



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

12/4/2018

Charter Change Committee

Minutes

December 4, 2018

Committee Members Present: Joan Shannon (JS), Chair, Richard Deane (RD), Max Tracy (MT)

Staff Present: City Attorney Eileen Blackwood (EB); CEDO Acting Director Neale Lunderville (NL); Code Enforcement Director Bill Ward (BW); P&Z Director David White (DW); Assistant City Attorney Kim Sturtevant

Public present: Katie Jickling

The meeting was convened at 6:09 pm.

1.01 Approval of the agenda: Deane moved; Tracy seconded. Unanimous.

2.01 Approval of the minutes from 11/29/18: Deane moved; Tracy seconded. Unanimous.

3.01 No public comments.

4.01 JS said that she heard from Bruce Baker that the Planning Commission is not discussing this until next week. One issue is dividing the question. There also are concerns about the possible merger of CEDO and planning, but she doesn't know how they want this Committee to address this.

JS said she is unsure if the council has the will to go forward with the merger of CEDO and Planning, but there is broad agreement on the creation of the permitting and inspections department, so she would like the charter change committee's work to show the two separated. EB said the next draft will show that.

The Committee began to review the proposed charter language.

122: Mayor to appoint director of planning. The Committee said some folks feel that making the planning director a mayoral appointment is making it more political. MT said that is not a major issue for him, since all other department heads are appointed by the mayor. JS noted that this new department separates out the regulatory board to be under a mayoral appointee, so this seems not to be a major issue. RD noted that it is more democratic to have the appointment come from the mayor who is popularly elected than from an unelected planning commission. DW noted that the Planning Commission has not clearly commented on this issue. DW said that if there is need for protection from a rogue mayor, the council is it. The Committee agreed to this change.

130(c): Planning director moved. This change does not need to happen if planning remains a department. The Committee had no objection to this change if the merger is supported.

332(a): Broadened language on purpose. MT said he believes that this language is the ongoing shift that he has seen in this administration towards development and away from community development, such as public engagement, anti-poverty, and diversity and equity functions. This does not provide an adequate check or balance. JS said that in her time on the council, CEDO's role has been much more on development, and that's how the council has interacted with it. JS mentioned Westlake and the Marriott, Moran Plant with the YMCA and Ice Factor, and the Waterfront, all of which were led by CEDO. At the same time, CEDO has always been fractured. CEDO was created as the mayor's development arm under Bernie Sanders. She disagrees that there has been any shift in CEDO; development has been a primary function of CEDO



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all along, even in its creation. Also, this doesn't add more development. RD noted that the council heard from NL about some challenges and CEDO's need for more resources. He heard a commitment to do those things and that we need to build both sides of the organization.

JS asked what if some of the planning functions CEDO does now shift over to planning so that CEDO can better do its job? MT sees these silos as poor management, and the mayor should be getting both sides to work together. There are different functions in the development process between the long range view of planning and the view of CEDO. JS said it is possible for the cooperation to happen without merging departments, but it will just happen better if they merge.

NL said bringing planning and CEDO closer together to better facilitate collaboration will unlock a lot of great things. Of the 26 people in CEDO, 2 people, plus the director, work on development projects. Everyone else is working on community development, housing, equity, engagement, community justice. He does not see that ratio changing. Resources have dwindled, so we are not putting our best foot forward on economic development. In the past, Bruce Siefer had 3 people under him in doing development, as there were more and broader federal funds available.

RD noted that another advantage of merger would be having a senior, experienced person like David White in the department with less experienced employees. MT said he doesn't have the operational information to make that claim, as it is unclear that David would have knowledge of all of their functions. MT said he has heard challenges for CEDO, but he doesn't think this merger will necessarily fix those challenges—dwindling federal funding, CEDO's broad scope, and turnover of staff. This merger doesn't deal with those structural concerns like federal funding. It's also difficult to consider because he doesn't think he has seen enough details yet. The plan is to merge and then work out the details. Connections are not being made in a strategic way. We are rushing through this, and there is a lack of public involvement.

JS noted that there seems to be a will to move forward with the new permitting department. This creates a problem by leaving a two-person planning department, so merging solves that problem. CEDO and Planning are developing their thinking separately, and it seems it would be better if they were focused together. She asked NL to explain what problems will be solved by the merger and what are the reasons to do this.

NL noted that there is no silver bullet. This will not solve all the problems. It will take some time to build out of where we are. The merger doesn't involve the federal funding issue, but does fix the way CEDO and Planning work as teams on projects, plans, and initiatives that require planning. With this change we will have members of planning on the daily teams, while up until now it has been done because the specific people get along well and make it work. DW gave an example: The planning department has a list of priorities, and CEDO has another. If they need each other's support, DW is tapping a CEDO employee, but that person has other priorities. As a merged department, a common work plan can be developed. Also, currently the planning director can't be directed by the mayor. DW said it works because we make it work, but it takes a lot of effort. NL said budget is based on strategic plan and what CEDO expects to accomplish in the next year.

MT does not like 332(a) but doesn't see why we need "including planning to guide land use and development decisions," JS feels the language is awkward. It was suggested to say "shall develop and implement" or "shall coordinate the development and implementation of" "an integrated comprehensive planning, community development, and economic development strategy." JS liked "shall develop and implement." RD agreed. The Committee agreed to make that change.

332(b)(4): This is directly from state statutory authorization language. MT asked why the waterfront comes out? DW explained that when CEDO was formed, the waterfront was CEDO's central planning function, but the new language is much broader and still includes the waterfront. The Committee is fine with this change.

332(b)(6). DW and NL explained this is a clean-up, not policy change. The Committee is fine with this change.

332(b)(7): This is mostly clean-up, as it lists a few stakeholders, but not all of them. It just adds land use planning. MT





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believes that taking out the NPAs is problematic as working with them is a key part of CEDO's role. This confirms to him that the merger is an attempt to take away CEDO's true role. JS feels this particular strikeout will not resonate well with the public. The Committee agreed to change the proposal to read "activities, including but not limited to community organizations, City commissions, and NPAs."

334: This is the planning director's role but embeds it within CEDO. The Committee is fine with this change.

JS read through the permitting and inspection sections that the Committee had previously agreed upon. The Committee remains comfortable with this new Article. MT asked about oversight of the appointment of assistant administrative officers. The proposal allows the ZAO to appoint them without oversight. This is not a change.

The committee noted a typo in the title of the Department: "inspecting" should be "inspections." The Committee will leave it to the City Attorney's Office to determine whether to call this Article 92A or renumber or include it elsewhere.

JS raised the issue of splitting the question. What happens if we separate the creation of the new permitting and inspections department and the CEDO/planning merger and do two questions? There are concerns if the voters adopt the second and not the first. There was agreement that two questions will not work.

MT feels strongly the council should just put forward the permitting and inspections section and come back to the other piece that we don't have consensus on. Right now it feels incredibly rushed, and there are key details unanswered. JS asked if MT is satisfied with how planning is left as a two-person office? He responded that he was and that one does not necessitate the other. RD said that this means a period of a year with an under-resourced department at a time when we need them to be working together.

JS recapped that the Committee has referred the creation of the new department of permitting and inspections unanimously to council. However, the Committee has yet to hear from the Planning Commission on what should happen to planning, and that makes her uncomfortable. The Committee agreed to make a final decision on the merger issue at its meeting on 12/12 at 5 pm.

5.01 Next meeting: December 11, 2018 at 6 pm (same room as Local Control) and then December 12, 2018 at 5 pm.

The meeting was adjourned at 7:55 pm.