



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

12/9/2019

Charter Change Committee

Minutes of December 9, 2019

Champlain Room, City Hall

Attendance: Committee Members Max Tracy, Chair; Joan Shannon; Franklin Paulino

Staff: Eileen Blackwood (City Attorney/CA)

Others present: Joseph O'Brien, Thea Lewis, Hannah King, Grace Viscito, JF Carter Neubiser, Barbie Alsop, Ryan Garvey, Patrick Johnson, Jack Hanson (Councilor), Nathan Lantieri, Dave Hartnett, Gene Bergman, Katey Beaton, Winifred McCarthy-Dunn, Solveig Overby, Perri Freeman (Councilor), Karen Paul (Councilor), Gil Livingston, Addie Herbert, Robert Bristow-Johnson, Terrill Bouricius.

Chair Tracy called the meeting to order at 4:53 pm.

1.01 Motion to adopt the agenda as presented by Shannon, second by Paulino—unanimous. Agenda was adopted as presented.

2.01 Motion to approve the minutes of 11/21/19 as presented by Paulino, second by Shannon—unanimous. Minutes were approved as presented.

3.01 Public Forum

Joseph O'Brien spoke in favor of ranked choice voting (RCV).

Thea Lewis spoke against ranked choice or instant run-off voting and urged a longer look at the issue.

Hannah King spoke in favor of all resident voting.





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Grace Viscito also spoke to allow all residents to have a say.

Carter Neubiser spoke in support of all resident voting and RCV.

Barbie Alsop spoke in favor of RCV.

Ryan Garvey spoke in support of these changes to voting.

Patrick Johnson spoke in favor of RCV.

Jack Hanson spoke in favor of RCV.

Nathan Lantieri spoke in favor of RCV.

Dave Hartnett spoke against RCV and urged there was no need to put this issue on the ballot.

Gene Bergman spoke in favor of RCV.

Katey Beaton is in favor of RCV.

Winifred McCarthy-Dunn, Ward 5, spoke against RCV.

Terry Bouricius is a national elections and design expert here to be a resource.

Robert Bristow-Johnson spoke in favor of RCV but proposes some changes.

Adam Roof is here to support non-citizen voting and RCV.



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Karen Paul is here to discuss Airport Commission issue.

Solveig Overby spoke in favor of RCV.

Addie Herbert is excited about RCV.

Gil Livingston is worried about what a runoff does for democracy. Also, the tenor of elections changes when candidates can't be in attack mode but have to understand what all voters are saying.

4.01 Election Dates—

Shannon asked how this language interacts with non-citizen voting. CA Blackwood said that it would work with or without non-citizen voting.

Tracy summarized the proposal for the public.

Paulino mentioned that when he was campaigning a lot of people expressed concern about how to do absentee ballots.

Shannon moved to recommend the resolution to the council. Paulino seconded. Unanimous. The resolution is referred to the City Council.

4.02 Adding Members to Airport Commission

Tracy summarized the proposal for the public.

Councilor Paul asked that this question be referred back to this Charter Change Committee. This proposal came forward by a little unusual process because it didn't go to Council first, but started in this committee. A few years ago, the Airport Strategic Planning Committee addressed governance issues, and there was talk about adding a seat. The MOU with Winooski and South Burlington has not been finalized. This proposal therefore may be premature, and I would encourage delaying putting this on the ballot. The Airport Commission did meet and talk about this issue, and they voted no. The council should wait for the Commission to weigh in.



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Shannon asked if Airport Commissioners were invited to this meeting. No one at the table knew, so they probably were not specifically invited. Shannon is torn because it is her understanding that this item is part of the negotiation with Winooski. She would like to see the MOU with Winooski, but CA Blackwood indicated it was still not public. Shannon noted that the committee could move this forward and then pull it back. CA Blackwood explained how the public hearing works and how charter change proposals can be amended or withdrawn following public comment.

When this committee originally voted, Paulino assumed that this measure had the support of the Airport Commission, and he would prefer to vote on it knowing their vote and understanding how the Commission feels.

Tracy sees that our neighbors across the river are really impacted by the F35s, and believes that we need to have both South Burlington and Winooski at the table to give feedback about what they're experiencing. Expansion of the airport affects them, and while it is more challenging to have more people on a commission, that's not necessarily a reason not to have them at the table. We should put this before the voters.

Motion to refer this resolution to the full council for vote at its 12/16 meeting by Tracy. Seconded by Shannon.

Shannon is concerned that there's a financial stake for South Burlington and Burlington, but it's a quality of life stake for Winooski and other communities. It's noise but also the service the airport provides. Shannon noted that if the committee refers it to the Council for the 12/16 meeting, we could invite the Commissioners to come and address it.

Paulino is concerned about going against the views of the Commission without hearing an explanation of why they voted against it but said he is willing to do some leg work and reach out to the Commissioners before the council meeting.

Unanimous. This resolution is referred to the full council for vote at its 12/16 meeting.

4.03 Non-citizen voting.

Tracy explained the proposal for the public.

Roof said that this is a sensitive issue because people don't want lists circulating of just non-citizens. Also, if people fill out the wrong ballot, they are violating federal law, so the system needs to be finely tuned. There has to be communication ahead of time.





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CA Blackwood reported on her office's conversation with Migrant Justice—they do not oppose having a separate list of the legal residents we're discussing here, as these folks are already known to immigration officials. They would prefer that the proposal go farther, but have no objection to it.

Roof indicated that it is helpful to refer to this as regarding legal non-citizen voters, as some people assume that non-citizen means illegal. Freeman wondered if documented and undocumented are the most respectful terms. CA Blackwood clarified that this proposal focuses on legal residents.

Q: What will be the process for determining if someone is a legal resident? CA Blackwood said it would be up to the CAO to determine that process.

Paulino asked what is the current length of the residency requirement? CA Blackwood explained that someone could register the day they become a resident. He also noted that he had privacy concerns about the list because it would be public.

Paulino suggested that it would be nice if (c) stated that it's not because Burlington thinks you're ineligible but because state law makes it prohibited that non-citizens cannot vote in state elections. Eliminate "by virtue of this section." Or "This section does not change a non-citizen resident's ability to vote in any state or federal election."

Motion by Paulino, second by Shannon to add "This section does not change a non-citizen's ability to vote in any state or federal election."

Shannon moved to amend by adding "resident," seconded by Paulino. Unanimous.

The amended motion was to delete the existing language of (c) and replace it with "This section does not change a non-citizen resident's ability to vote in any state or federal election." Unanimous.

The proposal is so amended.

Shannon asked if there has been any discussion of requiring residency for a set period of time before allowing someone to vote. CA Blackwood said she'd have to research because generally length of residency requirements have been struck





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down.

Shannon asked what the provision re: justices of the peace means. It would be clearer if it says "except they may not vote for justices of the peace."

Shannon moved to refer language to full city council as amended. Paulino seconded. Tracy supports moving this to council. Unanimous. The proposal is so amended.

4.04 Ranked Choice Voting.

Shannon moved to adjourn and take up this item at the next charter change committee meeting. Paulino noted he thought we all agreed to adjourn at 6:15. Tracy said he did not. **Paulino seconded the motion for discussion.** He noted that it was clear to him that the committee had agreed to a hard stop for a scheduling conflict, but it seems unfair that a lot of people have showed up for this discussion. Shannon said she needs to leave. She noted that she and others had sat in a lot of meetings together to vet what RCV is and to understand this issue before, and she is open to doing this work but just not right now. Tracy is willing to stay and discuss. Paulino said he has a giant list of things to talk about with respect to this issue, and it's not as if they could be covered by just adding 10 or 15 minutes to the meeting. He has a lot of questions before he feels comfortable with RCV. This is a very important issue but it was added to our agenda less than 7 days ago, and he is not clear whether this option fixes the issue or not.

Shannon called the question. Vote was 2 (Shannon, Paulino) to 1 (Tracy) to end discussion.

On the question, the vote was 2 (Shannon, Paulino) to 1 (Tracy).

The meeting was adjourned at 6:25 pm.