



Charter Change Committee Meeting, Monday, December 6, 2021, 4:00 pm, Sharon Bushor Conference Room, City Hall 12/6/2021

CHARTER CHANGE COMMITTEE

Monday, December 6, 2021

Sharon Bushor Conference Room, 1st Floor, City Hall; Via Zoom

DRAFT MINUTES

Members Present: Councilor Freeman (Chair), Councilor Barlow

Staff Present: Daniel Richardson (City Attorney)

Others in Attendance: Henri June Bynx, Rachel Foster, Maggie Caron, Alisa Bernard, Patricia Crocker, Michael Shively, David Mickenberg, Rep. Selene Colburn, Christopher-Aaron Felker, Esperanza Consequa

Meeting called to order at 4:13 PM.

1.0 Agenda

1.01 Motion to adopt/amend agenda

Motion to amend and adopt agenda as written with the following changes:

1. Item 6 (Sex Work Charter Change) is promoted to item 4.0.
2. Add Rep. Selene Colburn as a speaker regarding the legislature's work.

Motion by Councilor Freeman, Seconded by Councilor Barlow.

Final Resolution: Motion Passes

Yes: Unanimous.

2.0 Adopt Minutes



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Motion to adopt the minutes of the Committee's November 16, 2021 Meeting.

Motion by Councilor Barlow, Seconded by Councilor Freeman

Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

- Henri June Bynx, co-director of the Ishtar Collective, spoke in favor of the sex worker charter change repeal. Felt the language was outdated and believes changes will help to make sex work more positive.
- Rachel Foster, co-founder of World w/out Exploitation, spoke against the repeal of the sex worker charter change. She was not in favor of penalizing marginalized individuals by trying to stop exploitation. Repeal sends wrong message about Burlington and would exacerbate existing problems.
- Maggie Caron of New Englanders against Exploitation, spoke against the sex worker charter change repeal. Quoted a statement by former US Attorney Christina Nolan. Stated that people are put more at risk by the proposed change, and claimed that the City would lose the ability to investigate such activity.
- Alisa Bernard who works with survivors of sexual exploitation, spoke against the sex worker charter change. She indicated that she would favor repeal because of the arcane language, but only if alternative language was inserted to provide a pathway to criminalize the actions of exploiters.
- Patricia Crocker spoke against the sex worker charter change. She is not from Burlington, but she used to visit it regularly. She does not now because she does not feel safe and does not feel that the City is family friendly.
- Michael Shively of the National Center on Sexual Exploitation spoke against the sex worker charter changes. He tied his opposition to larger National and International trends in sex trafficking. He characterized the repeal as being contrary to what Amnesty International and other groups were seeking. He spoke strongly against the threat of legalization.
- David Mickenberg of De-criminalize Sex Work spoke in favor of the sex work charter change. He stated that repeal would not imperil public safety. He and others in favor of the repeal supported anti-trafficking and anti-exploitation laws. But he noted, consenting adults should not be criminalized. He quoted from an issue of the Lancet (medical journal) which looked at places where legalization of sex work made it safer for all parties involved.
- Rep. Selene Colburn, state representative from Chittenden 6-4, spoke in favor of the repeal and strongly encouraged the City to move forward. She noted that the language is not useful and is not being used by law enforcement. She believes that this is a state issue where anti-trafficking laws are being strengthened and where the more robust debates can occur.
- Christopher-Aaron Felker, Chair of the Burlington GOP, spoke against the sex worker charter change. He urged the councilors to take pause based on the impacts that they had heard described. He also spoke against the non-citizen voting charter change. He emphasized that citizenship is an essential part of what makes a voter. He also mentioned councilor compensation and referred to his prior comments from the Committee's last meeting.
- Esperanza Consequa, a former victim of exploitation and an LGBTQ person, spoke against the sex worker charter change. She noted that legalizing sex worker does not lessen the effects or change power dynamics. She encouraged a revision of laws and protecting the exploited. Does not support legalization but advocates for the equalization model.



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4.0 Consideration of Sex Worker Charter Change

There was a general discussion by the Committee members about the proposed sex worker charter change, which consists of a repeal of the power to regulate "houses of ill repute" and "prostitution."

Councilor Freeman stated that she supported the proposal as it represented an increase in safety.

Councilor Barlow supports striking the language as arcane, but he wants other, stronger laws.

Councilor Barlow asked City Attorney Richardson to clarify what the legal impact of the repeal will be. The City Attorney stated that it would have no effect on the state statutes current in place, which regulates and criminalizes prostitution on a state-wide basis. The only impact of the present charter repeal is that it would strip the City Council of the power to promulgate ordinances regulating or criminalize prosecution. This would be a minor effect in practice as local law enforcement and other parties have only used the state statutes and have not used the local ordinances, which prior to repeal contained awkward and arcane and gender specific language.

Rep. Colburn spoke at the invitation of the Committee about the legislative process and how the deliberative and policy process at the legislature was a better place to have these discussions and that the legislature could continue to look at the both anti-trafficking and prostitution laws.

Councilor Freeman made a motion to approve the sex worker charter change resolution.

Councilor Barlow seconded it.

Final Resolution: Motion Passes

Yes: Unanimous.

- **Discussion on Proposed Charter Change for Councilor Compensation.**

There was a general discussion of the various drafts for councilor compensation. Councilor Freeman and Councilor Barlow, after reviewing each of the three options, stated their support for the first version, which mirrors the Mayor's compensation and will allow the City Council to set their compensation rates annually.



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City Attorney Richardson stated that it was his understanding that the Administration had issues with the proposal and the open ended nature of such a provision.

Councilor Freeman made a motion to approve the councilor compensation charter change resolution.

Councilor Barlow seconded it.

Final Resolution: Motion Passes

Yes: Unanimous.

- **Review of Non-Citizen Voting Charter Change Item.**

The Committee took a quick straw poll and found the Committee divided and wanting more information. The Committee decided to table non-citizen voting to another meeting.

The Committee also, by consent, agreed to table all other business to the Committee's next meeting to be determined.

8.0 Adjournment

Motion to Adjourn by Councilor Freeman, Seconded by Councilor Barlow.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 6:01pm.

