECs associated with much of the above generation and the above table should not be considered a representation of BED’s renewability. In fiscal year 2022, the sources of energy shown above exceed BED’s annual energy requirement.

C. Other Funds’ Commitments and Contingencies

Grant Programs

The City participates in a number of federally assisted grant programs. These programs are subject to program compliance audits by the grantors or their representatives. The audits of these programs for, or including, the year ended June 30, 2022 have not yet been conducted. Accordingly, the City’s compliance with grant application requirements will be established at some future date. The amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time, although the City expects such amounts, if any, to be immaterial.

D. General Commitments and Contingencies

The City has several claims for which the insurance carriers have issued a reservation of rights. The City is not able to assess the likelihood or the amount, if any, of an unfavorable outcome on these cases at this time.

Insurance Reserves

Starting fiscal year 2016, the City has a large-deductible workers' compensation plan with Travelers Indemnity Company and maintains a fund in its budget to cover claims as they occur up to the insurance limit. Prior to fiscal year 2016, the City was self-insured for workers' compensation. Hickok & Boardman, the City's insurance agent, provides the City with data estimating reserve development of prior year claims. The City's claim reserve estimates are not created by an external actuary but are heavily based in actuarial concepts. Travelers Indemnity Company acts as the third-party administrator to process, pay, and administer the claims after which they bill the City for reimbursement. The City has an irrevocable standby letter of credit with the Travelers Indemnity Company as beneficiary in the amount of \$1,800,000 to secure the payment of claims.

The City is self-insured for health insurance. This plan is administered by a third-party administrator that is responsible for approval, processing and payment of claims, after which they bill the City for reimbursement. The City has reinsurance for individual claims in excess of \$130,000 and for aggregate stop loss of 125% of projected claims.

The City also self-insures for dental insurance. This plan is administered by a third-party administrator that is responsible for approval, processing and payment of claims, after which they bill the City for reimbursement. Each covered employee is guaranteed \$1,500 of paid claims per year after which the employee must pick up any excess costs.

The costs associated with these self-insurance plans are budgeted in the General Fund and allocated to other funds based on the following:

<u>Type</u>	<u>Allocation Method</u>
Workers' Compensation	50% Experience and 50% Exposure
Health	Number of Employees and Levels of Coverage
Dental	Actual Claims and Administration Fees Paid

At June 30, 2022, the City has recorded an estimated liability of \$879,450 and \$11,744 in the General Fund, which represents the short-term payable for health and dental claims, respectively, as of June 30, 2022. A long-term reserve liability of \$298,632 is included for claims incurred but not reported on the governmental statement of net position mostly represents workers' compensation claims incurred on or before June 30, 2022, but not paid by the City as of that date.

Settled claims resulting from insured risks have not exceeded coverage in the past three fiscal years.

The City has elected to pay actual unemployment claims instead of enrolling in an unemployment insurance program. No liabilities have been accrued as the City is not able to make an estimate as to any future costs.

26. Net Position Restatement

The Burlington Electric Enterprise Fund implemented a change in accounting policy for the costs associated with Vermont RES compliance from an annual expense to an inventory basis resulting in beginning net position restatement of \$484,553.

27. Subsequent Events

Management has evaluated subsequent events through February 28, 2023, which is the date the Annual Comprehensive Financial Report was available to be issued.

On August 25, 2022, the City issued \$19,180,000 General Obligation Bond Public Improvement Bonds, Series 2022A maturing November 1, 2042 with an interest rate of 5%. On August 25, 2022, the City issued \$30,120,000 in General Obligation Downtown Tax Increment Bonds, Series 2022 maturing November 1, 2035 with an interest rate of 5.0%.

On September 15, 2022, the City issued \$3,000,000 Series 2022 General Obligation Bond Anticipation Note for the Electric Department, maturing September 15, 2023 with an interest rate of 2.79%

28. New Accounting Pronouncements

The Governmental Accounting Standards Board (GASB) has issued GASB Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements* (P3a and APAs), and GASB Statement No. 96, *Subscription-Based Information Technology Arrangements* (SBITAs), effective for the City beginning with its fiscal year ending June 30, 2023. These statements establish new reporting and disclosure requirements for P3s, APAs, and SBITAs. Management is currently evaluating the impact of implementing these statements.

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REQUIRED SUPPLEMENTARY INFORMATION

CITY OF BURLINGTON, VERMONT

GENERAL FUND
STATEMENT OF REVENUES AND OTHER SOURCES,
AND EXPENDITURES AND OTHER USES - BUDGET AND ACTUAL
REQUIRED SUPPLEMENTARY INFORMATION
(Unaudited)
FOR THE YEAR ENDED JUNE 30, 2022

	<u>Budgeted Amounts</u>		<u>Adjusted</u>	<u>Variance With</u>
	<u>Original</u>	<u>Final</u>	<u>Actual</u>	<u>Final Budget</u>
	<u>Budget</u>	<u>Budget</u>	<u>Amounts</u>	
Revenues and other sources:				
Taxes and special assessments	\$ 38,085,434	\$ 38,085,434	\$ 39,987,171	\$ 1,901,737
Local option sales tax	2,722,315	2,771,392	2,878,650	107,258
Payments in lieu of taxes	1,478,840	1,478,840	1,517,590	38,750
Licenses and permits	4,154,136	4,154,136	3,561,535	(592,601)
Intergovernmental	6,223,587	8,043,083	8,269,924	226,841
Charges for services	16,167,595	16,300,442	16,688,789	388,347
Investment income (loss)	414,118	414,118	(554,714)	(968,832)
Contributions and donations	760,200	776,569	851,455	74,886
Transfers in	4,756,905	6,048,705	5,436,615	(612,090)
Other	625,927	640,268	385,657	(254,611)
Bond premium	-	-	289,792	289,792
Use of fund balance	1,671,828	4,286,213	-	(4,286,213)
Total Revenues and Other Sources	77,060,885	82,999,200	79,312,464	(3,686,736)
Expenditures and other uses:				
Nondepartmental	3,848,959	3,874,069	3,249,882	624,187
City council	344,500	344,500	122,940	221,560
Regional services and programs	3,100,357	3,245,357	2,667,401	577,956
Mayor	477,435	477,435	437,093	40,342
Clerk treasurer	3,063,867	3,191,497	3,191,023	474
City attorney	1,201,997	1,201,997	1,184,106	17,891
Planning and zoning	888,275	888,275	465,485	422,790
City assessor	491,337	586,663	476,765	109,898
Human resources	1,071,841	1,071,841	932,111	139,730
REIB	1,700,445	1,831,474	1,882,860	(51,386)
Information technology	1,595,039	1,595,039	1,381,583	213,456
Fire	13,418,494	13,644,012	14,085,867	(441,855)
Police	16,190,400	16,436,157	15,231,784	1,204,373
Code enforcement	2,069,221	2,069,221	1,935,877	133,344
Public works	5,040,368	5,080,368	5,075,203	5,165
Library	2,362,495	2,475,520	2,427,207	48,313
Parks and recreation	8,260,422	8,372,206	7,751,851	620,355
Burlington city arts	2,689,407	2,710,407	2,657,685	52,722
Community and economic development	1,600,576	1,719,277	1,352,586	366,691
Debt service	6,182,301	7,420,182	7,332,880	87,302
Transfers	1,524,861	4,735,567	4,434,585	300,982
Total Expenditures and Other Uses	77,122,597	82,971,064	78,276,774	4,694,290
Excess (deficiency) of revenues and other sources over (under) expenditures and other uses	\$ (61,712)	\$ 28,136	\$ 1,035,690	\$ 1,007,554

See Independent Auditors' Report.

**CITY OF BURLINGTON, VERMONT
PENSION LIABILITY**

SCHEDULE OF PROPORTIONATE SHARE
OF THE NET PENSION LIABILITY (GASB 68)

REQUIRED SUPPLEMENTARY INFORMATION

(Unaudited)

Burlington Employees' Retirement System (BERS)						
<u>Fiscal Year</u>	<u>Measurement Date</u>	<u>Proportion of the Net Pension Liability</u>	<u>Proportionate Share of the Net Pension Liability</u>	<u>Covered Payroll</u>	<u>Proportionate Share of the Net Pension Liability as a Percentage of Covered Payroll</u>	<u>Plan Fiduciary Net Position Percentage of the Total Pension Liability</u>
June 30, 2022	June 30, 2021	100.00%	\$61,843,988	\$51,634,214	119.77%	80.10%
June 30, 2021	June 30, 2020	100.00%	\$98,583,037	\$50,603,498	194.81%	66.37%
June 30, 2020	June 30, 2019	100.00%	\$83,437,732	\$49,218,437	169.53%	70.00%
June 30, 2019	June 30, 2018	100.00%	\$75,685,982	\$49,012,028	154.42%	71.41%
June 30, 2018	June 30, 2017	100.00%	\$87,310,528	\$54,282,231	160.85%	66.77%
June 30, 2017	June 30, 2016	100.00%	\$89,153,906	\$48,107,717	185.32%	63.75%
June 30, 2016	June 30, 2015	100.00%	\$68,164,434	\$44,765,172	152.27%	70.35%
June 30, 2015	June 30, 2014	100.00%	\$53,829,773	\$45,788,172	117.56%	75.31%

Vermont State Teachers' Retirement System (VSTRS)							
		Proportion of the	Proportionate	State of Vermont's			
		Net Pension	Share of the	Total Proportionate			
Fiscal	Measurement		Net Pension	Share of the		Proportionate Share of the	Plan Fiduciary Net Position
Year	Date	Liability	Liability	Net Pension Liability	Covered	Net Pension Liability as a	Percentage of the Total
				Associated with BSD	Payroll	Percentage of Covered Payroll	Pension Liability
June 30, 2022	June 30, 2021	4.71%	-	\$79,841,269	\$37,335,924	-	58.83%
June 30, 2021	June 30, 2020	4.61%	-	\$89,906,447	\$32,780,844	-	50.00%
June 30, 2020	June 30, 2019	4.59%	-	\$71,563,284	\$31,498,868	-	54.96%
June 30, 2019	June 30, 2018	4.49%	-	\$67,882,065	\$30,377,299	-	51.84%
June 30, 2018	June 30, 2017	4.55%	-	\$67,400,147	\$30,079,258	-	53.98%
June 30, 2017	June 30, 2016	4.66%	-	\$60,991,444	\$30,171,373	-	55.31%
June 30, 2016	June 30, 2015	4.80%	-	\$56,961,562	\$26,774,383	-	58.22%
June 30, 2015	June 30, 2014	4.94%	-	\$47,328,006	\$27,991,613	-	64.02%
June 30, 2014	June 30, 2013	4.87%	-	\$49,254,692	\$29,978,065	-	60.59%

Schedules are intended to show information for 10 years. Additional years will be displayed as they become available.

See notes to financial statements for summary of significant actuarial methods and assumptions.

See Independent Auditors' Report.

**CITY OF BURLINGTON, VERMONT
EMPLOYEES' RETIREMENT SYSTEM**

SCHEDULE OF PENSION CONTRIBUTIONS (GASB 68)

REQUIRED SUPPLEMENTARY INFORMATION

(Unaudited)

<u>Fiscal Year</u>	<u>Actuarially Determined Employer Contribution</u>	<u>Contributions in Relation to the Actuarially Determined Required Contribution</u>	<u>Contribution Deficiency (Excess)</u>	<u>Covered Payroll</u>	<u>Contributions as a Percentage of Covered Payroll</u>
June 30, 2022	\$ 10,821,716	\$ 10,821,716	\$ -	\$ 53,183,240	20.35%
June 30, 2021	\$ 10,236,862	\$ 10,236,862	\$ -	\$ 51,634,214	19.83%
June 30, 2020	\$ 9,715,893	\$ 9,715,893	\$ -	\$ 50,603,498	19.20%
June 30, 2019	\$ 9,516,913	\$ 9,516,913	\$ -	\$ 49,218,437	19.34%
June 30, 2018	\$ 9,172,822	\$ 9,172,822	\$ -	\$ 49,012,028	18.72%
June 30, 2017	\$ 9,219,098	\$ 9,219,098	\$ -	\$ 45,650,372	20.20%
June 30, 2016	\$ 9,149,159	\$ 9,149,159	\$ -	\$ 48,107,717	19.02%
June 30, 2015	\$ 8,840,768	\$ 8,840,768	\$ -	\$ 44,765,172	19.75%

Schedules are intended to show information for 10 years. Additional years will be displayed as they become available.

See notes to financial statements for summary of significant actuarial methods and assumptions.

See Independent Auditors' Report.

CITY OF BURLINGTON, VERMONT
PENSION LIABILITY
SCHEDULE OF CHANGES IN THE
EMPLOYERS' NET PENSION LIABILITY (GASB 67)
REQUIRED SUPPLEMENTARY INFORMATION
(Unaudited)

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Total Pension Liability									
Service cost	\$ 6,876,288	\$ 6,708,721	\$ 6,513,321	\$ 6,374,840	\$ 6,670,325	\$ 5,939,730	\$ 5,327,448	\$ 5,915,439	\$ 5,314,021
Interest	22,138,395	21,120,066	20,412,921	19,718,409	19,961,295	19,571,180	18,268,523	17,419,148	16,598,877
Changes of benefit terms	-	3,851,405	-	-	(138,534)	-	(414,295)	(3,167,853)	-
Differences between expected and actual experience	427,899	3,263,952	1,826,152	-	(1,453,843)	(4,272,574)	6,852,487	4,312,195	-
Changes of assumptions	3,731,943	2,243,904	2,153,694	-	(7,508,856)	10,370,856	-	-	-
Benefit payments, including refunds of member contributions	(20,614,115)	(18,411,850)	(17,338,220)	(16,617,928)	(15,616,191)	(14,770,644)	(13,971,175)	(12,602,652)	(11,932,108)
Net change in total pension liability	12,560,410	18,776,198	13,567,868	9,475,321	1,914,196	16,838,548	16,062,988	11,876,277	9,980,790
Total pension liability - beginning	<u>306,515,410</u>	<u>287,739,212</u>	<u>274,171,344</u>	<u>264,696,023</u>	<u>262,781,827</u>	<u>245,943,279</u>	<u>229,880,291</u>	<u>218,004,014</u>	<u>208,023,224</u>
Total pension liability - ending (a)	319,075,820	306,515,410	287,739,212	274,171,344	264,696,023	262,781,827	245,943,279	229,880,291	218,004,014
Plan Fiduciary Net Position									
Contributions - employer	10,821,716	10,236,862	9,715,892	9,543,529	9,172,822	9,219,098	9,149,159	8,840,768	8,920,879
Contributions - member	3,957,281	3,522,346	3,458,775	3,604,228	3,624,939	2,712,823	2,304,971	2,167,652	2,148,842
Net investment income (loss)	(32,688,208)	59,811,879	4,500,108	9,561,727	16,762,760	21,882,460	(2,088,531)	(557,357)	19,625,825
Benefit payments, including refunds of member contributions	(20,615,115)	(18,411,850)	(17,338,220)	(16,617,928)	(15,616,191)	(14,770,644)	(13,971,175)	(12,602,652)	(11,932,108)
Administrative expense	(935,694)	(762,205)	(411,925)	(338,039)	(385,309)	(361,811)	(320,908)	(306,795)	(253,796)
Other	(50,100)	(50,100)	(50,100)	(50,100)	(20,278)	-	-	-	5,927
Net change in plan fiduciary net position	(39,510,120)	54,346,932	(125,470)	5,703,417	13,538,743	18,681,926	(4,926,484)	(2,458,384)	18,515,569
Plan fiduciary net position - beginning	<u>248,934,921</u>	<u>194,587,989</u>	<u>194,713,459</u>	<u>189,010,042</u>	<u>175,471,299</u>	<u>156,789,373</u>	<u>161,715,857</u>	<u>164,174,241</u>	<u>145,658,672</u>
Plan fiduciary net position - ending (b)	<u>209,424,801</u>	<u>248,934,921</u>	<u>194,587,989</u>	<u>194,713,459</u>	<u>189,010,042</u>	<u>175,471,299</u>	<u>156,789,373</u>	<u>161,715,857</u>	<u>164,174,241</u>
Net pension liability - ending (a-b)	<u>\$ 109,651,019</u>	<u>\$ 57,580,489</u>	<u>\$ 93,151,223</u>	<u>\$ 79,457,885</u>	<u>\$ 75,685,981</u>	<u>\$ 87,310,528</u>	<u>\$ 89,153,906</u>	<u>\$ 68,164,434</u>	<u>\$ 53,829,773</u>

Schedule of Investment Returns

Annual money weighted rate of return, net of investment expense	-13.20%	31.10%	5.25%	5.20%	9.80%	10.25%	-1.30%	-0.15%	13.62%
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*Schedules are intended to show information for 10 years.
Additional years will be displayed as they become available.*

See notes to financial statements for summary of significant actuarial methods and assumptions.

See Independent Auditors' Report.

**CITY OF BURLINGTON, VERMONT
REQUIRED SUPPLEMENTARY INFORMATION
OTHER POST-EMPLOYMENT BENEFITS (OPEB)**

Schedules of Changes in the Total OPEB Liability and Contributions (GASB 75)

(Unaudited)

Changes in Total OPEB Liability

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Total OPEB liability					
Service cost	\$ 446,755	\$ 422,580	\$ 239,652	\$ 213,616	\$ 216,056
Interest	160,062	155,461	191,430	200,377	179,050
Differences between expected and actual experience	(1,243,743)	(324,780)	(463,076)	(227,919)	163,021
Changes of assumptions	(912,019)	45,326	1,524,927	207,752	(162,358)
Benefit payments, including refunds of member contributions	<u>50,602</u>	<u>55,496</u>	<u>(243,673)</u>	<u>(45,401)</u>	<u>(385,708)</u>
Net change in total OPEB liability	(1,498,343)	354,083	1,249,260	348,425	10,061
Total OPEB liability - beginning	<u>6,938,319</u>	<u>6,584,236</u>	<u>5,334,976</u>	<u>4,986,551</u>	<u>4,976,490</u>
Total OPEB liability - ending	<u>\$ 5,439,976</u>	<u>\$ 6,938,319</u>	<u>\$ 6,584,236</u>	<u>\$ 5,334,976</u>	<u>\$ 4,986,551</u>
Covered employee payroll	\$ 41,430,355	\$ 42,461,912	\$ 41,385,879	\$ 40,224,487	\$ 39,205,153
Total OPEB liability as a percentage of covered employee payroll	13.13%	16.34%	15.91%	13.26%	12.72%

There are no assets accumulated in a trust that meets the criteria of GASB codification P52.101 to pay related benefits for the OPEB plan.

Schedule is intended to show information for 10 years. Additional years will be displayed as they become available.

See notes to the City's financial statements for summary of significant actuarial methods and assumptions.

See Independent Auditors' Report.

**CITY OF BURLINGTON, VERMONT
BURLINGTON SCHOOL DISTRICT
REQUIRED SUPPLEMENTARY INFORMATION
OTHER POST-EMPLOYMENT BENEFITS (OPEB)**

Schedules of Changes in the Total OPEB Liability and Contributions (GASB 75)

(Unaudited)

Changes in Total OPEB Liability

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Total OPEB liability				
Service cost	\$ 627,827	\$ 564,340	\$ 352,070	\$ 315,649
Interest on unfunded liability - time value of money	156,245	165,143	217,893	213,029
Changes of benefit terms			-	-
Differences between expected and actual experience	(245,161)	125,483	(77,737)	112,870
Changes of assumptions	(549,939)	178,792	(547,751)	164,085
Benefit payments	<u>(200,786)</u>	<u>(141,645)</u>	<u>(170,085)</u>	<u>(108,152)</u>
Net change in total OPEB liability	(211,814)	892,113	(225,610)	697,481
Total OPEB liability - beginning	<u>6,606,515</u>	<u>5,714,402</u>	<u>5,940,012</u>	<u>5,242,531</u>
Total OPEB liability - ending	<u>\$ 6,394,701</u>	<u>\$ 6,606,515</u>	<u>\$ 5,714,402</u>	<u>\$ 5,940,012</u>
Covered employee payroll	\$ 37,376,385	\$ 37,609,262	\$ 38,782,212	\$ 33,983,834
Total OPEB liability as a percentage of covered employee payroll	17.1%	17.6%	14.7%	17.5%

There are no assets accumulated in a trust that meets the criteria of GASB codification P22.101 to pay related benefits for the OPEB plan.

Schedule is intended to show information for 10 years. Additional years will be displayed as they become available.

See notes to the City's financial statements for summary of significant actuarial methods and assumptions.

See Independent Auditors' Report.

**SUPPLEMENTARY STATEMENTS
AND SCHEDULES**

Combining Financial Statements

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

Special revenue funds are established to account for resources obtained and expended for specific purposes and restricted by law or local action.

- Traffic: The Traffic Division provides planning, engineering, operations, and maintenance of the traffic signs, markings, and signals that allow the transportation system to operate safely and efficiently for all modes of travel.
- Parking Facilities: The Parking Facilities fund is used to account for the Marketplace parking garage, College Street garage, and various public parking spaces.
- Community and Economic Development: The Community and Economic Development Office (CEDO) works with the community to foster economic vitality, preserve and enhance neighborhoods, improve the quality of life and the environment, and promote equity and opportunity for all residents of Burlington.
- Church Street Marketplace: Church Street Marketplace manages the public right of way for a four-block pedestrian mall and business improvement district. This includes maintenance, marketing and administrative services.
- ARPA: The ARPA fund is used to account for activities reimbursed through federal grants under the ARPA program.
- Impact Fees: Impact fees are assessed against new development to help offset the costs of new infrastructure required by the City's growth. These funds are restricted for the use of capital improvement projects.
- Community Development Corporation (BCDC): The organization's primary purpose is to carry out the industrial and economic development within the City. As such, the purposes of the Corporation include fostering, encouraging and assisting the physical location of business enterprises in the Greater Burlington area and otherwise fulfilling the purposes of a "local development corporation".
- Telecom Sales Proceeds: The fund is used for holding proceeds of the sale for future City programs.

PERMANENT FUNDS

Permanent funds are established to account for certain assets held by the City in a fiduciary capacity as trustee.

- Cemetery: This fund is used to account for the sale of endowments and interest for maintenance of cemetery.
- Gift fund: This fund is used to account for a bequest by Horatio G. Loomis in 1902 and interest to be used by the Fletcher Free Library; a bequest from L. Deming in 1972 for use by the parks department for the removal and planting of trees; a bequest of M. Waddell in 1988 to be used for planting flowers in public flower beds; and contributions by the Norman Knight Charitable Foundation to assist the police department with DARE Program.

DEBT SERVICE FUNDS

Debt service funds are established to account for tax increment revenues covering debt service expenditures for districts established under 24 V.S.A.

- Tax Increment Financing - Waterfront: The Waterfront TIF Fund is utilized for enhancing public infrastructure and making the waterfront area more accessible and vibrant.
- Tax Increment Financing - Downtown: The Downtown TIF Fund is utilized for enhancing public infrastructure in the Downtown District, including structured parking, utility upgrades and renovations, and streetscape improvements.

CITY OF BURLINGTON, VERMONT

Combining Balance Sheet

Nonmajor Governmental Funds

June 30, 2022

	Special Revenue Funds				
	<u>Traffic</u>	<u>Parking Facilities</u>	<u>Community and Economic Development</u>	<u>Church Street Marketplace</u>	<u>ARPA</u>
ASSETS					
Cash and short-term investments	\$ 345,249	\$ -	\$ 1,611,920	\$ -	\$ 11,630,378
Investments	-	-	-	-	-
Receivables, net of allowance:					
Departmental and other	1,169	-	-	75,136	-
Intergovernmental	-	-	465,590	-	-
Loans	-	-	4,109,720	-	-
Accrued interest	-	-	1,288,636	-	-
Prepaid expenditures	-	545	-	-	-
Inventory	351,395	-	-	-	-
Total Assets	<u>\$ 697,813</u>	<u>\$ 545</u>	<u>\$ 7,475,866</u>	<u>\$ 75,136</u>	<u>\$ 11,630,378</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES					
Liabilities:					
Accounts payable	\$ 68,004	\$ 111,355	\$ 112,852	\$ 4,817	\$ 172,020
Accrued liabilities	5,820	16,501	23,962	3,160	10,112
Unearned revenue	-	-	14,781	89,971	11,447,848
Due to other funds	-	2,239,706	-	46,881	-
Other liabilities	-	-	-	-	-
Total Liabilities	73,824	2,367,562	151,595	144,829	11,629,980
Deferred Inflows of Resources:					
Unavailable revenues	1,485	24,384	5,591,554	-	-
Fund Balances:					
Nonspendable	351,395	545	-	-	-
Restricted	-	-	1,732,717	-	398
Committed	271,109	-	-	-	-
Unassigned	-	(2,391,946)	-	(69,693)	-
Total Fund Balances	<u>622,504</u>	<u>(2,391,401)</u>	<u>1,732,717</u>	<u>(69,693)</u>	<u>398</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 697,813</u>	<u>\$ 545</u>	<u>\$ 7,475,866</u>	<u>\$ 75,136</u>	<u>\$ 11,630,378</u>

(continued)

CITY OF BURLINGTON, VERMONT

Combining Balance Sheet

Nonmajor Governmental Funds

June 30, 2022

(continued)

	Special Revenue Funds			<u>Subtotals</u>
	<u>Impact Fees</u>	<u>Community Development Corporation</u>	<u>Telecom Sales Proceeds</u>	
ASSETS				
Cash and short-term investments	\$ 1,118,879	\$ -	\$ 893,629	\$ 15,600,055
Investments	-	-	-	-
Receivables, net of allowance:				
Departmental and other	-	-	-	76,305
Intergovernmental	-	-	-	465,590
Loans	-	701,650	-	4,811,370
Accrued interest	-	-	-	1,288,636
Prepaid expenditures	-	-	-	545
Inventory	-	-	-	351,395
Total Assets	<u>\$ 1,118,879</u>	<u>\$ 701,650</u>	<u>\$ 893,629</u>	<u>\$ 22,593,896</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ -	\$ -	\$ -	\$ 469,048
Accrued liabilities	-	-	-	59,555
Unearned revenue	-	-	-	11,552,600
Due to other funds	-	1,537,296	-	3,823,883
Other liabilities	<u>4,077</u>	<u>-</u>	<u>-</u>	<u>4,077</u>
Total Liabilities	4,077	1,537,296	-	15,909,163
Deferred Inflows of Resources:				
Unavailable revenues	-	701,650	-	6,319,073
Fund Balances:				
Nonspendable	-	-	-	351,940
Restricted	1,114,802	-	-	2,847,917
Committed	-	-	893,629	1,164,738
Unassigned	<u>-</u>	<u>(1,537,296)</u>	<u>-</u>	<u>(3,998,935)</u>
Total Fund Balances	<u>1,114,802</u>	<u>(1,537,296)</u>	<u>893,629</u>	<u>365,660</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 1,118,879</u>	<u>\$ 701,650</u>	<u>\$ 893,629</u>	<u>\$ 22,593,896</u>

(continued)

CITY OF BURLINGTON, VERMONT

Combining Balance Sheet

Nonmajor Governmental Funds

June 30, 2022

(continued)

	Permanent Funds			Debt Service Funds			Nonmajor Governmental Funds
	<u>Cemetery</u>	<u>Gift Fund</u>	<u>Subtotals</u>	<u>TIF Waterfront</u>	<u>TIF Downtown</u>	<u>Subtotals</u>	
ASSETS							
Cash and short-term investments	\$ 287,349	\$ 38,480	\$ 325,829	\$ 2,412,262	\$ 4,294,939	\$ 6,707,201	\$ 22,633,085
Investments	951,588	-	951,588	-	-	-	951,588
Receivables, net of allowance:							
Departmental and other	-	-	-	-	-	-	76,305
Intergovernmental	-	-	-	-	-	-	465,590
Loans	-	-	-	-	-	-	4,811,370
Accrued interest	-	-	-	-	-	-	1,288,636
Prepaid expenditures	-	-	-	-	-	-	545
Inventory	-	-	-	-	-	-	351,395
Total Assets	<u>\$ 1,238,937</u>	<u>\$ 38,480</u>	<u>\$ 1,277,417</u>	<u>\$ 2,412,262</u>	<u>\$ 4,294,939</u>	<u>\$ 6,707,201</u>	<u>\$ 30,578,514</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES							
Liabilities:							
Accounts payable	\$ -	\$ -	\$ -	\$ 3,538	\$ 5,863	\$ 9,401	\$ 478,449
Accrued liabilities	-	-	-	-	-	-	59,555
Unearned revenue	-	-	-	-	-	-	11,552,600
Due to other funds	-	-	-	-	-	-	3,823,883
Other liabilities	-	-	-	-	-	-	4,077
Total Liabilities	-	-	-	3,538	5,863	9,401	15,918,564
Deferred Inflows of Resources:							
Unavailable revenues	-	-	-	-	-	-	6,319,073
Fund Balances:							
Nonspendable	1,200,000	3,486	1,203,486	-	-	-	1,555,426
Restricted	38,937	34,994	73,931	2,408,724	4,289,076	6,697,800	9,619,648
Committed	-	-	-	-	-	-	1,164,738
Unassigned	-	-	-	-	-	-	(3,998,935)
Total Fund Balances	<u>1,238,937</u>	<u>38,480</u>	<u>1,277,417</u>	<u>2,408,724</u>	<u>4,289,076</u>	<u>6,697,800</u>	<u>8,340,877</u>
Total Liabilities, Deferred Inflows of Resources and Fund Balances	<u>\$ 1,238,937</u>	<u>\$ 38,480</u>	<u>\$ 1,277,417</u>	<u>\$ 2,412,262</u>	<u>\$ 4,294,939</u>	<u>\$ 6,707,201</u>	<u>\$ 30,578,514</u>

See Independent Auditor's Report.

CITY OF BURLINGTON, VERMONT

Combining Statement of Revenues, Expenditures
and Changes in Fund Balances

Nonmajor Governmental Funds

For the Year Ended June 30, 2022

	Special Revenue Funds				
	<u>Traffic</u>	<u>Parking Facilities</u>	<u>Community and Economic Development</u>	<u>Church Street Marketplace</u>	<u>ARPA</u>
Revenues:					
Taxes	\$ -	\$ 152,541	\$ 216,459	\$ -	\$ -
Licenses and permits	-	-	-	123,775	-
Intergovernmental	-	1,000,000	3,877,247	-	3,055,163
Charges for services	1,908,829	1,905,642	25,290	680,869	-
Contributions	-	-	1,935	42,500	-
Investment income (loss)	2,216	-	637	16	-
Loan repayments	-	-	171,851	-	-
Other	2,016	2,572	20,636	-	-
Total Revenues	1,913,061	3,060,755	4,314,055	847,160	3,055,163
Expenditures:					
Current:					
General government	-	-	-	-	2,842,920
Public works	1,954,650	1,875,367	-	-	-
Community development	-	-	4,451,642	740,208	-
Capital outlay	37,831	78,103	-	-	211,845
Debt service:					
Principal	-	75,215	-	-	-
Interest and bond issue costs	435	10,746	-	1,553	-
Total Expenditures	1,992,916	2,039,431	4,451,642	741,761	3,054,765
Excess (deficiency) of revenues over (under) expenditures	(79,855)	1,021,324	(137,587)	105,399	398
Other Financing Sources (Uses):					
Transfers in	-	-	754,709	21,000	-
Transfers out	-	(64,400)	(2,045,522)	-	-
Total Other Financing Sources (Uses)	-	(64,400)	(1,290,813)	21,000	-
Net change in fund balances	(79,855)	956,924	(1,428,400)	126,399	398
Fund Balances, beginning of year	702,359	(3,348,325)	3,161,117	(196,092)	-
Fund Balances, end of year	\$ 622,504	\$ (2,391,401)	\$ 1,732,717	\$ (69,693)	\$ 398

(continued)

CITY OF BURLINGTON, VERMONT

Combining Statement of Revenues, Expenditures
and Changes in Fund Balances

Nonmajor Governmental Funds

For the Year Ended June 30, 2022

(continued)

	Special Revenue Funds			<u>Subtotals</u>
	<u>Impact Fees</u>	<u>Community Development Corporation</u>	<u>Telecom Sale Proceeds</u>	
Revenues:				
Taxes	\$ -	\$ -	\$ -	\$ 369,000
Licenses and permits	-	-	-	123,775
Intergovernmental	-	-	-	7,932,410
Charges for services	13,993	364,000	-	4,898,623
Contributions	-	-	-	44,435
Investment income (loss)	3,414	-	-	6,283
Loan repayments	-	-	-	171,851
Other	-	129,518	-	154,742
Total Revenues	17,407	493,518	-	13,701,119
Expenditures:				
Current:				
General government	-	-	-	2,842,920
Public works	-	-	-	3,830,017
Community development	-	64,220	-	5,256,070
Capital outlay	-	-	-	327,779
Debt service:				
Principal	-	182,299	-	257,514
Interest and bond issue costs	-	37,047	-	49,781
Total Expenditures	-	283,566	-	12,564,081
Excess (deficiency) of revenues over (under) expenditures	17,407	209,952	-	1,137,038
Other Financing Sources (Uses):				
Transfers in	-	-	-	775,709
Transfers out	(421,815)	-	-	(2,531,737)
Total Other Financing Sources (Uses)	(421,815)	-	-	(1,756,028)
Net change in fund balances	(404,408)	209,952	-	(618,990)
Fund Balances, beginning of year	1,519,210	(1,747,248)	893,629	984,650
Fund Balances, end of year	\$ 1,114,802	\$ (1,537,296)	\$ 893,629	\$ 365,660

(continued)

CITY OF BURLINGTON, VERMONT

Combining Statement of Revenues, Expenditures
and Changes in Fund Balances

Nonmajor Governmental Funds

For the Year Ended June 30, 2022

(continued)

	Permanent Funds			Debt Service Funds			Nonmajor Governmental Funds
	<u>Cemetery</u>	<u>Gift Fund</u>	<u>Subtotals</u>	<u>TIF Waterfront</u>	<u>TIF Downtown</u>	<u>Subtotals</u>	
Revenues:							
Taxes	\$ -	\$ -	\$ -	\$ 2,191,205	\$ 2,078,963	\$ 4,270,168	\$ 4,639,168
Licenses and permits	-	-	-	-	-	-	123,775
Intergovernmental	-	-	-	-	-	-	7,932,410
Charges for services	-	-	-	-	-	-	4,898,623
Contributions	-	-	-	-	260,000	260,000	304,435
Investment income (loss)	(59,074)	28	(59,046)	-	-	-	(52,763)
Loan repayments	-	-	-	-	-	-	171,851
Other	<u>2,950</u>	<u>-</u>	<u>2,950</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>157,692</u>
Total Revenues	(56,124)	28	(56,096)	2,191,205	2,338,963	4,530,168	18,175,191
Expenditures:							
Current:							
General government	-	-	-	64,707	62,275	126,982	2,969,902
Public works	-	-	-	-	-	-	3,830,017
Community development	-	-	-	-	-	-	5,256,070
Capital outlay	-	-	-	-	-	-	327,779
Debt service:							
Principal	-	-	-	1,786,636	210,000	1,996,636	2,254,150
Interest and bond issue costs	<u>-</u>	<u>-</u>	<u>-</u>	<u>339,948</u>	<u>210,650</u>	<u>550,598</u>	<u>600,379</u>
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,191,291</u>	<u>482,925</u>	<u>2,674,216</u>	<u>15,238,297</u>
Excess (deficiency) of revenues over (under) expenditures	(56,124)	28	(56,096)	(86)	1,856,038	1,855,952	2,936,894
Other Financing Sources (Uses):							
Transfers in	-	-	-	-	-	-	775,709
Transfers out	<u>(23,811)</u>	<u>-</u>	<u>(23,811)</u>	<u>(51,079)</u>	<u>(91,807)</u>	<u>(142,886)</u>	<u>(2,698,434)</u>
Total Other Financing Sources (Uses)	<u>(23,811)</u>	<u>-</u>	<u>(23,811)</u>	<u>(51,079)</u>	<u>(91,807)</u>	<u>(142,886)</u>	<u>(1,922,725)</u>
Net change in fund balances	(79,935)	28	(79,907)	(51,165)	1,764,231	1,713,066	1,014,169
Fund Balances, beginning of year	<u>1,318,872</u>	<u>38,452</u>	<u>1,357,324</u>	<u>2,459,889</u>	<u>2,524,845</u>	<u>4,984,734</u>	<u>7,326,708</u>
Fund Balances, end of year	<u>\$ 1,238,937</u>	<u>\$ 38,480</u>	<u>\$ 1,277,417</u>	<u>\$ 2,408,724</u>	<u>\$ 4,289,076</u>	<u>\$ 6,697,800</u>	<u>\$ 8,340,877</u>

See Independent Auditor's Report.

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NONMAJOR PROPRIETARY (ENTERPRISE) FUNDS

Enterprise funds are established to account for activities that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the activity be self-supporting based on user charges.

- Water: Delivery of potable water to residents of Burlington and wholesale to the Colchester Fire District.
- Stormwater: Stormwater addresses state and federal stormwater requirements to improve the water quality of Lake Champlain and the Winooski Rivers, as well as the streams that flow into them.

CITY OF BURLINGTON, VERMONT

Nonmajor Proprietary Funds

Combining Statement of Net Position

June 30, 2022

	<u>Water</u>	<u>Stormwater</u>	<u>Total</u>
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES			
Assets:			
Current:			
Cash and cash equivalents	\$ 5,891,397	\$ 2,500,643	\$ 8,392,040
Escrows	64,722	-	64,722
Receivables, net of allowance for uncollectibles:			
User fees	1,558,510	332,050	1,890,560
Intergovernmental	88,986	235,859	324,845
Inventory	377,984	-	377,984
Prepaid expenses	<u>3,892</u>	<u>122</u>	<u>4,014</u>
Total current assets	7,985,491	3,068,674	11,054,165
Noncurrent:			
Restricted cash	906,473	-	906,473
Capital assets:			
Land and construction in progress	1,122,345	1,308,505	2,430,850
Capital assets, net of accumulated depreciation	<u>15,979,210</u>	<u>2,180,150</u>	<u>18,159,360</u>
Total noncurrent assets	<u>18,008,028</u>	<u>3,488,655</u>	<u>21,496,683</u>
TOTAL ASSETS	25,993,519	6,557,329	32,550,848
Deferred Outflows of Resources:			
Pension related	330,307	-	330,307
OPEB related	<u>82,055</u>	<u>-</u>	<u>82,055</u>
TOTAL DEFERRED OUTFLOWS OF RESOURCES	<u>412,362</u>	<u>-</u>	<u>412,362</u>
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	<u>\$ 26,405,881</u>	<u>\$ 6,557,329</u>	<u>\$ 32,963,210</u>

(continued)

CITY OF BURLINGTON, VERMONT

Nonmajor Proprietary Funds

Combining Statement of Net Position

June 30, 2022

(continued)

	<u>Water</u>	<u>Stormwater</u>	<u>Total</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION			
Liabilities:			
Current:			
Accounts payable	\$ 542,134	\$ 294,149	\$ 836,283
Accrued liabilities	24,725	9,008	33,733
Note payable	211,905	1,302,601	1,514,506
Other liabilities	39,719	-	39,719
Current portion of long-term liabilities:			
Bonds and loans payable	323,966	22,669	346,635
Equipment notes payable	119,003	-	119,003
Compensated absences liability	234,184	-	234,184
Total current liabilities	1,495,636	1,628,427	3,124,063
Noncurrent:			
Bonds and loans payable	6,927,232	253,188	7,180,420
Equipment notes payable	359,527	-	359,527
Net pension liability	861,933	-	861,933
Total OPEB liability	132,284	-	132,284
Total noncurrent liabilities	8,280,976	253,188	8,534,164
TOTAL LIABILITIES	9,776,612	1,881,615	11,658,227
Deferred Inflows of Resources:			
Pension related	424,721	-	424,721
OPEB related	58,632	-	58,632
TOTAL DEFERRED INFLOWS OF RESOURCES	483,353	-	483,353
NET POSITION			
Net investment in capital assets	9,224,644	2,977,440	12,202,084
Restricted for:			
Debt service/renewal and replacements	906,473	-	906,473
Unrestricted	6,014,799	1,698,274	7,713,073
TOTAL NET POSITION	16,145,916	4,675,714	20,821,630
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION	\$ 26,405,881	\$ 6,557,329	\$ 32,963,210

CITY OF BURLINGTON, VERMONT

Nonmajor Proprietary Funds

Combining Statement of Revenues, Expenses and Changes in Net Position

For the Year Ended June 30, 2022

	<u>Water</u>	<u>Stormwater</u>	<u>Total</u>
Operating Revenues:			
Charges for services	\$ 6,860,370	\$ 1,736,917	\$ 8,597,287
Miscellaneous	<u>956,659</u>	<u>-</u>	<u>956,659</u>
Total Operating Revenues	7,817,029	1,736,917	9,553,946
Operating Expenses:			
Personnel	3,410,567	162,767	3,573,334
Nonpersonnel	2,635,999	1,016,264	3,652,263
Depreciation	<u>885,157</u>	<u>103,199</u>	<u>988,356</u>
Total Operating Expenses	<u>6,931,723</u>	<u>1,282,230</u>	<u>8,213,953</u>
Operating Income	885,306	454,687	1,339,993
Nonoperating Revenues (Expenses):			
Intergovernmental revenue	788,190	550,973	1,339,163
Investment income (loss)	(8,603)	18	(8,585)
Interest expense	(330,209)	(10,497)	(340,706)
Other income	47,986	83	48,069
Loss on disposal of capital assets	<u>(181)</u>	<u>-</u>	<u>(181)</u>
Total Nonoperating Revenues (Expenses), net	<u>497,183</u>	<u>540,577</u>	<u>1,037,760</u>
Income Before Transfers	1,382,489	995,264	2,377,753
Transfers in	-	50,702	50,702
Transfers out	<u>(358,759)</u>	<u>(24,586)</u>	<u>(383,345)</u>
Change in Net Position	1,023,730	1,021,380	2,045,110
Net Position at Beginning of Year	<u>15,122,186</u>	<u>3,654,334</u>	<u>18,776,520</u>
Net Position at End of Year	<u>\$ 16,145,916</u>	<u>\$ 4,675,714</u>	<u>\$ 20,821,630</u>

See Independent Auditor's Report.

CITY OF BURLINGTON, VERMONT

Nonmajor Proprietary Funds

Combining Statement of Cash Flows

For the Year Ended June 30, 2022

	<u>Water</u>	<u>Stormwater</u>	<u>Total</u>
Cash Flows From Operating Activities:			
Receipts from customers and users	\$ 7,732,002	\$ 1,737,823	\$ 9,469,825
Payments to suppliers	(2,475,533)	(920,525)	(3,396,058)
Payments for wages and benefits	(3,351,050)	(162,767)	(3,513,817)
Other receipts	<u>1,731</u>	<u>-</u>	<u>1,731</u>
Net Cash Provided by Operating Activities	1,907,150	654,531	2,561,681
Cash Flows From Noncapital Financing Activities:			
Payment in lieu of taxes	(481,934)	(24,586)	(506,520)
Transfers in	<u>123,175</u>	<u>50,702</u>	<u>173,877</u>
Net Cash Proved by (Used for) Noncapital Financing Activities	(358,759)	26,116	(332,643)
Cash Flows From Capital and Related Financing Activities:			
Acquisition and construction of capital assets	(1,049,905)	(894,655)	(1,944,560)
Intergovernmental revenues	788,190	550,973	1,339,163
Drawdown on notes and loans	82,698	-	82,698
Repayment of notes and loans	-	(41,845)	(41,845)
Principal paid on:			
Bonds and loans	(267,663)	(22,310)	(289,973)
Notes	(116,979)	-	(116,979)
Interest paid on outstanding debt, including issue costs	<u>(330,207)</u>	<u>(10,497)</u>	<u>(340,704)</u>
Net Cash Provided Used for Capital and Related Financing Activities	(893,866)	(418,334)	(1,312,200)
Cash Flows From Investing Activities:			
Purchase of investments	<u>(8,603)</u>	<u>-</u>	<u>(8,603)</u>
Net Increase in Cash	645,922	262,313	908,235
Cash and short term investments at beginning of year	<u>6,151,948</u>	<u>2,238,330</u>	<u>8,390,278</u>
Cash and short term investments at end of year	<u>\$ 6,797,870</u>	<u>\$ 2,500,643</u>	<u>\$ 9,298,513</u>

(continued)

CITY OF BURLINGTON, VERMONT
Nonmajor Proprietary Funds
Combining Statement of Cash Flows
For the Year Ended June 30, 2022

(continued)

	<u>Water</u>	<u>Stormwater</u>	<u>Total</u>
Adjustments to Reconcile Operating Income to Net Cash			
Provided by Operating Activities:			
Operating income	\$ 885,306	\$ 454,687	\$ 1,339,993
Depreciation and amortization	885,157	103,199	988,356
Other receipts	1,731	-	1,731
Changes in assets, liabilities, and deferred outflows/inflows:			
(Increase)/decrease in receivables	(94,488)	1,046	(93,442)
(Increase)/decrease in inventory	(72,142)	-	(72,142)
(Increase)/decrease in prepaids	(2,752)	(122)	(2,874)
(Increase)/decrease in deferred outflows	229,762	-	229,762
Increase/(decrease) in accounts payable	235,361	95,861	331,222
Increase/(decrease) in accrued liabilities	(52,226)	(140)	(52,366)
Increase/(decrease) in net pension liability	(517,626)	-	(517,626)
Increase/(decrease) in total OPEB liability	(3,386)	-	(3,386)
Increase/(decrease) in compensated absences	27,239	-	27,239
Increase/(decrease) in other operating assets/liabilities	9,461	-	9,461
Increase/(decrease) in deferred inflows	375,753	-	375,753
Net Cash Provided by Operating Activities	\$ <u>1,907,150</u>	\$ <u>654,531</u>	\$ <u>2,561,681</u>

See Independent Auditors' Report.

STATISTICAL SECTION



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CITY OF BURLINGTON, VERMONT

STATISTICAL SECTION

The City of Burlington's Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

	<u>Page</u>
<i>Financial Trends</i>	
These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.	150 - 154
<i>Revenue Capacity</i>	
These schedules contain information to help the reader assess the City's most significant local revenue source, the property tax.	155 – 158
<i>Debt Capacity</i>	
These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.	159 - 163
<i>Demographic and Economic Information</i>	
These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.	164 - 165
<i>Operating Information</i>	
These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the service the City provides and the activities it performs.	166 - 168

CITY OF BURLINGTON, VERMONT
NET POSITION BY COMPONENT
LAST TEN YEARS
(accrual basis of accounting)

	2022	2021	2020	2019	2018	2017	2016	2015 ⁽¹⁾	2014	2013
Governmental Activities										
Net Investment in Capital Assets	\$ 115,249,799	\$ 109,918,281	\$ 96,007,615	\$ 97,957,996	\$ 93,012,142	\$ 98,441,690	\$ 92,236,468	\$ 82,986,888	\$ 104,389,306	\$ 101,991,786
Restricted	16,414,291	17,617,345	16,942,282	15,219,592	14,323,497	13,086,695	17,725,332	16,799,937	15,285,119	13,949,243
Unrestricted	(30,173,312)	(39,224,471)	(20,057,332)	(17,670,970)	(21,948,854)	(22,193,434)	(21,734,316)	(25,449,498)	(5,306,520)	7,927,203
Total Governmental Activities Net Position	101,490,778	88,311,155	92,892,565	95,506,618	85,386,785	89,334,951	88,227,484	74,337,327	114,367,905	123,868,232
Business-type Activities										
Net Investment in Capital Assets	246,059,659	228,051,299	211,158,128	206,504,803	203,832,616	188,464,010	179,096,254	172,629,734	156,804,042	149,806,307
Restricted	23,802,616	23,609,161	26,048,179	25,574,212	25,304,795	22,670,943	20,812,890	19,319,510	32,017,674	31,999,045
Unrestricted	41,002,710	28,656,273	25,842,140	25,272,176	27,453,407	29,639,505	27,982,661	22,266,988	28,692,499	12,449,872
Total Business-type Activities Net Position	310,864,985	280,316,733	263,048,447	257,351,191	256,590,818	240,774,458	227,891,805	214,216,232	217,514,215	194,255,224
Primary Government										
Net Investment in Capital Assets	361,309,458	337,969,580	307,165,743	304,462,799	296,844,758	286,905,700	271,332,722	255,616,622	261,193,348	251,798,093
Restricted	40,216,907	41,226,506	42,990,461	40,793,804	39,628,292	35,757,638	38,538,222	36,119,447	47,302,793	45,948,288
Unrestricted	10,829,398	(10,568,198)	5,784,808	7,601,206	5,504,553	7,446,071	6,248,345	(3,182,510)	23,385,979	20,377,075
Total Primary Government Net Position	<u>\$ 412,355,763</u>	<u>\$ 368,627,888</u>	<u>\$ 355,941,012</u>	<u>\$ 352,857,809</u>	<u>\$ 341,977,603</u>	<u>\$ 330,109,409</u>	<u>\$ 316,119,289</u>	<u>\$ 288,553,559</u>	<u>\$ 331,882,120</u>	<u>\$ 318,123,456</u>

⁽¹⁾ Net position restated due to School District adjustments.

CITY OF BURLINGTON, VERMONT
CHANGES IN NET POSITION
LAST TEN YEARS
(accrual basis of accounting)

	2022	2021	2020	2019	2018	2017	2016	2015 ⁽¹⁾	2014	2013
Expenses										
Governmental Activities:										
General Government	\$ 19,066,613	\$ 15,818,581	\$ 13,761,909	\$ 14,432,574	\$ 11,768,830	\$ 12,334,976	\$ 11,353,565	\$ 12,393,196	\$ 12,702,289	\$ 14,800,538
Public Safety	30,400,813	34,671,835	34,539,638	30,902,537	31,141,584	29,094,586	23,500,758	24,915,179	22,692,852	24,499,396
Education	-	-	-	-	-	-	-	-	77,470,770	77,438,762
Public Works	16,544,970	16,422,312	15,614,059	18,170,065	20,307,873	16,128,749	15,484,410	17,038,012	14,172,277	13,051,255
Culture and Recreation	14,225,917	12,626,487	13,222,555	13,288,900	12,469,970	14,185,639	10,066,735	10,736,031	9,965,826	8,584,443
Community Development	6,791,401	6,052,053	5,790,513	4,841,160	4,138,818	4,942,418	4,895,091	4,931,161	4,068,608	8,470,457
Interest and related costs	3,060,076	3,369,155	3,186,711	3,452,278	3,031,328	2,147,709	1,782,295	1,581,846	3,087,143	2,330,680
Total Governmental Activities	90,089,790	88,960,423	86,115,385	85,087,514	82,858,403	78,834,077	67,082,854	71,595,425	144,159,765	149,175,531
Business-type Activities:										
Electric	59,858,694	58,937,546	61,751,695	65,188,585	63,111,205	63,449,764	63,912,747	62,408,788	65,061,544	58,972,894
Airport	25,084,353	22,106,092	23,077,643	23,490,832	21,861,382	20,368,534	19,753,724	20,288,983	20,772,761	20,192,615
Telecom	-	-	-	-	-	-	-	-	6,791,829	6,118,395
Wastewater	6,893,650	6,403,096	-	-	-	-	-	-	7,289,587	6,648,603
Water	7,261,932	6,507,175	-	-	-	-	-	-	-	-
Stormwater	1,292,727	1,180,141	-	-	-	-	-	-	-	-
Nonmajor	-	-	16,145,046	22,087,293	22,752,348	22,126,474	20,803,532	19,931,149	8,302,064	8,048,347
Total Business-Type Activities	100,391,356	95,134,050	100,974,384	110,766,710	107,724,935	105,944,772	104,470,003	102,628,920	108,217,785	99,980,854
Total Expenses	190,481,146	184,094,473	187,089,769	195,854,224	190,583,338	184,778,849	171,552,857	174,224,345	252,377,550	249,156,385
Program Revenues										
Governmental Activities:										
Charges for Services:										
General Government	5,248,259	5,374,748	5,413,493	5,783,844	4,470,554	5,204,079	5,043,853	5,289,088	4,938,750	4,372,982
Public Safety	6,495,660	6,034,683	7,875,882	6,364,052	5,899,089	5,737,200	6,997,158	5,587,200	6,526,060	5,174,000
Education	-	-	-	-	-	-	-	-	1,036,876	4,575,124
Public Works	6,037,290	4,939,896	5,062,264	8,373,019	8,830,665	8,448,998	8,898,625	7,475,742	7,766,867	7,265,536
Culture and Recreation	4,309,440	2,824,720	3,745,290	4,650,473	4,485,817	4,068,846	4,277,482	4,074,232	3,849,129	3,722,853
Community Development	1,250,517	995,855	491,935	313,478	393,178	315,042	221,533	714,715	250,361	214,897
Operating Grants and Contributions	17,738,576	7,251,577	3,840,247	4,989,785	4,305,455	4,110,352	4,515,575	5,922,165	84,297,547	76,620,402
Capital Grants and Contributions	4,485,286	2,323,823	2,850,272	2,792,967	2,191,005	3,232,947	4,688,216	3,112,726	2,339,931	5,193,962
Total Governmental Activities	45,565,028	29,745,302	29,279,383	33,267,618	30,575,763	31,117,464	34,642,442	32,175,868	111,005,521	107,139,756
Business-type Activities:										
Charges for Services										
Electric	59,470,618	56,027,448	55,586,746	57,562,557	58,240,571	60,223,551	62,505,682	62,622,315	63,381,532	59,965,267
Airport	21,202,306	10,956,151	18,031,121	21,906,295	21,122,992	18,589,325	18,470,124	19,030,728	18,794,078	17,915,076
Telecom	-	-	-	-	-	-	-	-	7,246,329	6,959,342
Wastewater	8,458,113	7,997,538	-	-	-	-	-	-	7,726,659	7,751,070
Water	7,817,029	7,460,606	-	-	-	-	-	-	-	-
Stormwater	1,736,917	1,654,802	-	-	-	-	-	-	-	-
Nonmajor	-	-	16,829,429	23,553,092	25,199,526	24,582,213	24,151,054	21,464,113	8,943,170	8,756,986
Operating Grants and Contributions	160,600	7,829,276	2,422,651	325,454	172,648	218,384	205,387	-	-	-
Capital Grants and Contributions	25,505,966	19,532,185	8,747,918	10,483,527	15,034,601	11,025,482	9,118,954	7,431,502	7,722,603	7,976,875
Total Business-type Activities	124,351,549	111,458,006	101,617,865	113,830,925	119,770,338	114,638,955	114,451,201	110,548,658	113,814,371	109,324,616
Total Program Revenues	169,916,577	141,203,308	130,897,248	147,098,543	150,346,101	145,756,419	149,093,643	142,724,526	224,819,892	216,464,372
Net (Expense)/Revenue										
Governmental Activities	(44,524,762)	(59,215,121)	(56,836,002)	(51,819,896)	(52,282,640)	(47,716,613)	(32,440,412)	(39,419,557)	(33,154,244)	(42,035,775)
Business-type Activities	23,960,193	16,323,956	643,481	3,064,215	12,045,403	8,694,183	9,981,198	7,919,738	5,596,586	9,343,762
Total Net Expense	\$ (20,564,569)	\$ (42,891,165)	\$ (56,192,521)	\$ (48,755,681)	\$ (40,237,237)	\$ (39,022,430)	\$ (22,459,214)	\$ (31,499,819)	\$ (27,557,658)	\$ (32,692,013)

(continued)

CITY OF BURLINGTON, VERMONT
CHANGES IN NET POSITION (continued)
LAST TEN YEARS
(accrual basis of accounting)

	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
General Revenues										
Governmental Activities:										
Property Taxes	\$ 42,719,251	\$ 39,532,493	\$ 37,873,006	\$ 35,648,435	\$ 33,898,685	\$ 33,253,448	\$ 31,409,270	\$ 33,054,429	\$ 29,494,623	\$ 28,272,251
Gross Receipts Taxes	4,205,988	2,232,616	3,127,599	4,295,784	4,256,325	4,034,408	3,906,652	3,665,158	3,190,082	2,902,808
Local Option Sales Tax	2,878,650	2,472,926	2,500,822	2,519,691	2,537,181	2,329,007	2,239,937	2,179,587	2,125,034	2,126,646
Payments in Lieu of Taxes	1,517,590	1,356,734	5,749,014	5,726,314	5,466,512	5,248,985	5,079,036	2,395,762	2,257,824	3,534,236
Franchise Fees	2,076,281	2,076,347	2,075,759	2,137,957	2,142,580	2,161,617	2,376,990	2,128,227	2,193,447	2,157,022
Impact Fees	13,993	122,294	604,445	507,907	456,837	346,411	138,723	349,714	82,262	272,852
Interest and Penalties on Delinquent Taxes	497,304	611,103	431,415	498,980	400,071	303,370	339,034	356,550	368,602	278,419
Unrestricted Investment Earnings	(607,119)	391,205	911,468	723,079	334,817	249,012	193,991	100,725	634,071	52,148
Other Revenues	631,995	1,337,814	924,174	1,934,224	1,138,937	1,698,196	642,968	1,175,521	1,048,832	296,973
Additions to permanent funds	-	-	2,072	16,822	153	3,846	3,968	67,115	25,715	20,005
Special items	-	-	-	-	-	(2,154,349)	-	-	(16,936,492)	-
Transfers	3,770,452	4,500,179	22,175	7,930,536	-	-	-	28,921	(97,572)	(97,500)
Total Governmental Activities	<u>57,704,385</u>	<u>54,633,711</u>	<u>54,221,949</u>	<u>61,939,729</u>	<u>50,632,098</u>	<u>47,473,951</u>	<u>46,330,569</u>	<u>45,501,709</u>	<u>24,386,428</u>	<u>39,815,860</u>
Business-type Activities:										
Nonoperating grants	5,179,514	125,331	989,780	1,095,955	-	-	-	-	-	-
Unrestricted investment earnings (loss)	(133,927)	118,861	444,119	536,989	233,657	158,415	184,630	127,214	291,397	269,758
Dividends from associated companies	4,335,722	4,326,608	4,268,944	4,282,667	4,147,819	3,516,718	3,236,147	3,128,753	2,907,831	2,619,286
Other revenues	492,649	1,053,709	168,958	1,444,855	109,565	513,337	273,598	429,794	(368,970)	370,226
Special items	-	-	(795,851)	(606,888)	-	-	-	-	16,936,492	-
Transfers	(3,770,452)	(4,500,179)	(22,175)	(7,930,536)	-	-	-	(28,921)	97,572	97,500
Total Business-type Activities	<u>6,103,506</u>	<u>1,124,330</u>	<u>5,053,775</u>	<u>(1,176,958)</u>	<u>4,491,041</u>	<u>4,188,470</u>	<u>3,694,375</u>	<u>3,656,840</u>	<u>19,864,322</u>	<u>3,356,770</u>
Total Primary Government	63,807,891	55,758,041	59,275,724	60,762,771	55,123,139	51,662,421	50,024,944	49,158,549	44,250,750	43,172,630
Change in Net Position										
Governmental Activities	13,179,623	(4,581,410)	(2,614,053)	10,119,833	(1,650,542)	(242,662)	13,890,157	6,082,152	(8,767,816)	(2,219,915)
Business-type Activities	30,063,699	17,448,286	5,697,256	1,887,257	16,536,444	12,882,653	13,675,573	11,576,578	25,460,908	12,700,532
Total Change in Net Position	<u>\$ 43,243,322</u>	<u>\$ 12,866,876</u>	<u>\$ 3,083,203</u>	<u>\$ 12,007,090</u>	<u>\$ 14,885,902</u>	<u>\$ 12,639,991</u>	<u>\$ 27,565,730</u>	<u>\$ 17,658,730</u>	<u>\$ 16,693,092</u>	<u>\$ 10,480,617</u>

⁽¹⁾ School District was reclassified to Discretely Presented Component Unit due to change in legal entity structure.

CITY OF BURLINGTON, VERMONT
FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN YEARS
(modified accrual basis of accounting)

	2022	2021	2020	2019	2018	2017	2016	2015 ⁽¹⁾	2014	2013
All Governmental Funds										
Nonspendable	\$ 2,926,219	\$ 3,180,888	\$ 2,759,993	\$ 3,024,595	\$ 2,387,669	\$ 3,037,839	\$ 3,856,421	\$ 3,486,412	\$ 3,958,011	\$ 21,441,396
Restricted	21,271,175	25,293,971	36,941,442	33,756,452	29,439,449	18,528,173	10,330,002	9,525,627	6,424,997	7,604,997
Committed	2,026,118	2,120,363	5,070,945	4,370,914	5,796,567	5,559,637	5,915,503	4,133,553	6,831,663	3,558,828
Assigned	8,914,744	7,268,980	11,000,463	10,182,818	6,564,153	3,619,252	-	-	-	208,962
Unassigned	3,935,630	1,903,410	5,120,057	7,866,652	8,318,152	4,358,533	4,046,532	2,385,971	(2,997,049)	(9,011,184)
Total All Other Governmental Funds	<u>\$ 39,073,886</u>	<u>\$ 39,767,612</u>	<u>\$ 60,892,900</u>	<u>\$ 59,201,431</u>	<u>\$ 52,505,990</u>	<u>\$ 35,103,434</u>	<u>\$ 24,148,458</u>	<u>\$ 19,531,563</u>	<u>\$ 14,217,622</u>	<u>\$ 23,802,999</u>
General Fund										
Nonspendable	\$ 1,370,793	\$ 1,559,708	\$ 1,119,120	\$ 1,708,447	\$ 1,114,361	\$ 1,825,280	\$ 2,661,874	\$ 2,321,904	\$ 2,845,487	\$ 20,334,968
Restricted	2,342,852	2,097,488	4,929,072	207,221	568,007	560,372	38,500	17,265	17,265	17,261
Committed	861,380	892,949	576,734	467,314	577,407	1,209,754	2,779,209	1,624,950	2,058,049	1,041,535
Assigned	8,914,744	7,268,980	11,000,463	10,182,818	6,564,153	3,619,252	-	-	-	208,962
Unassigned	8,637,873	9,272,827	8,618,219	9,497,207	9,713,896	8,409,087	6,520,495	4,287,378	71,822	(2,178,623)
Total General Fund	<u>\$ 22,127,642</u>	<u>\$ 21,091,952</u>	<u>\$ 26,243,608</u>	<u>\$ 22,063,007</u>	<u>\$ 18,537,824</u>	<u>\$ 15,623,745</u>	<u>\$ 12,000,078</u>	<u>\$ 8,251,497</u>	<u>\$ 4,992,623</u>	<u>\$ 19,424,103</u>
All Other Governmental Funds										
Nonspendable	\$ 1,555,426	\$ 1,621,180	\$ 1,640,873	\$ 1,316,148	\$ 1,273,308	\$ 1,212,559	\$ 1,194,547	\$ 1,164,508	\$ 1,112,524	\$ 1,106,428
Restricted	17,924,106	23,196,483	32,012,370	33,549,231	28,871,442	17,967,801	10,291,502	9,508,362	6,407,732	7,587,736
Committed	1,164,738	1,227,414	4,494,211	3,903,600	5,219,160	4,349,883	3,136,294	2,508,603	4,773,614	2,517,293
Assigned	-	-	-	-	-	-	-	-	-	-
Unassigned	(3,698,026)	(7,369,417)	(3,498,162)	(1,630,555)	(1,395,744)	(4,050,554)	(2,473,963)	(1,901,407)	(3,068,871)	(6,832,561)
Total All Other Governmental Funds	<u>\$ 16,946,244</u>	<u>\$ 18,675,660</u>	<u>\$ 34,649,292</u>	<u>\$ 37,138,424</u>	<u>\$ 33,968,166</u>	<u>\$ 19,479,689</u>	<u>\$ 12,148,380</u>	<u>\$ 11,280,066</u>	<u>\$ 9,224,999</u>	<u>\$ 4,378,896</u>

⁽¹⁾ School District was reclassified to Discretely Presented Component Unit due to change in legal entity structure.

CITY OF BURLINGTON, VERMONT
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN YEARS
(modified accrual basis of accounting)

	2022	2021	2020	2019	2018	2017	2016	2015 ⁽¹⁾	2014	2013
Revenues										
Taxes	\$50,678,266	\$ 44,557,992	\$ 43,387,460	\$ 43,233,045	\$ 40,923,397	\$ 39,781,518	\$ 39,097,706	\$ 38,770,459	\$ 35,721,358	\$ 33,509,448
Payments in lieu of taxes	1,517,590	1,356,734	5,749,014	5,726,314	5,466,512	5,248,985	5,079,036	2,395,762	2,257,824	3,534,236
Licenses and permits	3,844,029	3,303,733	4,011,578	4,505,473	4,749,082	5,570,707	5,082,269	3,866,933	4,396,587	4,070,213
Intergovernmental	20,687,620	7,884,093	4,444,005	6,069,799	7,155,317	6,857,683	8,569,938	8,717,811	86,426,117	78,334,827
Charges for services	21,587,412	19,064,811	20,863,873	23,667,671	21,987,715	21,090,765	21,499,084	21,781,930	21,636,460	23,437,932
Contributions	1,364,390	1,605,268	684,238	884,119	815,074	1,373,500	538,878	-	-	-
Investment income (loss)	(607,119)	391,204	911,468	723,081	340,281	249,013	193,993	100,725	634,070	52,148
Loan repayments	171,851	86,038	89,536	884,262	87,177	57,357	104,033	122,544	245,074	46,741
Other revenue	631,992	929,764	926,249	1,623,512	883,075	585,799	601,849	1,230,412	1,160,440	415,290
Total Revenues	99,876,031	79,179,637	81,067,421	87,317,276	82,407,630	80,815,327	80,766,786	76,986,576	152,477,930	143,400,835
Expenditures										
Current:										
General government	18,961,152	14,652,152	13,359,906	13,387,383	11,467,656	12,202,374	11,400,333	11,158,205	13,643,302	13,704,648
Public safety	31,253,528	30,618,604	30,917,348	28,614,540	27,882,465	26,493,268	25,561,099	24,668,195	22,734,841	23,507,829
Education	-	-	-	-	-	-	-	-	76,037,906	81,284,025
Public works	8,905,220	8,095,161	11,354,670	10,670,815	10,249,398	11,991,808	9,788,601	9,455,450	8,378,414	6,533,226
Culture and Recreation	12,836,743	10,746,269	11,996,243	13,319,453	12,175,770	11,241,909	12,100,903	11,624,098	10,355,792	7,348,962
Community development	6,608,656	5,771,944	4,461,396	4,465,263	3,839,541	4,636,189	4,125,042	4,081,123	3,915,514	8,463,496
Capital Outlay ⁽²⁾	20,441,729	23,328,941	16,750,497	14,710,892	20,194,752	11,062,639	13,179,734	9,483,616	7,239,386	9,121,280
Debt Service:										
Principal	6,861,070	11,551,630	6,293,729	7,026,187	4,996,847	4,545,560	4,117,610	3,373,102	4,950,428	4,729,974
Interest and bond issue costs	3,342,603	3,507,889	4,204,442	3,354,995	2,642,648	2,094,364	1,805,722	1,568,269	2,763,625	1,873,163
Total Expenditures	109,210,701	108,272,590	99,338,231	95,549,528	93,449,077	84,268,111	82,079,044	75,412,058	150,019,208	156,566,603
Excess (Deficiency) of Revenues over (under) Expenditures	(9,334,670)	(29,092,953)	(18,270,810)	(8,232,252)	(11,041,447)	(3,452,784)	(1,312,258)	1,574,518	2,458,722	(13,165,768)
Other Financing Sources (Uses)										
Issuance of bonds and loans	1,750,000	-	9,225,000	6,113,659	24,739,547	10,966,360	5,062,083	5,934,807	3,989,967	14,250,000
Issuance of refunding debt	-	-	20,639,850	-	-	2,545,000	8,785,000	-	-	-
Bond premium	289,792	-	2,214,241	404,347	2,689,456	1,067,582	1,138,975	-	-	419,080
Payment to refunding escrow	-	-	(12,138,987)	-	-	(2,837,850)	(10,044,139)	-	-	-
Sale of capital assets	-	-	-	-	-	949,986	-	-	1,000,000	-
Issuance of leases	-	3,467,485	-	479,151	1,015,000	1,699,383	987,234	683,718	-	261,242
Issuance of equipment notes	2,830,700	-	-	-	-	-	-	-	-	-
Transfers in	10,903,471	10,273,734	7,704,985	13,140,055	3,993,825	2,804,088	4,532,340	4,363,550	4,190,396	1,854,249
Transfers out	(7,133,019)	(5,773,554)	(7,682,810)	(5,209,519)	(3,993,825)	(2,804,088)	(4,532,340)	(4,334,629)	(4,287,968)	(1,951,749)
Total Other Financing Sources (Uses)	8,640,944	7,967,665	19,962,279	14,927,693	28,444,003	14,390,461	5,929,153	6,647,446	4,892,395	14,832,822
Special Items	-	-	-	-	-	-	-	-	(16,936,492)	-
Net Change in Fund Balances	\$ (693,726)	\$ (21,125,288)	\$ 1,691,469	\$ 6,695,441	\$ 17,402,556	\$ 10,937,677	\$ 4,616,895	\$ 8,221,964	\$ (9,585,375)	\$ 1,667,054
Debt Service as a Percentage of Noncapital Expenditures⁽³⁾	11.08%	17.02%	12.90%	13.11%	10.00%	9.00%	8.70%	7.40%	5.44%	4.58%

Source: Each respective Comprehensive Annual Financial Report

⁽¹⁾ School District was reclassified to Discretely Presented Component Unit due to change in legal entity structure.

⁽²⁾ Certain capital expenditures from various functions have been capitalized on the Statement of Net Position.

⁽³⁾ Capital outlay purchases from the reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of the Governmental Funds to the Statement of Activities are used to calculate this ratio.

CITY OF BURLINGTON, VERMONT
 ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY
 LAST TEN FISCAL YEARS

<u>Fiscal Year</u>	<u>Assessed Value</u>	<u>Estimated Actual Value</u>	<u>Total Direct Tax Rate</u>
2022	\$ 5,770,209,118	\$ 5,770,209,118	\$ 0.6701
2021	3,915,820,752	5,378,760,856	0.8995
2020	3,866,923,799	5,171,758,458	0.8714
2019	3,837,641,750	4,770,128,090	0.8303
2018	3,821,048,690	4,607,608,267	0.7971
2017	3,787,167,109	4,474,474,608	0.7826
2016	3,736,048,309	4,267,608,304	0.7926
2015	3,646,921,910	4,137,177,436	0.7958
2014	3,617,870,130	4,019,395,477	0.7584
2013	3,587,077,000	4,056,808,890	0.7153

Source: Most recent Official Statement

CITY OF BURLINGTON, VERMONT
PROPERTY TAX RATES
DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS

Fiscal Year	City of Burlington	After Act 68			
		State-wide Education Taxes		Total Taxes	
		Residential	Nonresidential	Residential	Nonresidential
2022	\$ 0.6701	\$ 1.4553	\$ 1.5306	\$ 2.1254	\$ 2.2007
2021	0.8995	2.0576	2.1773	2.9571	3.0768
2020	0.8714	1.9368	2.0528	2.8082	2.9242
2019	0.8303	1.8498	1.9765	2.6801	2.8068
2018	0.7971	1.7903	1.8624	2.5874	2.6595
2017	0.7826	1.7237	1.8161	2.5063	2.5987
2016	0.7926	1.6544	1.7535	2.4470	2.5461
2015	0.7958	1.6358	1.7187	2.4316	2.5145
2014	0.7584	1.5257	1.6055	2.2841	2.3639
2013	0.7153	1.4302	1.5684	2.1455	2.2837

Notes:

Tax rates are per \$100 of assessed value.

Source: Most recent Official Statement

CITY OF BURLINGTON, VERMONT
PRINCIPAL PROPERTY TAXPAYERS
CURRENT YEAR AND NINE YEARS AGO

2022				2013		
		Taxable	Percentage of		Taxable	Percentage of
Rank	Taxpayer	Assessed Value	Total Assessed	Taxpayer	Assessed Value	Total Assessed
		Value	Value		value	value
1	Bayberry, LLC	\$30,953,400	0.54%	Rad Burl LLC	\$25,933,400	0.73%
2	New Northgate Housing LLC	27,508,500	0.48%	Vermont Electric Power	25,376,450	0.71%
3	Fortieth Burlington LLC	26,000,000	0.45%	Burlington Town Center LLC	20,837,900	0.59%
4	Burlington Electric Dept./ CVPS	23,136,200	0.40%	Burlington Harbor Hotel Group LLC	16,833,400	0.47%
5	Lakeside Overs LLC	22,167,300	0.38%	Burlington Electric Dept./ CVPS	14,902,723	0.42%
6	Antonio B Pomerleau LLC	21,243,900	0.37%	Antonio B Pomerleau LLC	14,649,300	0.41%
7	Diamond Rock Burlington Owner	20,971,300	0.36%	Fortieth Burlington LLC	14,100,000	0.40%
8	Vermont Gas Systems Inc.	17,833,800	0.31%	May Department Stores Co.	11,123,400	0.31%
9	Vermont Electric Power	14,871,000	0.26%	New Northgate Housing LLC	11,089,000	0.31%
10	Howard Opera House Associate LLc	14,651,400	0.25%	South Meadow Housing Assoc.	9,923,300	0.28%
11	375 North Avenue LLC	13,848,200	0.24%	Howard Opera House Assoc LLC	9,001,300	0.25%
12	98 Starr Farm Road LLC	13,351,800	0.23%	MP Vermont LLC	7,882,300	0.22%
13	South Meadow Housing Assoc.	13,221,100	0.23%	UVM / Catamount Redstone Apts LLC	7,830,000	0.22%
14	Burlington Housing Authority	12,169,200	0.21%	Lake and College LLC	7,754,500	0.22%
15	Ride Your Bike, LLC	11,775,600	0.20%	Investors Corporation of VT	7,721,200	0.22%
16	Burlington Harbor Hotel Group LLC	11,430,900	0.20%	Vermont Gas Systems Inc.	7,709,000	0.22%
17	BTC Mall Associates, LLC	10,970,200	0.19%	Investors Corporation of VT	7,649,000	0.22%
18	41 Cherry Street, LLC	10,572,500	0.18%	Courthouse Plaza LLC	7,060,000	0.20%
19	Catamount / Van Ness, LLC	10,500,000	0.18%	UVM / Centennial Court LP	6,679,600	0.19%
20	Hauke Building Supply Inc.	9,704,200	0.17%	Nick & Morrissey Development LLC	6,576,000	0.19%
		\$ 336,880,500	5.83%		\$ 240,631,773	6.75%

Source: City Assessor's Office

CITY OF BURLINGTON, VERMONT
PROPERTY TAX LEVIES AND COLLECTIONS
LAST TEN FISCAL YEARS

Fiscal Year Ended June 30	Total Tax Levy for Fiscal Year	Collected within the Fiscal Year of the Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount Collected	Percentage of Levy		Amount Collected	Percentage of Levy
2022	\$ 124,905,368	\$ 124,488,150	99.67%	\$ -	\$ 124,488,150	99.67%
2021	117,350,406	116,228,230	99.04%	722,771	116,951,001	99.66%
2020	110,431,040	109,137,882	98.83%	908,904	110,046,786	99.65%
2019	104,952,969	104,053,074	99.14%	830,435	104,883,509	99.93%
2018	99,731,639	98,880,869	99.15%	838,517	99,719,386	99.99%
2017	96,064,036	95,568,777	99.48%	486,490	96,055,267	99.99%
2016	93,015,324	92,467,139	99.41%	540,322	93,007,461	99.99%
2015	89,907,261	89,275,258	99.30%	610,989	89,886,247	99.98%
2014	83,526,157	82,869,824	99.21%	643,035	83,512,859	99.98%
2013	78,862,874	78,330,310	99.32%	507,150	78,837,460	99.97%
2012	76,089,194	75,617,383	99.38%	435,574	76,052,957	99.95%

Source: Most recent Official Statement for fiscal years 2010 - 2019 and Form 411 Billed Grand List and activity in the City's general ledger for fiscal year 2022.

CITY OF BURLINGTON, VERMONT
RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS

Fiscal Year	Governmental Activities		Business-type Activities			Total Debt Outstanding	Estimated Population ⁽¹⁾	Debt per Capita	Percentage of Personal Income ⁽²⁾
	Bonds and Loans Payable, Unamortized Premiums, and Unamortized Discounts	Equipment Notes Payable	Bonds and Loans Payable, Unamortized Premiums, and Unamortized Discounts	Equipment Notes Payable	Lease Payable				
2022	\$ 76,206,371	\$ 5,963,839	\$ 137,972,742	\$ 5,111,198	\$ 1,696,308	\$ 226,950,458	44,781	\$ 5,068	14.88%
2021	80,030,613	4,580,268	117,812,996	3,777,316	-	206,201,193	44,743	4,609	16.18%
2020	91,370,787	1,790,582	123,531,506	4,508,623	-	221,201,498	42,819	5,166	19.06%
2019	77,932,346	2,465,159	128,394,863	4,650,126	-	213,442,494	42,899	4,975	19.72%
2018	60,657,254	2,738,077	129,068,211	10,890,570	-	203,354,112	42,239	4,814	19.08%
2017	52,906,348	2,301,048	127,683,406	7,319,392	-	190,210,194	44,020	4,321	17.12%
2016	45,636,800	1,206,228	132,072,254	6,553,118	-	185,468,400	42,452	4,369	17.31%
2015	46,423,144	1,086,318	131,660,511	6,834,297	-	186,004,270	42,452	4,382	17.40%
2014	63,903,739	1,370,191	131,440,972	1,152,142	-	197,867,044	42,613	4,643	18.43%
2013	63,358,572	1,946,424	139,548,085	1,714,567	-	206,567,648	42,738	4,833	19.19%

⁽¹⁾ United States Census Bureau

⁽²⁾ Personal Income is disclosed in Demographic and Economic Indicators Table

CITY OF BURLINGTON, VERMONT
RATIOS OF GENERAL BONDED DEBT OUTSTANDING
LAST TEN FISCAL YEARS

<u>Fiscal Year</u>	<u>Total Debt*</u>	<u>Less: Debt Payable from Enterprise Fund Revenues</u>	<u>Net Governmental Debt</u>	<u>Population⁽¹⁾</u>	<u>Debt per Capita</u>	<u>Assessed Value</u>	<u>Ratio of Net Debt to Assessed Value</u>
2022	\$ 214,179,113	\$ 137,972,742	76,206,371	44,781	\$ 1,702	\$ 5,770,209,118	1.32%
2021	201,620,925	121,590,312	80,030,613	44,743	1,789	3,915,820,752	2.04%
2020	219,410,916	128,040,129	91,370,787	42,819	2,134	3,866,923,799	2.36%
2019	210,977,335	133,044,989	77,932,346	42,899	1,817	3,837,641,750	2.03%
2018	200,616,035	139,958,781	60,657,254	42,239	1,436	3,821,048,690	1.59%
2017	187,909,146	135,002,798	52,906,348	44,020	1,202	3,787,167,109	1.40%
2016	184,262,172	138,625,372	45,636,800	42,452	1,075	3,736,048,309	1.22%
2015	184,917,952	138,494,808	46,423,144	42,452	1,094	3,646,921,910	1.27%
2014	196,496,853	132,593,114	63,903,739	42,613	1,500	3,617,870,130	1.77%
2013	204,621,224	141,262,652	63,358,572	42,738	1,482	3,587,077,000	1.77%

* Does not include equipment notes and leases

Sources: Each respective Comprehensive Annual Financial Report and the United States Census Bureau (as indicated below).

⁽¹⁾ United States Census Bureau

CITY OF BURLINGTON, VERMONT
DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT
JUNE 30, 2022

Jurisdiction	Net General Obligation Debt Outstanding	Percentage Applicable to the City	Amount Applicable to the City of Burlington
Direct:			
City of Burlington - Bonds and Loans	\$ 76,206,371	100.0%	\$ 76,206,371
City of Burlington - Equipment Notes Payable	5,963,839	100.0%	5,963,839
Subtotal - Direct Debt			<u>82,170,210</u>
Overlapping:			
Burlington School District		100.0%	41,170,000
Subtotal - Overlapping Debt			<u>41,170,000</u>
Grand Total Direct and Overlapping Debt			<u><u>\$ 123,340,210</u></u>

Source: Outstanding debt for the Burlington School District is from the financial statements of the School District reported a discretely presented component unit for the City of Burlington.

Note: The Burlington School District is within geographic boundaries of the City. The debt of this overlapping government is borne by the property taxpayers of the City. When considering the District's ability to issue and repay long-term debt, the entire debt burden borne by the property taxpayers should be taken into account.

Enterprise funds debt is excluded from the City's direct debt above as that is being repaid with user fees.

CITY OF BURLINGTON, VERMONT
LEGAL DEBT MARGIN INFORMATION
JUNE 30, 2022

Grand List Valuation	\$ 5,333,527,100
Legal Debt Margin:	
Debt Limitation - Ten Percent of Last Grand List	533,352,710
Debt Applicable to Limitation	<u>80,030,613</u>
Legal Debt Margin	<u>\$ 453,322,097</u>
Debt as Percentage of Debt Limit	<u>15.01%</u>

LEGAL DEBT MARGIN
PRECEDING NINE YEARS

<u>Fiscal Year</u>	<u>Debt Limit</u>	<u>Applicable Debt</u>	<u>Legal Debt Margin</u>	<u>Debt as Percentage of Debt Limit</u>
2021	\$ 533,352,710	\$ 80,030,613	\$ 453,322,097	15.01%
2020	387,308,720	91,370,787	295,937,933	23.59%
2019	382,748,400	77,932,346	304,816,054	20.36%
2018	382,104,869	60,657,254	321,447,615	15.87%
2017	378,715,711	52,906,348	325,809,363	13.97%
2016	377,855,052	45,636,800	332,218,252	12.08%
2015	373,604,831	46,423,144	327,181,687	12.43%
2014	364,692,191	63,903,739	300,788,452	17.52%
2013	361,787,013	63,358,572	298,428,441	17.51%

Source: Most recent Official Statement

CITY OF BURLINGTON, VERMONT
AIRPORT ENTERPRISE FUND BOND COVERAGE
LAST TEN FISCAL YEARS
(In Thousands)

Fiscal Year	Gross Revenues*	Operating Expenses*	Net Revenues (as defined)	PFC Revenues Available for DS	Funds Available for DS	25% PFC Revenue For DS coverage	Adjusted funds Available for DS	Debt Service	Debt Service Coverage	Adjusted Debt Service Coverage
2022	\$ 20,100	\$ 14,621	\$ 5,479	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2021	16,763	12,943	3,820	1,128	4,948	282	5,230	3,605	1.37	1.45
2020	18,377	14,462	3,915	832	4,747	208	4,955	3,610	1.31	1.37
2019	18,347	13,838	4,509	981	5,490	245	5,735	3,660	1.50	1.57
2018	17,716	13,404	4,312	1,180	5,492	295	5,787	3,662	1.50	1.58
2017	16,625	12,327	4,298	1,176	5,474	294	5,768	3,650	1.50	1.58
2016	16,677	12,376	4,301	1,087	5,388	272	5,660	3,386	1.59	1.67
2015	16,933	12,347	4,586	1,284	5,870	321	6,191	3,956	1.48	1.56
2014	16,382	12,508	3,874	1,291	5,165	323	5,488	3,402	1.52	1.61
2013	15,890	11,731	4,159	1,938	6,097	485	6,582	4,268	1.43	1.54

*Using Operating Revenue / Expenses only, as calculated in the Airport audit.

Note: Debt service coverage is not applicable for fiscal year 2022 due to refinancing that eliminated debt service payments in fiscal year 2022.

Source: Data from each respective Annual Financial Report.

CITY OF BURLINGTON, VERMONT
DEMOGRAPHIC AND ECONOMIC INDICATORS
LAST TEN YEARS

Calendar Year	Population ^(1, 2)	Per Capita Income ^{(1, 2)*}	Personal Income	State-wide Per Capita Income ⁽³⁾	State-wide Median Family Income ⁽¹⁾	Unemployment Rate		Enrollment Grades 9-12 ⁽²⁾	High School Graduation Rate ⁽²⁾
						Burlington City ⁽³⁾	State-wide ⁽³⁾		
2022	44,781	\$ 34,054	\$ 1,524,972,174	\$ 37,903	\$ 67,674	2.00%	2.60%	979	73%
2021	44,743	28,480	1,274,280,640	58,650	61,973	2.80%	5.60%	988	70%
2020	42,819	27,105	1,160,608,995	53,805	60,076	8.70%	9.50%	990	74%
2019	42,899	25,231	1,082,384,669	53,523	58,214	1.90%	2.10%	1,005	84%
2018	42,239	25,234	1,065,858,926	54,173	50,324	1.30%	2.70%	1,029	89%
2017	44,020	25,234	1,110,800,680	52,225	57,513	2.10%	2.70%	1,048	91%
2016	42,452	25,234	1,071,233,768	49,984	56,154	3.10%	3.60%	1,067	88%
2015	42,452	25,188	1,069,280,976	47,214	54,447	3.20%	4.10%	1,070	96%
2014	42,613	25,188	1,073,336,244	45,483	54,267	3.50%	4.40%	1,048	87%
2013	42,738	25,188	1,076,484,744	44,545	54,168	3.80%	5.00%	1,048	83%

Sources:

⁽¹⁾ United States Census Bureau

⁽²⁾ Vermont Economic-Demographic Profile

*Using MFRA Data

⁽³⁾ Vermont Department of Labor, Economic & Labor Market Information

CITY OF BURLINGTON, VERMONT
PRINCIPAL EMPLOYERS
CURRENT YEAR AND NINE YEARS AGO

Employer	Calendar Year 2022			Calendar Year 2013		
	Employees ^(1, 2)	Rank	Percentage of Total City Employment ⁽³⁾	Employees ⁽²⁾	Rank	Percentage of Total City Employment ⁽³⁾
University of Vermont Medical Center	5,591	1	16.86%			
University of Vermont	3,991	2	12.04%	3,343	3	10.07%
Global Foundries	2,500	3	7.54%			
Howard Center	1,500	4	4.52%	809	5	2.44%
City of Burlington and Burlington School District	1,394	5	4.20%			
Walmart	1,273	6	3.84%			
Dealer.com	1,100	7	3.32%	546	9	1.64%
People's United Bank	876	8	2.64%	1,000	4	3.01%
Adecco	775	9	2.34%	775	6	2.33%
Ben & Jerry's Homemade, Inc.	735	10	2.22%	735	7	2.21%
IBM				5,000	1	15.06%
Fletcher Allen Health Care				4,951	2	14.91%
GE Healthcare				700	8	2.11%
FairPoint Communications				545	10	1.64%
	<u>19,735</u>		<u>59.53%</u>	<u>18,404</u>		<u>55.44%</u>

Sources:

⁽¹⁾ Chittenden County

⁽²⁾ Vermont Business Magazine, Vermont Business Directory

⁽³⁾ Vermont Department of Labor

CITY OF BURLINGTON, VERMONT
FULL-TIME EQUIVALENT EMPLOYEES BY FUNCTION/PROGRAM
LAST TEN YEARS

Function/Program	Full-time Equivalent Employees									
	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
General Government:										
Mayor's Office	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Clerk/Treasurer's Office	24.85	20.15	18.78	18.80	20.00	20.00	26.51	21.00	19.00	20.00
Payroll	3.25	3.25	3.85	3.85	4.00	4.00	4.00	4.00	3.00	3.00
Central Computer	7.00	7.00	7.00	6.00	6.00	6.00	4.00	6.00	3.00	3.00
City Attorney's Office	9.50	8.50	8.60	9.00	8.50	8.00	8.00	8.00	7.00	7.00
Human Resources	8.00	6.00	8.00	7.00	7.00	6.00	6.00	5.50	5.50	5.50
Racial Equity Inclusion & Belonging	11.00	12.00	-	-	-	-	-	-	-	-
City Assessor	5.00	5.00	4.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Planning and Zoning	6.00	6.00	7.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
GF-CEDO	13.77	5.97	6.97	6.03	5.34	4.68	1.70	-	-	-
Public Safety:										
Fire	92.80	93.80	83.80	85.80	84.80	81.80	80.80	79.80	79.80	79.80
Police	121.70	121.70	146.70	147.70	144.70	141.20	139.20	136.20	137.20	137.20
DPW Inspection	-	-	-	4.00	5.00	5.00	5.00	4.00	4.00	4.00
Permitting and Inspections	20.00	20.00	21.00	12.00	12.00	12.00	12.00	12.00	11.00	11.00
Public Works:										
Highways	51.35	52.35	44.35	41.35	42.55	43.45	43.45	42.90	42.90	43.60
Public Works Administration	5.00	5.00	6.00	6.00	5.00	4.00	4.00	4.00	6.00	6.00
Culture and Recreation	103.00	100.00	87.88	90.00	90.50	88.00	85.00	81.80	78.80	75.48
General Fund Total	486.22	470.72	457.93	452.53	450.39	439.13	434.66	420.20	412.20	410.58
Burlington Electric	117.60	117.60	118.00	118.00	129.00	129.00	131.90	125.00	128.00	125.00
Burlington Telecom	-	-	-	-	30.00	24.00	26.00	25.00	21.00	24.50
Burlington International Airport	49.00	54.00	51.80	51.40	51.00	39.50	39.00	42.00	41.00	-
Water**	33.00	32.25	30.25	24.50	24.50	-	-	-	-	-
Stormwater**	1.00	1.65	1.65	2.90	2.50	-	-	-	-	-
Wastewater**	18.00	16.25	15.25	16.25	15.65	-	-	-	-	-
Total Employees	704.82	692.47	674.88	665.58	703.04	631.63	631.56	612.20	602.20	560.08

*Data is not available at the time of publication.

** Separation FTE with carve out of fund

CITY OF BURLINGTON, VERMONT
OPERATING INDICATORS BY FUNCTION/PROGRAM
LAST TEN YEARS

Function/Program	Fiscal Year									
	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
General Government:										
Full-time equivalent positions filled	486.22	470.72	457.93	452.53	450.39	439.13	434.66	420.20	412.20	410.58
Tax bills mailed	10,686	10,629	10,700	10,682	10,686	10,670	10,714	10,737	10,685	10,633
Active recreation programs	266	254	311	286	290	283	285	-	-	-
Recreation participants	5,014	5,075	4,979	5,381	2,148	4,863	4,762	-	-	-
Birth certificates recorded	2,310	2,144	2,135	2,328	2,145	2,283	2,177	2,252	2,257	2,207
Marriage licenses recorded	387	265	320	377	360	375	229	401	599	366
Death certificates recorded	1,141	983	934	943	992	947	489	1,045	965	1,036
Dog licenses issued	915	855	828	946	1,082	1,153	1,175	1,256	1,191	1,234
Public Safety:										
Total cases	22,723	21,310	26,953	28,848	29,684	30,517	28,608	28,243	31,182	31,353
Number of traffic tickets	301	259	423	467	632	803	1,990	1,938	1,793	1,895
Number of traffic warnings	293	738	1,461	1,703	2,095	2,289	3,507	4,822	4,432	4,524
Fire incident responses	9,261	7,539	8,137	8,229	7,895	7,598	7,305	7,338	7,326	7,241
Water System:										
Average daily consumption (gallons)	3,955,000	3,849,000	3,716,000	3,640,000	3,638,333	3,703,666	3,753,328	3,976,008	3,649,433	3,953,940
Wastewater System:										
Average daily treatment (gallons)	5,484,000	4,182,000	4,938,000	6,153,000	5,288,000	4,722,000	4,917,000	5,132,000	5,692,000	5,677,000
Sludge disposed (tons)	9,535	9,086	9,093	9,928	9,467	8,651	8,633	8,583	8,402	8,287
Burlington International Airport Enplanements	545,853	186,799	519,874	693,208	623,489	597,799	595,244	600,402	617,301	605,505
Burlington Electric Department Sales to Customers - kWh (MM)	320	317	315	331	330	336.2	338.2	336.2	342.8	341.4

CITY OF BURLINGTON, VERMONT
CAPITAL ASSET STATISTICS BY FUNCTION/PROGRAM
LAST TEN YEARS

Function/Program	Fiscal Year									
	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
General Government:										
Number of general government buildings	3	3	3	3	3	3	3	3	3	3
Public Safety:										
Number of police stations	1	1	1	1	1	1	1	1	1	1
Number of police vehicles	44	44	44	45	45	45	45	45	44	44
Number of fire stations	5	5	5	5	5	5	5	5	5	5
Number of fire vehicles	22	22	23	20	20	20	28	27	26	26
Public Works:										
Number of public works buildings	2	2	2	2	2	2	2	2	2	2
Miles of streets	95	95	95	95	95	95	95	95	95	95
Miles of sidewalks	130	130	130	130	130	130	130	127	127	127
Culture and Recreation:										
Number of culture and recreation facilities	4	4	4	6	6	6	6	5	5	5
Acres of parks	520	520	520	540	540	540	540	540	540	540
Water:										
Number of water treatment facilities	3	3	3	3	3	3	3	3	3	3
Miles of water mains	110	110	110	110	110	110	110	110	110	110
Wastewater:										
Number of wastewater facilities	3	3	3	3	3	3	3	3	3	3
Miles of sanitary sewers	89	89	89	89	89	89	89	89	89	89
Burlington International Airport:										
Number of facilities	23	23	23	23	23	23	23	23	23	23
Burlington Electric Department:										
Number of facilities	10	10	10	10	10	10	12	12	12	12



February 28, 2023

To the Board of Finance
City of Burlington, Vermont

We have audited the financial statements of the City of Burlington, Vermont (the City) as of and for the year ended June 30, 2022 and have issued our report thereon dated February 28, 2023. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our recommendations regarding other matters noted during our audit in a separate letter to you dated February 28, 2023.

Merrimack, New Hampshire
Andover, Massachusetts
Greenfield, Massachusetts
Ellsworth, Maine

800.282.2440 | melansoncpas.com



Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team and others in our Firm have complied with all relevant ethical requirements regarding independence. Safeguards that have been applied to eliminate threats to independence or reduce them to an acceptable level include annual certification by all Firm staff of independence, or when circumstances change during the year. In addition, an Engagement Control Review is performed.

Significant Risks Identified

Audit standards define a significant risk as an identified and assessed risk of material misstatement that, in the auditor's judgment, requires special audit consideration. Areas of significant management judgment and significant unusual transactions may often be identified as significant risks. Significant risks are, therefore, often areas that require significant auditor attention.

Communicating significant risks identified by the auditor helps those charged with governance understand those matters and why they require special audit consideration. The communication about significant risks may assist those charged with governance in fulfilling their responsibility to oversee the financial reporting process.

In every organization, we have identified that the potential for management override of internal controls exists due to the unpredictable nature in which management override of controls could occur. In essentially every organization, we have also identified the potential for revenue recognition risk (not recognizing revenue in proper fiscal period) due to the complexity of standards requiring accrual basis of accounting for government-wide vs. modified accrual basis for governmental fund financial statements. Additionally, we repeated the management letter recommendation to improve general ledger monitoring and to adhere to a formal closing schedule. This is a significant risk because a deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.



Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in the notes to the financial statements. The City adopted Governmental Accounting Standards Board (GASB) Statement No. 87, *Leases*, during the year ended June 30, 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements relate to:

- Fair value of investments
- Collectability of receivables
- Unbilled receivables
- Estimated lives and depreciation methods for depreciable assets
- Incurred but not reported liability (IBNR)
- Net pension liability and related deferred outflows and inflows, and allocation
- Total OPEB liability and related deferred outflows and inflows, and allocation

Management's estimates of the above are based on various criteria. We evaluated the key factors and assumptions used to develop these estimates and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.



Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We noted no particularly sensitive disclosures affecting the City's financial statements.

Significant Unusual Transactions

For purposes of this communication, professional standards require us to communicate to you significant unusual transactions identified during our audit. No significant unusual transactions were identified as a result of our audit procedures.

Identified or Suspected Fraud

We have not identified or obtained information that indicates that fraud may have occurred.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. There were communicated to you upon identification.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial statements or the auditor's report. No such disagreements arose during the course of the audit.



Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report. There were no circumstances that affected the form and content of our auditor's report.

Representations Requested from Management

We have requested certain written representations from management, which are included in their letter dated February 28, 2023.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing the City's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. However, in accordance with such standards, we have read the information (if applicable) and considered whether such information, or the manner of its presentation, was materially inconsistent with the presentation in the financial statements.



Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the governing body and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

A handwritten signature in black ink that reads "Melanson".

Merrimack, New Hampshire
February 28, 2023



CITY OF BURLINGTON, VERMONT

Management Letter
For the Year Ended June 30, 2022

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To the Honorable Mayor
and City Council
City of Burlington
149 Church Street
Burlington, Vermont 05401

In planning and performing our audit of the basic financial statements of the City of Burlington, Vermont as of and for the year ended June 30, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore, significant deficiencies or material weaknesses may exist that have not been identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A reasonable possibility exists when the likelihood of an event occurring is either reasonable possible or probable as defined as follows:

- *Reasonably possible.* The chance of the future event or events occurring is more than remote but less than likely.
- *Probable.* The future event or events are likely to occur.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Merrimack, New Hampshire
Andover, Massachusetts
Greenfield, Massachusetts
Ellsworth, Maine

800.282.2440 | melansoncpas.com



During our audit, we became aware of other matters that we believe represent opportunities for strengthening internal controls and operating efficiency. The recommendations that accompany this letter summarize our comments and suggestions concerning those matters.

The City's written responses to our comments and suggestions have not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

This communication is intended solely for the information and use of management, Mayor, and City Council, and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.

Merrimack, New Hampshire
February 28, 2023

1. Improve General Ledger Monitoring and Adhere to a Formal Closing Schedule (Prior Year Comment)

Our audit disclosed that the City continues to make a significant number of material journal entries five to six months after year-end. Some of the journal entries were identified by Clerk Treasurer's (CT) Office Staff, while other were identified by analytical procedures performed by Melanson. Specifically, the General Fund trial balance on December 1, 2022 reported an excess of expenditure over revenues of approximately \$7 million. Review of budget and actual comparison schedules disclosed that ARPA grant amount of \$5 million should have been recognized in the General Fund per budget approved by City Council, but was erroneously reported in a special revenue fund. Multiple other entries over \$1 million each were posted in December 2022 to both General Fund and special revenue funds. Significant auditor and CT identified adjustments were also made in the various capital project funds in December 2022, refer to related comment number two. Another General Fund entry impacted the results of the pension fund, refer to related comment number three. Accurate and timely statements provide key data to support fiscal monitoring, and monthly review of all funds' balance sheets and budget vs actual schedules is necessary to ensure accurate reporting.

We continue to recommend that the City perform year end closing more timely. Step one in accomplishing this goal involves designating an individual to monitor and analytically review the general ledger on a monthly basis. Performing analytical procedures include reviewing all funds and balances to identify anomalies (which could be material misstatements) including unexpected deficits in fund balances and unexpected budget vs actual results. Management should monitor the process of reviewing monthly reports to ensure anomalies are identified timely. Step two is to establish a timeline to cure any misstatements within an appropriate timeframe. Implementation of this recommendation should result in earlier identification of the need for additional entries, improved internal reporting, and will streamline the year-end closing process.

We further recommend that the individual designated to monitor the general ledger on a regular basis and perform analytical review of all funds and balances should have limited other office responsibilities until corrective action is accomplished.

City's Response:

The Clerk Treasurer's office (CTO) agrees that a significant number of material journal entries were made after year-end.

It should be noted the approved \$5 million in ARPA funds was only to be posted by the CTO if needed, and the amount was posted based on actual performance to budget. A review of budget vs. actual demonstrated the need to post the full \$5M budgeted, and the journal entry required was posted incorrectly. It was mutually agreed the error was made, and we agree that additional staff training is required to ensure this does not happen again.

We acknowledge multiple entries were posted to the capital project funds in December. It was determined that the funding source of these funds could be filled by the use of previous premiums not utilized, and the promise of future donations. The CTO provided insight to the challenges that could impact the results of the pension fund early in the audit. This was due to a Settlement Agreement with IBEW that has not yet been finalized by legal counsel. The collective review demonstrated the need to adjust our books, and was a unique situation. We appreciate Melanson's guidance on the accounting treatment in this circumstance.

The CTO would like to note a substantial amount of staff turnover that took place in fiscal year 2022 due to retirements, and a major reorganization resulting in the shift of many accounting tasks to existing staff members. This does not excuse late journal entries or mistakes but this staff turnover does explain the particularly chaotic nature of this year's closing. We worked closely with consultant CliftonLarsonAllen (CLA) to add or replace much needed staff to CTO including a Senior Accountant, Cash & Banking Accountant, and Operations Director. We greatly appreciate the Board of Finance and City Council's support and approval of these important changes. As our new team learns their new roles, it will improve the timeliness of audit deadlines, and identifying anomalies. Despite these challenges, the CTO completed the final audit 60 days earlier than fiscal year 2021 and is poised to do so earlier and more correctly in fiscal year 2023.

We appreciate Melanson's recommendations to ensure a more timely closing and the Chief Administrative Officer will work with the team to identify one person, as requested, to absorb the new responsibility to review the general ledger on a monthly basis with support of the Comptroller, and the accounting team. This person will have limited other responsibilities and will focus on monitoring the general ledger on a regular basis and performing analytical review of all funds and balances and sharing them with management on a monthly basis. This person will also be responsible for ensuring that any mistakes are also cured within an appropriate timeframe.

2. Improve Community Economic Development Officer (CEDO) Capital Project Accounting

During our audit process, we noted that a capital funding source, grant revenue amount of over \$2 million, was posted to the CEDO special revenue fund instead of Moran Plant capital project fund in error.

Complete and accurate capital project fund accounting is essential throughout the year as accurate and timely statements provide key data to support fiscal monitoring, and without it, monitoring is difficult. Monitoring capital project funds for deficits and ensuring that all transactions were properly posted should be part of the monthly analytical review.

City's Response:

The City believes that while significant progress has been made with regards to our capital project fund accounting, acknowledges that there is still room for improvement and our

next focus will be on the streamlining of CEDO accounting to ensure timely and accurate reporting. We will begin working with CLA this month, and over the next few months rebuild the organizational sets to ease the tracking of actual vs. budget results for capital project funds, and operating expenditures. The new organizational sets will be set up and ready for Fiscal Year 2024 budgets. We plan to centralize our federal and state grants to help with the management of our capital projects, help reduce our deficits, and allow for more timely financial data. We have taken the steps to improve the Schedule of Expenditures of Federal Awards reporting by requiring all grants regardless of size to be approved by BOF, and have designated the Grants Director as the manager of this process.

This additional level of accountability will help improve this revenue source to be applied to capital, and improve timelines.

3. Review City Ordinance Language in Comparison to Collective Bargaining Agreements (CBAs) in Relation to Pension

We are aware of inconsistent language in Collective Bargaining Agreements (CBAs) and the City Ordinance with respect to pension benefit calculations that has resulted in retroactive adjustments to pension benefits.

We recommend that the Legal Department ensure the language in CBAs reference applicable section of the City Ordinance or otherwise provide assurance the language in CBAs matches the City Ordinance. Implementation of this recommendation will help ensure that pension benefits are made in accordance with City Ordinance.

City's Response:

The CTO agrees with this recommendation, and to help with this initiative is requesting support from pension administrator Hooker & Holcombe (H&H) to help identify the inconsistent language in the CBAs, and the City Ordinance. H&H will provide a list of inconsistencies to help aid the Legal Department's review.

Department: CEDO Submitter: Sarah Russell
 Title/Subject: Extreme Cold Weather Shelter Community AHS HOP Grant Acceptance (Budget Adjustment)

	Approval:	Meeting Date:
☐	Board of Finance	02-27-2023
☐	City Council	03-13-2023
	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Approved	Note
Department Head	02-14-2023	02-14-2023	Brian Pine
Mayor's Office informed and approved memo	02-14-2023	02-21-2023	Jordan Redell
Board/Commission, if required	N/A	N/A	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note			Will review and approve once received.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	02-14-2023	02-17-2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	02-14-2023	02-14-2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	N/A	
CIO, if an IT-related investment/purchase	N/A	N/A	

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?		Will be reviewed by CA when available, prior to execution
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Yes	Within the memo
If for submission to Council, are sponsors identified?	N/A	

Resolution Relating to

ACCEPTANCE AND APPROVAL OF THE FY2022
AUDIT

RESOLUTION 5.05

Sponsor: Board of Finance

Introduced: 03/13/23

Referred to: _____

Action: adopted

Date: 03/13/23

Signed by Mayor: 03/21/23

CITY OF BURLINGTON

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

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

1 That WHEREAS, the City's auditors, Melanson, Heath & Co., P.C., have completed the City audit for the
2 fiscal year July 1, 2021 to June 30, 2022; and

3 WHEREAS, the auditor has prepared a management letter to accompany that audit; and

4 WHEREAS, during the audit the auditor did not identify any deficiencies in internal controls that were
5 considered to be material weaknesses; and

6 WHEREAS, the City has responded to the items in the management letter; and

7 WHEREAS, on January 17, 2023 the Board of Finance reviewed the draft results and on March 13,
8 2023 has accepted the audit and recommended that the City Council approve and accept the audit, including
9 the management letter;

10 NOW, THEREFORE, BE IT RESOLVED that the City Council approves and accepts the City's Fiscal
11 Year 2022 audit, including the management letter.

12

13 KS/JP/JD/RESOLUTIONS 2023/ACCEPTANCE AND APPROVAL OF THE FY2022 AUDIT
14 March 9, 2023

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Acceptance And Approval Of The FY2022 Audit

.....
.....

Adopted by the City Council

March 13....., 20 23



..... Clerk

Approved March 21st 2023



..... Mayor

Vol. Page

Attest:

* * * * *



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Acting Chief of Police Jon Murad
DATE: March 9, 2023
RE: Request to accept funding from Department of Mental Health for Crisis Team

Request:

The Burlington Police Department is looking to enter into and accept a two-year grant award with the Vermont Department of Mental Health to create a Medically Enhanced Mobile Response Crisis Team (MERC). (This was modeled on the CAHOOTS team located in Eugene, Oregon). This Crisis Team will co-deploy an Emergency Medical Technician or Registered Nurse (affiliated with either the Burlington Fire Department or UVMHC) and a clinician to respond to crises requiring medical intervention. This is a two-year state grant with a 50/50 cost share with the city.

Background:

For several years Robyn Freedner-Maguire and Shay Totten, parent volunteers for Mental Health First for BTV, have worked tirelessly to bring this model to Burlington. In 2021 this began to gain traction as the Mayor's office and BPD, in consultation with City Council, discussed setting up a CAHOOTS-like response team. In 2022 the Burlington Police Department asked for responses to an RFP for services to stand up and respond to these identified crises. In April of 2022 the Howard Center was the lone respondent. Owing to a number of high-profile situations involving the BPD this initiative was put on hold. In the late fall of 2022 Jackie Corbally was hired as a part-time Crisis Implementer. Her mandate was to move this initiative to fruition. In November 2022, in conjunction with myself and Community Support Supervisor Lacey Smith, Ms. Corbally responded to a RFP from the Vermont Department of Mental Health for funding. On January 17, 2023, the city was notified that it was awarded the grant in the amount of \$667,252.00 with expectations of a 50/50 cost share for the program.

To staff the team, Acting Fire Chief Derek Libby developed a job description for an additional EMT and is actively working with HR to post and hire for this position. It is anticipated that the monies the City accepts, if authorized by the Council, may be used to sub-contract an entity that will provide clinician(s) for the team. Ms. Corbally and CSS Smith have met with stakeholders at UVMHC and Howard Center to discuss potential partnerships.

Funding:

The City has already budgeted \$400,000 for Year 1 of this Crisis Team expense in the FY23 budget. City funding will also need to be allocated in FY24 in order to meet the 50/50 provision. This memo seeks permission to accept the Vermont Department of Mental Health's grant, which is anticipated to result in cost sharing for the program:

Year 1:

City	\$367,669
DMH	\$367,669
Project Cost:	\$735,338

Year 2:

City	\$299,583
DMH	\$299,583
Project Cost:	\$599,166

Contract:

**at its completion will be added to the contract*

Board of Finance Motion

To approve and recommend that the City Council approve and authorize the Acting Chief of Police to execute all necessary documentation in acceptance of the Vermont Department of Mental Health grant awarded to the City in the total amount of \$667,252.00 for a two year, 50/50 cost share for the implementation of the Medical Enhanced Mobil Response Team, upon final review and approval of the City Attorney's Office.

City Council Motion

To approve and authorize the Acting Chief of Police to execute all necessary documentation in acceptance of the Vermont Department of Mental Health grant awarded to the City in the amount of \$667,252.00 for fiscal years '23 and '24, a two-year, 50/50 cost share for the implementation of the Medical Enhanced Mobil Crisis Response Team, upon final review and approval of the City Attorney's Office

Respectfully and sincerely,



Jon Murad
Acting Chief of Police

Board of Finance and City Council Submission ChecklistDepartment: Police Submitter: Acting Chief of Police Jon MuradTitle/Subject: Request to Accept Crisis Team Funding

	Approval:	Meeting Date:
☒	Board of Finance	3/13/2023
☒	City Council	3/13/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/9/2022	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	2/20/2023	Click or tap here to enter text.
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/9/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/9/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

Resolution Relating to
Supporting LGBTQIA+ Community
Members and Condemning Transphobia

RESOLUTION_____
Sponsor(s): Councilors Magee, Paul,
Barlow, Carpenter, Traverse,
Bergman, Freeman, Hightower, Brandt
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

- 1 That WHEREAS, violence and hate toward queer and transgender people is on the rise nationally and in
2 Vermont; and
- 3 WHEREAS, here in Burlington, a group of residents continues to target queer and transgender
4 community members, especially young people; and
- 5 WHEREAS, these residents spread hate through protests, aggressive stickering near our schools and
6 other public spaces, and on social media; and
- 7 WHEREAS, 378 anti-LGBTQIA+ bills have been introduced and are advancing in state legislatures
8 throughout the United States;¹ and
- 9 WHEREAS, across the country, these kinds of hateful acts are leading to a rise in violence toward the
10 LGBTQIA+ community, with higher rates of violence directed at trans community members; and
- 11 WHEREAS, in recent years, we have seen the tragic results of this kind of hate here in Vermont; and
- 12 WHEREAS, in 2022, Fern Feather, a transgender woman, was murdered in Central Vermont; and
- 13 WHEREAS, The Pride Center of Vermont had the front door of their office, a safe and welcoming
14 gathering space for all, smashed in a hateful act of vandalism and intimidation; and
- 15 WHEREAS, hate directed at LGBTQIA+ students and faculty in Burlington Schools poured in from
16 around the nation, when Fox News amplified hateful, transphobic messages related to a DEI presentation on
17 gender identity and pronouns; and
- 18 WHEREAS, hateful, transphobic protesters have targeted community events such as Burlington Pride
19 and the Outright Fire Truck pull, events that are meant to be welcoming, joyful, and supportive celebrations;
20 and
- 21 WHEREAS, in a show of solidarity, community members have come together to remove harmful,
22 transphobic stickers from public places; and

¹ <https://www.aclu.org/legislative-attacks-on-lgbtq-rights>

**SUPPORTING LGBTQIA+ COMMUNITY MEMBERS AND
CONDEMNING TRANSPHOBIA**

23 WHEREAS, Burlington Parks and Public Works staff has worked hard to come up with a plan for
24 addressing and tracking hateful stickers in our parks and on other City-owned property, including street signs;
25 and

26 WHEREAS, The Burlington School District has made a statement condemning these hateful acts and
27 pledging support to LGBTQIA+ students and staff; and

28 WHEREAS, the Burlington Community Justice Center has made a significant effort to bring
29 community members together and offer space to talk about the harms caused by these hateful acts; and

30 NOW, THEREFORE, BE IT RESOLVED, that the City Council and the Mayor condemn these hateful
31 acts against trans community members; and

32 BE IT FURTHER RESOLVED, that the City Council extends our unequivocal support to the
33 LGBTQIA+ community; and

34 BE IT FURTHER RESOLVED, that the City Council expresses our gratitude for the work of those
35 community members who have come forward to support queer and transgender community members by
36 removing the harmful stickers; and

37 BE IT FURTHER RESOLVED, that the City Council is committed to the City of Burlington's efforts
38 to begin observing Trans Day of Visibility annually on March 31st, through a city-wide, city-sponsored and
39 funded campaign, to include vocal support from the Mayor's Office affirming support for the LGBTQIA+
40 community, specifically the trans community; and

41 BE IT FURTHER RESOLVED, that the City Council will work in collaboration with community
42 members and organizations and the City administration to develop a plan for ongoing activities to support and
43 amplify the voices of the LGBTQIA+ community, including days of action, flying pride flags on City
44 property, and organizing a speakers series; and

45 BE IT FURTHER RESOLVED, that the City Council supports the continuation of tracking all
46 transphobic and other hate speech in an annually published report available to the public to ensure the ongoing
47 commitment to decreasing the amount of hate speech in our City; and

48 BE IT FURTHER RESOLVED, that the City Councils urges Burlington's state legislative delegation to
49 look at current state hate crime statute to look to extend protections for schools and organizations that
50 advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes; and

51 BE IT FURTHER RESOLVED, that the City Council's Ordinance Committee shall, in coordination
52 with the Burlington Police Department and the City Attorney's Office, examine Burlington's graffiti

**SUPPORTING LGBTQIA+ COMMUNITY MEMBERS AND
CONDEMNING TRANSPHOBIA**

53 ordinance and consider changes that address continued defacement of public property, and graffiti that spreads
54 hateful and harmful messages.

55
56 JP/JD/RESOLUTIONS 2023/SUPPORTING LGBTQIA+ COMMUNITY MEMBERS AND CONDEMNING TRANSPHOBIA/March 9, 2023

You are receiving this message because you are a designated recipient for: City Council

Received from: Andrew Kranichfeld

Subject: Resolution supporting Trans Burlingtonians

Message: I Support the resolution to support the trans population in Burlington. Trans people are part of our community, which includes family, friends, neighbors, teachers, representatives, etc. If you are against trans people you are against the city of Burlington itself. Burlington stands for diversity and that is why we have such a wonderful population of different people from different countries, religions, ethnicities, genders and sexual orientations that choose to live here. I think the important question to ponder is who would be against supporting the trans community here? Well I'll tell you. People that have nothing better to do. They sneak around in the cover of night plastering up offensive stickers that a vast majority of our friends and neighbors do not want. They sit behind microphones and make podcasts that other hate-filled people listen to. What's next, protesting a children's trans event? Oh yeah...they did that too.

So I hope the city of Burlington can come together tonight and do the right thing, support trans Burlingtonians.

Resolution Relating to

THANKING CITY STAFF AND COMMUNITY
PARTNERS FOR THEIR EFFORTS AT THE
EMERGENCY WARMING SHELTER AND
REITERATING THE CALL FOR OVERDOSE
PREVENTION CENTERS

RESOLUTION _____

Sponsor(s): Councilors Magee, Paul,
Traverse, Freeman, Carpenter,
Bergman, Hightower, Shannon,
Introduced: _____
Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

CITY OF BURLINGTON

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

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

1 That WHEREAS, on the first weekend of February, as temperatures reached as low as -40 degrees with
2 wind chill, and dozens of our houseless neighbors were at risk of death from sleeping outside, City staff and
3 community partners worked quickly to create a low-barrier warming shelter at the Robert Miller Community
4 Center, serving 58 community members over four days, providing a warm place to sleep and access to needed
5 resources; and

6 WHEREAS, staff at the warming shelter were called to action to support and save the lives of
7 community members who were at risk of accidental polydrug overdose death; and

8 WHEREAS, we continue to lose loved Vermonters to overdose at alarming rates, with 212 opioid-
9 related accidental overdose deaths through the end of November 2022, with an additional 22 undetermined,
10 but likely overdose fatalities, far higher than the three-year average of 146 deaths through November;¹ and

11 WHEREAS, the drug supply in Vermont continues to be unpredictable with the presence of fentanyl
12 and now the emergence of Xylazine, which increase the risk of overdose and death; and

13 WHEREAS, Xylazine is not an opioid and therefore cannot be detected with fentanyl test strips and
14 does not respond to naloxone, a medicine that reverses the effects of opioids, Xylazine can cause respiratory
15 depression and otherwise contribute to an overdose emergency;¹ and

16 WHEREAS, Xylazine involvement in fatal opioid overdoses is increasing in Vermont and the
17 increasing prevalence of Xylazine has “introduced a new urgency for people to know and understand what
18 they are using”²; and

19 WHEREAS, mounting evidence shows that overdose prevention centers (OPCs) save lives, can
20 provide clients with access to additional services such as housing navigation, mental health care, and medical
21 care, and are well-equipped to adapt to an increasingly unpredictable drug supply; and

¹ <https://www.healthvermont.gov/sites/default/files/documents/pdf/ADAP-MonthlyOpioidRelatedFatalOverdoses.pdf>

² <https://www.healthvermont.gov/sites/default/files/documents/pdf/ADAP-XylazineBrief.pdf>

WHEREAS, there are nearly 200 OPCs operating in 14 countries, with two in NYC and many in Canada; and

WHEREAS, the two OPCs in NYC operated by OnPoint have served more than 2,300 participants, who have utilized the centers more than 55,000 times, with more than 700 overdose interventions and no fatalities;³ and

WHEREAS, the increase in overdose deaths should deepen the call for additional clinical and harm reduction education, and the need to use every approach now; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council extends our deepest gratitude to the City staff and community partners who acted quickly and decisively to get houseless neighbors out of the cold, and prevent fatal overdoses; and

BE IT FURTHER RESOLVED, that the City Council reaffirms its endorsement of all forms of harm reduction, including overdose prevention centers, access to safe syringe services programs, permanent decriminalization of and lower barriers for Buprenorphine, decriminalizing possession of all harm reduction supplies, drug checking services, and decriminalizing possession of personal use amounts of drugs; and

BE IT FURTHER RESOLVED, that the City Council urges the Governor, the Department of Health, and the State Legislature to heed the calls of harm reductionists, people who use drugs, advocates, and researchers to enable organizations in the State of Vermont to move forward in establishing life-saving overdose prevention measures, including overdose prevention centers.

JP/JD/RESOLUTIONS 2023/THANKING CITY STAFF AND COMMUNITY PARTNERS FOR THEIR EFFORTS AT THE EMERGENCY WARMING SHELTER
March 9, 2023

³ <https://onpointnyc.org>

Resolution Relating to

THANKING CITY STAFF AND COMMUNITY
PARTNERS FOR THEIR EFFORTS AT THE
EMERGENCY WARMING SHELTER AND
REITERATING THE CALL FOR OVERDOSE
PREVENTION CENTERS

RESOLUTION 5.08

Sponsor(s): Councilors Magee, Paul,
Traverse, Freeman, Carpenter,
Bergman, Hightower, Shannon,
Introduced: 03/13/23
Referred to: _____

Action: adopted
Date: 03/13/23
Signed by Mayor: 03/21/23

CITY OF BURLINGTON

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

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17 increasing prevalence of Xylazine has “introduced a new urgency for people to know and understand what
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20 provide clients with access to additional services such as housing navigation, mental health care, and medical
21 care, and are well-equipped to adapt to an increasingly unpredictable drug supply; and

¹ <https://www.healthvermont.gov/sites/default/files/documents/pdf/ADAP-MonthlyOpioidRelatedFatalOverdoses.pdf>

² <https://www.healthvermont.gov/sites/default/files/documents/pdf/ADAP-XylazineBrief.pdf>

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

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³ <https://onpointnyc.org>

* * * * *

DISTRIBUTION:

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

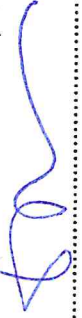
ORIGINAL

RESOLUTION RELATING TO

Thanking City Staff And Community Partners For Their Efforts At The Emergency
Warming Shelter And Reiterating The Call For Overdose Prevention Centers

Adopted by the City Council

March 13, 2023

 Clerk

Approved March 21st 2023

 Mayor

Attest:

Vol. Page

* * * * *

Resolution Relating to

CALLING ON THE VERMONT LEGISLATURE TO
SUPPORT AN EQUITABLE, AFFORDABLE, AND
ACCESSIBLE EARLY CHILDHOOD EDUCATION
SYSTEM

RESOLUTION_____

Sponsors: Councilors Traverse, Paul,
Magee, Bergman, Brandt
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-three.....
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, child care is essential to shaping the next generation of Vermonters, supporting families,
2 and revitalizing our economy; and
3 WHEREAS, since 2017, the City of Burlington’s Early Learning Initiative (ELI) has operated as one
4 of the few municipally funded programs in the country focusing on expanding access to high-quality early
5 child care for infants and toddlers, and has awarded more than 100 scholarships to low-income Burlington
6 families; and
7 WHEREAS, since 2020, the impact of the pandemic and widespread workforce shortages has
8 presented unprecedented challenges for children, families, and child care providers; and
9 WHEREAS, in 2021, Vermont passed H. 171 (Act 45), which laid the foundation to achieve an
10 equitable, affordable, and accessible early childhood education system in Vermont by the end of 2025,
11 established critical resources to support child care programs and families during unprecedented challenges,
12 and set the following key goals for Vermont to achieve:
13 • All families with young children should have access to high-quality child care and early education;
14 • No Vermont family should spend more than 10% of their annual income on child care; and
15 • Vermont’s essential early childhood educators should be fairly compensated and well supported; and
16 WHEREAS, with pandemic aid now coming to an end, and workforce shortages still presenting
17 significant challenges, child care investments continue to present both a key solution to Vermont’s broader
18 workforce crisis and a vital opportunity to address longstanding structural challenges and inequities in our
19 child care system; and
20 WHEREAS, in January 2023, an independent financing study overseen by the Vermont Legislature’s
21 Joint Fiscal Office was released, estimating costs of a high-quality early childhood education system,
22 considering alternative sliding-scale subsidy options and resulting family contributions, and estimating the
23 fiscal and economic impacts of stable State revenue sources to fill the funding gap; and

WHEREAS, with the support of this financing study and the will of many to lift Vermont's future and achieve quality, affordable, equitable childcare in Vermont, the 2023-2024 legislative biennium is the prime opportunity for Vermont to solve the child care crisis and, in turn, lift up our children, families, our communities; and

NOW, THEREFORE, BE IT RESOLVED, the Burlington City Council requests that the Vermont Legislature adopt legislation that accomplishes the following:

- Support early childhood educators through higher wages, better benefits, and appropriate training and professional resources;
- Make childcare affordable for every family, and ensure that no household pays over 10% of their income on childcare;
- Improve governance of Vermont's childcare system by consolidating oversight of childcare providers and early childhood education programs to a single state agency;
- Make childcare accessible in every community, including by growing our workforce of skilled providers and improving physical capacity; and
- Strengthen equity through programs to support families of color, families with children with disabilities, and other marginalized communities in accessing the childcare services they need.

My name is Lucia Campriello and I am a Burlington resident and a parent advocate within Vermont's child care campaign.

My advocacy is inspired by the exceptional team of early childhood educators at Pine Forest Children's Center in Burlington's South End, who cared for my children and supported me and my husband Joe as parents for the past eight years.

Joe and I moved to Burlington in 2015 with our then 15-month-old and no network of support. Pine Forest quickly became our community and continues to be a big part of our community today.

The relationships we formed with educators, with other parents, and with our daughters' classmates are long-lasting, just like the impact quality early childhood education has in children's lives, and we're fortunate to see that impact in our own children's lives as they thrive in elementary school today.

However, the majority of families do not share our experience as 3 out of 5 of Vermont's youngest children, including children right here in Burlington, are without the care they need, which means they're at a disadvantage when they enter elementary school.

And that's why I'm so grateful to the city council for supporting through tonight's resolution legislation moving through the state house right now that will ensure that every family who needs it can find and afford child care that meets their needs in their communities, and, that the professional workforce of early childhood educators who do the essential work of preparing our children for lifelong success are fairly compensated and adequately supported.

Thank you, city councilors, for joining thousands of Vermonters who are encouraging lawmakers to pass and fund this essential legislation this session, which will make Burlington - and the entire state of Vermont - a more affordable, just, and successful place to raise a family and make a living.

In addition to the council's leadership, I'd also like to acknowledge the Mayor's long term support for child care through the city's Early Learning Initiative and First Steps Scholarship program, which together have made child care possible - and in turn employment and housing - for many Burlington families.

These programs have successfully modeled the impact that public investments in child care have on access, affordability, and quality. In the same way, new legislation at the state level will successfully model for other states how children, families, early childhood educators, employers, and taxpayers alike all benefit when we invest in our children!

Thank you all for lending your leadership in this critical moment. I am so proud to partner with you within Vermont's campaign to end the child care crisis, and I look forward to seeing you all on Apr-12th at 1PM on the State House lawn to Rally for Child Care!

Resolution Relating to

CALLING ON THE VERMONT LEGISLATURE TO
SUPPORT AN EQUITABLE, AFFORDABLE, AND
ACCESSIBLE EARLY CHILDHOOD EDUCATION
SYSTEM

RESOLUTION 5.09

Sponsors: Councilors Traverse, Paul,
Magee, Bergman, Brandt, Carpenter
Introduced: 03/13/23
Referred to:

Action: adopted
Date: 03/13/23
Signed by Mayor: 03/21/23

CITY OF BURLINGTON

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

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

That WHEREAS, child care is essential to shaping the next generation of Vermonters, supporting families, and revitalizing our economy; and

WHEREAS, since 2017, the City of Burlington’s Early Learning Initiative (ELI) has operated as one of the few municipally funded programs in the country focusing on expanding access to high-quality early child care for infants and toddlers, and has awarded more than 100 scholarships to low-income Burlington families; and

WHEREAS, since 2020, the impact of the pandemic and widespread workforce shortages has presented unprecedented challenges for children, families, and child care providers; and

WHEREAS, in 2021, Vermont passed H. 171 (Act 45), which laid the foundation to achieve an equitable, affordable, and accessible early childhood education system in Vermont by the end of 2025, established critical resources to support child care programs and families during unprecedented challenges, and set the following key goals for Vermont to achieve:

- All families with young children should have access to high-quality child care and early education;
- No Vermont family should spend more than 10% of their annual income on child care; and
- Vermont’s essential early childhood educators should be fairly compensated and well supported; and

WHEREAS, with pandemic aid now coming to an end, and workforce shortages still presenting significant challenges, child care investments continue to present both a key solution to Vermont’s broader workforce crisis and a vital opportunity to address longstanding structural challenges and inequities in our child care system; and

WHEREAS, in January 2023, an independent financing study overseen by the Vermont Legislature’s Joint Fiscal Office was released, estimating costs of a high-quality early childhood education system, considering alternative sliding-scale subsidy options and resulting family contributions, and estimating the fiscal and economic impacts of stable State revenue sources to fill the funding gap; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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

Adopted by the City Council

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

..... Clerk

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

..... Mayor

Vol. Page

* * * * *

CALLING ON THE VERMONT LEGISLATURE TO SUPPORT AN
EQUITABLE, AFFORDABLE, AND ACCESSIBLE EARLY CHILDHOOD
EDUCATION SYSTEM

24 WHEREAS, with the support of this financing study and the will of many to lift Vermont's future and
25 achieve quality, affordable, equitable childcare in Vermont, the 2023-2024 legislative biennium is the prime
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35 and early childhood education programs to a single state agency;
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37 providers and improving physical capacity; and
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39 disabilities, and other marginalized communities in accessing the childcare services they need.

40

41

* * * * *

DISTRIBUTION:

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

Vermont Legislature

ORIGINAL

RESOLUTION RELATING TO

Calling On The Vermont Legislature To Support An Equitable, Affordable, And
Accessible Early Childhood Education System

Adopted by the City Council

March 13, 2023

 Clerk

Approved  March 21st 2023 Mayor

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Vol. Page

* * * * *

MCNEIL VS 2050 CO2 REDUCTION GOALS

PF = 3/21/23
Cc

Burlington declared a climate emergency in 2019, The declaration calls for the city to be net carbon neutral by 2050. So let's take a look at McNeil from the perspective.

The wood burning McNeil Plant generates over 400,000 tons of CO2 per year. It is the largest single source of CO2 production in Vermont. McNeil only acknowledges a tiny fraction of the 400,000 tons of CO2 when figuring its' carbon footprint, because they consider wood as a renewable resource.

Trees require 80-100 years to reach maturity. While McNeil's gets most of its' wood fuel from the parts of the tree that are not useful to the lumber industry, this still requires the harvesting of whole trees to create the "waste product" that is chipped and burned. The net result is a large reduction of the carbon absorption capabilities of the harvested forests. From today until 2050, only about 15% of the CO2 absorption capabilities lost by forests harvested during this period will have been renewed.. At the same time, McNeil will emit at least 10,800,000 tons of CO2.

McNeil's "renewable" power allows it to sell REC's. This "greenwashing" enables others to continue to operate their own dirty fuel facilities.

In summary, the actual carbon footprint of McNeil consists of CO2 from combustion, the lost absorption capacity of harvested forests and the CO2 emissions from facilities that buy REC's from McNeil. It is fair to say that McNeil is probably among the worst options for power generation when it comes to climate impact. Worse than fossil fuel plants that don't rely on forests and don't sell REC's.

With a full accounting of the impact of McNeil, the city will not come close to meeting the 2050 goals of the climate emergency declaration if it continues to operate McNeil as planned and the carbon tax and district energy projects will only make things worse.

Lori Olberg

From: Lori Olberg
Sent: Friday, March 3, 2023 8:55 AM
To: Emily R O'hara; Mary O'Neil
Cc: Scott Gustin
Subject: RE: DRB Alt

You are all set Emily. Take care and good luck with everything 😊

From: Emily R O'hara <eo'hara@burlingtonvt.gov>
Sent: Thursday, March 2, 2023 8:10 PM
To: Lori Olberg <lolberg@burlingtonvt.gov>; Mary O'Neil <MCO'neil@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: Re: DRB Alt

Thank you, Mary. I appreciate your understanding: I just learned that I also might have to move from my apartment in Burlington, so it really just isn't in the cards right now .

Hi Lori,

Yes, please do honor this email as my resignation. Is anything else needed from me?

With gratitude,
Emily

From: Lori Olberg <lolberg@burlingtonvt.gov>
Sent: Tuesday, February 28, 2023 9:27 AM
To: Mary O'Neil <MCO'neil@burlingtonvt.gov>; Emily R O'hara <eo'hara@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: RE: DRB Alt

Hi All,

Emily, would you like me to honor this email as a resignation or would you like to send me a separate email for the Council and Mayor to see—let me know—

From: Mary O'Neil <MCO'neil@burlingtonvt.gov>
Sent: Tuesday, February 28, 2023 9:22 AM
To: Emily R O'hara <eo'hara@burlingtonvt.gov>; Lori Olberg <lolberg@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: RE: DRB Alt

I'm sorry to hear that, Emily. I am forwarding your information to Lori Olberg, who staffs the City Council so she may acknowledge the change. I'm sorry we didn't get to work with you.

Best,

Mary

From: Emily R O'hara <eo_hara@burlingtonvt.gov>
Sent: Tuesday, February 28, 2023 9:17 AM
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Cc: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: DRB Alt

Good morning Mary,

I'm afraid I may need to step away from the DRB Alternate role. I thought that I would be able to pop in as needed, but my family structure (just me and my doggo) doesn't seem to allow for this as one thing after another has prevented me from joining meetings as a stand-in.

For example, as you know, I got Covid last week, and even though I'm feeling better, my dog ended up having a leg trauma incident on Sunday and had to get stitches at the ER. Now, I have to monitor her closely for 10-14 days, and can't bring her to daycare or leave her crated for a few hours at a time, so I won't be able to join the March 8 meeting either.

I'm very sorry for any inconvenience that this decision might cause in the short-term and am hoping that it's a decision which can bring more stability to your DRB roster, if you will, for the long-term.

Kind regards,
Emily

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



OFFICE OF THE CLERK/TREASURER City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401 Voice (802) 865-7000

Fax (802) 865-7014

Deaf/Hard of Hearing 711

To: Board of Finance
City Council

From: Katherine Schad, CAO
Tim Clancy, HR

Date: March 13, 2023

Subject: Creation of Budget Manager Position, and reclassification of one (1) Clerk/Treasurer Position

Executive Summary

We propose the creation of one (1) new position and the reclassification of one (1) position in the Clerk/Treasurer's office as summarized below:

- Creation of the Budget Manager position, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office.
- Reclassification of the Accounting Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 12, position to Customer Service Associate, a regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office.

Background for Budget Manager role:

This position is responsible for developing and overseeing financial budgets on an annual & monthly basis, with a specific focus on the General Fund. The Budget Manager will work in conjunction with Department Heads to develop multi-year revenue and expenditure projections, and monitor current revenues and expenditures in comparison to the adopted budget. Further the position will report statuses and outstanding issues to senior management and follow-up with staff assigned to reconciliations and assist with settlement issues as needed. The position also provides training to city employees on budget preparation and management.

For the past four years the City of Burlington's annual audit has noted that the CT Office has made material journal entries months after the end of the fiscal year. In this year's letter the auditors recommended that the CT Office designate an individual to monitor and review the general ledger on a monthly basis, and perform analytical procedures including identifying unexpected deficits in fund balances, and budget vs actual variances. Upon further discussion with our auditors, it is clear that new capacity is needed for this position in order to ensure that the City can meet the expectations.

Background for Customer Service role:

Due to the high volumes of customer service needs in the Clerk/Treasurer's (C/T) office as well as the demand for administrative support in back-office functions, we would like to reallocate the vacant role of Accounting Assistant. This reclassified role would be a more cross-functional position with both

responsibilities for customer support and offer back-office assistance as needed. Changing this position would provide our department with a flexible resource capable of supporting multiple functional teams, ensuring staff is supported and our constituents' needs are met promptly and without interruption.

Financial Impact

Position	Current Grade/Step	FY23 Current Salary	Proposed Grade/Step	FY23 Proposed Salary	Increase
Budget Manager	N/A	\$0	22-1	\$86,416	\$86,416
Accounting Assistant > Customer Service Associate	12-1	\$47,599	14-1	\$52,943	\$5,344

The costs associated with these positions can be absorbed within CT's FY23 budget. New funding will be required for these important positions in CT's FY24 budget.

Motions

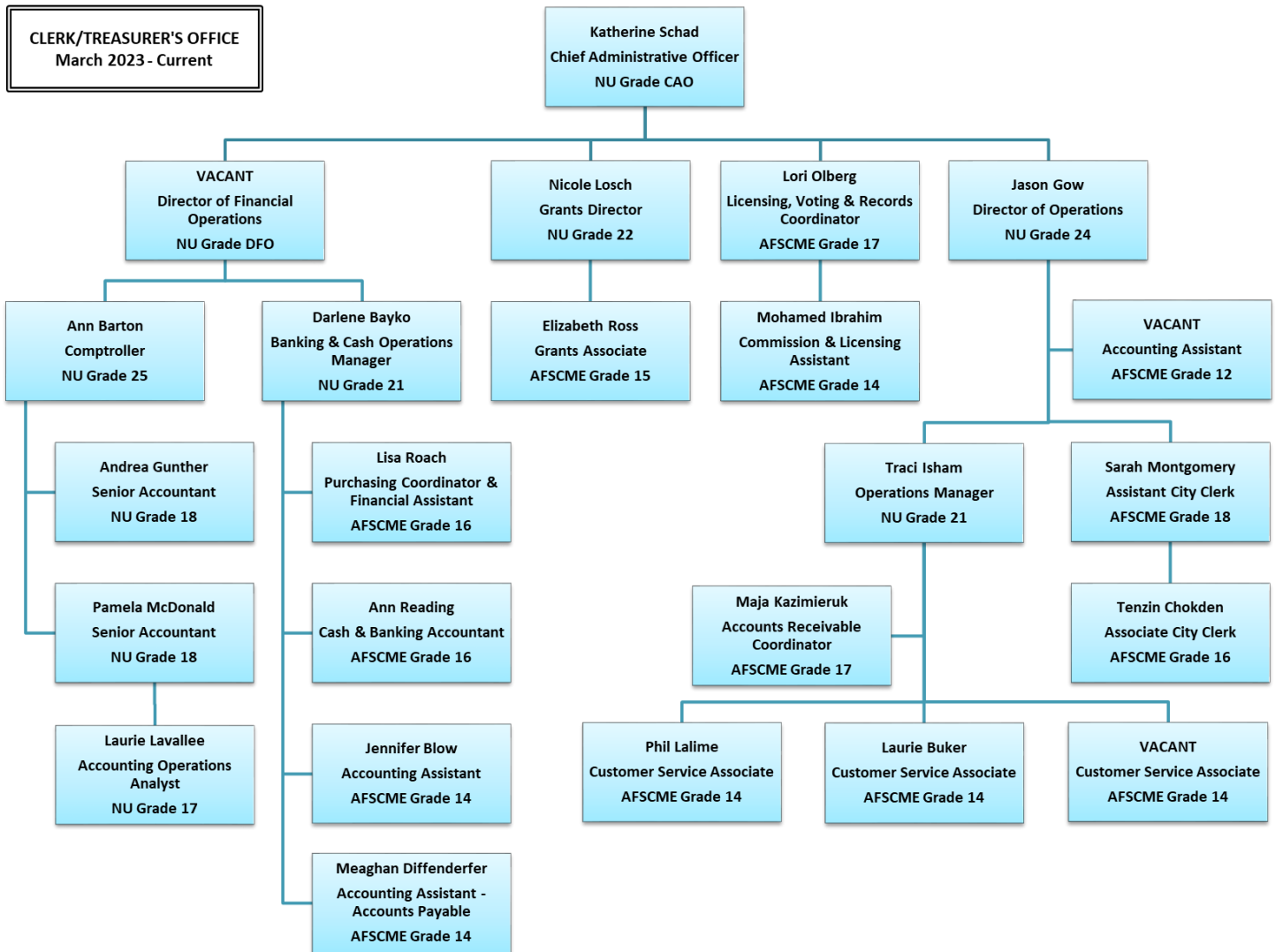
Board of Finance Motion:

- To approve and recommend that City Council approve the creation of the Budget Manager position, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office.
- To approve and recommend that City Council approve the reclassification of the Accounting Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 12, position to Customer Service Associate, a regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office.

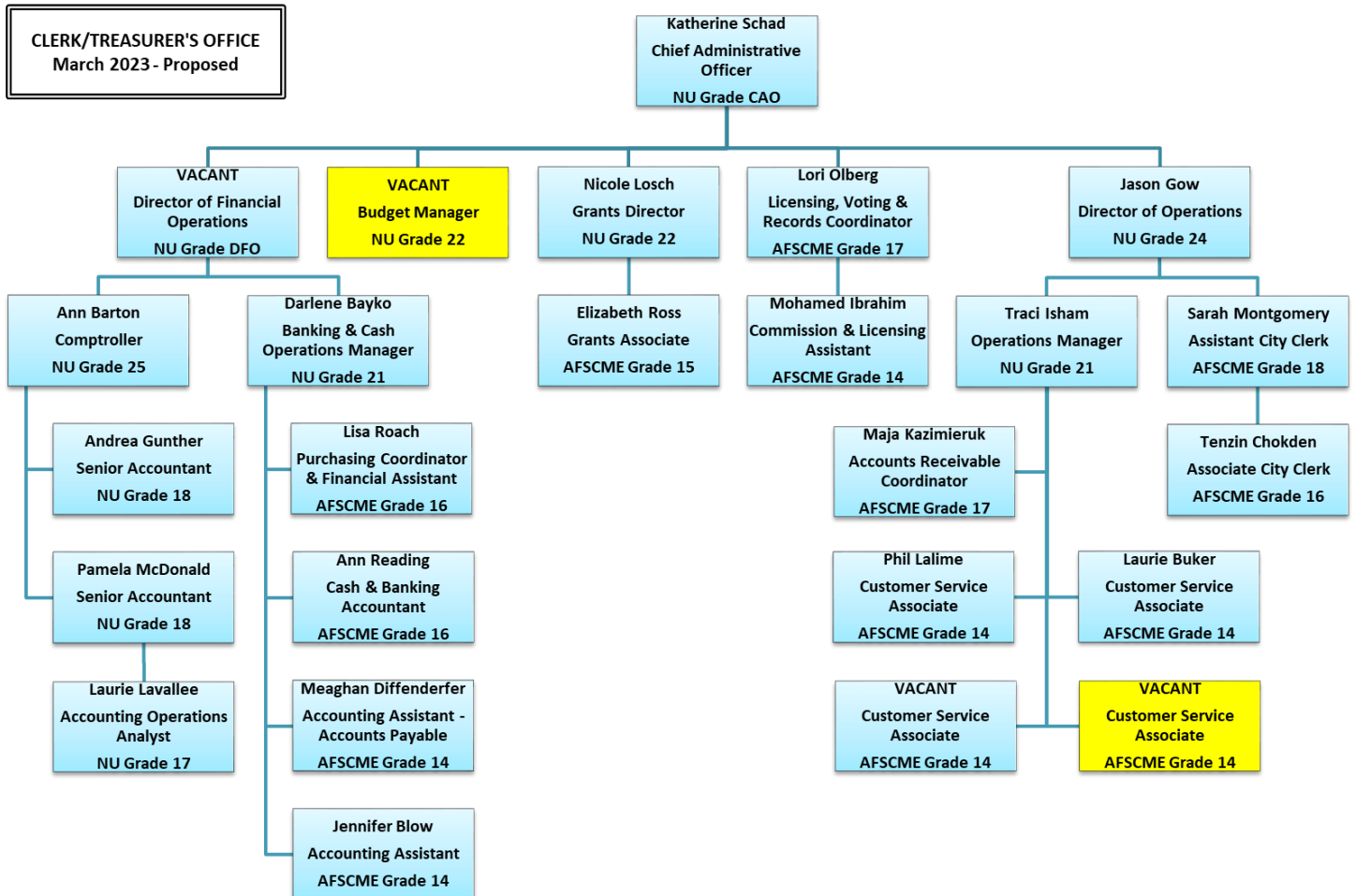
City Council Motion:

- To approve the creation of the Budget Manager position, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office.
- To approve the reclassification of the Accounting Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 12, position to Customer Service Associate, a regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office.

Current Organizational Chart



Proposed Organizational Chart



City of Burlington Job Description

Position Title: Budget Manager **Department:** Clerk/Treasurer

Reports to: Chief Administrative Officer (CAO)

Pay Grade: 22

Job Code: 110

Exempt/Non-Exempt: Exempt

Union: NU

General Purpose: To develop and oversee financial budgets on an annual & monthly basis, with a focus on, but not limited to, the General Fund. The Budget Manager will also work in conjunction with Department Heads to develop multi-year revenue and expenditure projections; and monitor current revenues and expenditures for variance against the adopted budget. The position also provides training to city employees on budget preparation and management.

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

- Oversee preparation of City-wide operating budgets, including developing and presenting procedures, requirements, instructions, and schedules for budget input, review, and modifications.
- Responsible for developing major facets of general fund budget in conjunction with Department Heads.
- In coordination with the CAO, establish and oversee standards and procedures to guide the administration of Citywide organizational budgeting.
- Develop and update monthly financial reports for budgetary control. Make projections concerning revenues and expenditures for the remainder of the fiscal year and make recommendations to adjust budgets and expenditure authorizations to maintain structural balance between revenues and expenditures.
- Review requests for budget amendments to ensure budget control.
- As directed, conduct budget and financial requirement analyses on major budget planning issues and alternatives, including but not limited to, union negotiations.
- Work with the Capital Programs Director to integrate CIP budgets, expenditures, bond authorizations, and multi-year capital planning into the budget. Provide oversight and integration of the capital budget into the City’s overall budget planning and preparations.
- Direct and support the development and implementation of financial and statistical measures to evaluate the existing and future financial environment of the City.

- Present and explain complex budgetary and financial analyses and make sound recommendations to department heads and CAO.
- Make presentations and write articles to inform the public and various civic groups concerning the City's budget and financial condition as well as city initiatives and programs at the direction of city management. Maintain budget-related information on the city's website.
- Coordinate citizen input into the budget through the use of public forums, e-mail, and online input.
- Oversight of City's Chart of Accounts, including recommending new Organization Sets and General Ledger Accounts
- Provide oversight & tracking of the City's monthly, quarterly, and yearly reconciliations to ensure they are current and complete. Report statuses & outstanding issues to senior management. Follow up with staff assigned to reconciliations & assist with settlement issues as needed.
- Assist union negotiating team by running analyses on proposed budget impacts to aggregate compensation costs.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Bachelor's degree in accounting, business management, finance, or similar.
- At least 5 years of experience as a budget analyst, financial analyst, business accountant, or similar.
- Thorough knowledge of legal frameworks and business accounting procedures.
- comfort navigating & compiling data from multiple software/sources, especially high-level of Excel knowledge (at a minimum, comfort with pivot tables and basic formulas).
- Excellent written communication and interpersonal skills.
- Strong analytical and problem-solving abilities.
- The ability to collaborate with multiple internal and external stakeholders.
- Great organizational skills and attention to detail.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

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

 x seeing

 ability to
move distances

☐ color perception

(red, green, amber)

☒ hearing/listening

☒ clear speech

☒ touching

☒ dexterity

☒ hand

☒ finger

☐ reading - basic

☒ reading – complex

☐ writing - basic

☒ writing - complex

☐ shift work

☒ works alone

☒ works with others

☒ verbal contact w/others

☒ face-to-face contact

☒ inside

☐ pushing/pulling

☐ lifting (specify)
within and
between _____
pounds _____
warehouses/offices
☐ carrying
(specify)
☐ climbing
☐ pounds
☐ ability to mount
and _____
driving (local/over _____
dismount
forklift/truck _____ the
road)

☐ math skills - basic

☒
analysis/comprehension

☒ math skills - complex

☒
judgment/decision

☒ clerical
making

☐ outside
pressurized equipment _____

☐ extreme heat
☐ moving
objects

☐ extreme cold
☐ high places

☐ noise
☐ fumes/odors
☐ mechanical equipment
☐ hazardous

materials
☐ electrical
equipment _____
dirt/dust

Supervision:

Budget Manager

Page 4

Directly Supervises: __0__

Indirectly Supervises: __0__

Disclaimer:

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

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Created February 2023.

Board of Finance and City Council Submission Checklist

Department: Clerk Treasurer Submitter: Katherine Schad/Tim Clancy
Creation of Budget Manager Position Reclassification of Accounting Assistant to
Title/Subject: Customer Service Associate

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	3/13/2023

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	3/6/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	3/8/2023	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	3/8/2023	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	3/8/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	3/6/2023	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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