



# BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

## 12/3/2014

### Charter Change Committee Meeting

December 3, 2014

Contois Auditorium, City Hall

#### \*\*\*MINUTES\*\*\*

Committee Members: Councilor Rachel Siegel (RS), Chair; Councilor Kurt Wright (KW); Councilor Norm Blais (NB)

Staff: Eileen Blackwood (EB)

Other Attendees: Ed Adrian, Jeff Nick, Lis Mickenberg, Kevin McLaughlin, Barbara Perry, Jeff Munger

RS called the meeting to order at 5:35 pm.

1. **Agenda.** NB moved, KW seconded approval of the agenda. Unanimous.
1. **Minutes of 11/18/14.** NB moved, KW seconded approval of the minutes. Unanimous.
1. **Public Forum.** Ed Adrian, Vice Chair of Library Commission, submitted comments in writing, which were placed on file. Trustees just appoint replacements with no process; they'll just show up at a meeting. There's no transparency for those particular seats. Also, term limits would avoid issues of reappointment. He suggests a limit of 6 years on one commission, but people can serve on a different commission. Political affiliation doesn't seem to matter. Size above 9 or 10 seems to be difficult. The Library Commission has 10 members, and that's fine because there are usually a few absent. The bigger problem is the 4 trustees appointed by an unknown process. More than 10 members would probably be problematic. NB asked if the use of the trustee system was designed as a fundraising device? No, there's a whole handbook, and it went from all trustees to just 4 members left from the prior system. The way they're elected is vestigial, based on the original \$20,000 endowment 150 years ago, and it should be changed now. Why have a dual setup for selection of commissioners? The idea was apparently that the library would be a distinct entity from the City to avoid tension. At minimum, there needs to be a process for selection. RS noted that this would be put on a separate agenda for discussion. Lis Mickenberg asked if there were a distinction in functioning among the appointees, but Adrian said no. Adrian noted that the commission also has bylaws, but they don't address the trustee selection process.

Jeff Nick, chair of the Marketplace Commission, asked what the committee is trying to achieve. RS noted that the idea is to clean up the whole system of commissions, and the current issues are term, size, and political affiliation. She noted that



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changes to the application are being considered. He agreed political affiliation is not necessary. The CSM commission has 9 members, and that seems to work well—it's easy to get a quorum, and most all show up. Their primary goal is to keep CSM vibrant, while addressing the economic interests of merchants. In terms of term limits, he has been asked to stay on repeatedly, and it seems useful to have institutional knowledge on the commission, and he wouldn't want to lose that. He's been on other boards that have term limits, and they've worked fine, so he's torn. He thinks CSM has policed it well over the years themselves.

Lis Mickenberg, Board of Registration of Voters, has a hard time recruiting people to be on the Board because they have to commit to being at elections all day, as well as at meetings. RS noted that the initial question is length of term. Mickenberg noted that mostly everyone who is interested is reappointed, so she wouldn't want to see term limits. As to political affiliation, she's heard from people who say they've applied but were told no because the city didn't need another Democrat (or whatever party they were). The Board is trying to create a manual with the help of the city staffperson to cover everything their members need to know. They have a new staffperson they're working with.

Kevin McLaughlin, Fire Commission, said political affiliation makes no difference. Jake Perkinson, chair, sent in written comments. McLaughlin doesn't see how political affiliation should fit in. The size of their commission is 5 members, and it's been that way for 23 years. It's a good size for this board. Three years is a good length of term. He asked the committee if it was considering term limits. RS said not currently. He said he's not interested in imposing term limits on this commission (he's been on for 23 years). Lis Mickenberg confirmed she's been on her board for 20 years, too.

Barbara Perry, former councilor, said that the committee should speak to each commission and think of each one individually. Political labels can disappear, as people work well together.

Jeff Munger, chair of Airport Commission, noted their commission is 5 people, one from S. Burlington. They're pretty much an advisory commission now. Their commission is very specific, and he'd recommend that there should be some qualifications to serve, not just someone who wants to. He's the longest serving, and has only been there for 5 years. They're missing institutional knowledge. It's hard to get anyone to apply, particularly given the taxi commission duties. The commission meets a long time, and it's all volunteer, and everyone on the commission has another job. He's not in favor of term limits. The commission did not meet and discuss these questions, so these are his personal views. Political affiliation doesn't really matter, isn't really necessary. The airport commissioners have 3 year terms (RS noted city records show 4 years, which he said could be), but whatever the term length, it seems to work okay. RS noted that there are position descriptions, but not qualifications. It's something to think about. Mickenberg asked how political affiliation came to be required. NB said historically, it's been important in Burlington.

Perry asked Munger if they need more members on the Airport Commission. He said no. She noted there had not been people attending in the past. Munger said usually everyone attends. They schedule around one traveling member's schedule.

Adrian said there are different levels of commissions. Parks is an A commission; there's lots of competition. Library is B,



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where there is some. Fence viewers is C, and no competition. There's a different dynamic for each level of commission. No one ever argued over the political affiliation of fence viewers, but they did about Parks.

McLaughlin noted that if the city goes to 3 year terms, they must be staggered.

Nick noted that 3 year terms are good for CSM.

RS asked what people thought about the idea of there being a two-term limit, then after someone took a year off, they could reapply. That would avoid the discomfort of deciding about someone if the council didn't want to reappoint them.

McLaughlin asked if maybe qualifications might help. RS said sometimes it's about personality. McLaughlin said he was strongly against term limits. He probably wouldn't be able to serve on the commission if he had to take a year off after two terms.

Adrian said there's a difference between elected (no term limits) and appointed officials (term limits may help). It will be easy to put pressure on 12 councilors because of the concentration of power. An applicant can lobby 12 people easily but can't target the electorate, so elected officials are different. RS said that it's hard to get someone off. Adrian said it's hard because of the size of the city. McLaughlin said he'd call the Council if a commission member weren't a good fit or didn't show up for meetings. Mickenberg agreed. That way the Council wouldn't feel bad; it would have input from the commissioners. Mickenberg said there need to be some distinct statements or process about acceptable behaviors. The committee confirmed that attendance is definitely taken into consideration, especially if the position is competitive. Nick agreed CSM would tell the council if a member were a problem. Nick said CSM commission has new people coming through regularly. Adrian said that may go to size of commission as well.

1. **Boards and Commissions discussion—Size:** RS said that she'd like to go larger than 5 on Police and Parks. Sarah Kenney, Chair of Police Commission, spoke for herself, not commission, and said she'd want 7 members. NB noted that since we put the word out well, and no one on any of the other boards complained that they were too small, we should keep the boards the same size. KW agreed. RS thinks the city would be better served by ensuring better representation. Also, the committee might not have heard from people because they have no strong opinion about changing the size. She felt the lack of comments could argue either way—members would have responded if they were concerned about change. KW noted that two members of the commission don't favor any change in the size of commissions, so this issue would not go forward. So, RS noted this issue would be tabled.

**Term Length:** KW moved that all boards go to 3 year appointments. NB added that with the addition that all incumbents would finish out their terms. KW agreed with the revised motion. RS noted that we will have to look at rotations to see when terms are up. KW's motion: **That the City Attorney prepare charter changes that would make the term for all council-appointed boards and commissions be three years, although all incumbents would finish out their current terms.** Seconded by NB. Unanimous.



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**Political Affiliation:** NB said he had no problem with eliminating the requirement of political affiliation for all except Board of Voter Registration. But he still thinks it should be included on the application as some information available to the public. Mickenberg said she is not sure political affiliation makes a difference for their board either, but KW said he thinks it's important. NB reiterated that the insiders know a person's affiliation, but it should be on the application for all to review. KW would like it to be optional on the application, but it could be eliminated as a requirement in the charter. RS would support that; she's in agreement with that view. There's too much party politics in the world. There are people who use commissions as a way to get on the council. While, politics won't be erased from people's heads, making it mandatory means many people put D or I, and that doesn't give a true view of people's affiliation. She can compromise with having it be on the application in an optional section.

KW noted he doesn't see anything wrong with people using the commission as a stepping stone to the council. RS said it's not simple. Munger noted that as a state we don't have to register by party, so why here.

NB moved **to recommend to the Council that with the exception of Voter Registration, political affiliation should no longer be required on council-appointed boards and asked the City Attorney to prepare charter changes to that effect.** Discussion was held on whether to add and **to include that political affiliation should be optional on the application in the resolution to the Council,** and the movant agreed to include that statement. KW seconded. RS said she'd add that the ordinance committee should be encouraged to take up any boards established by ordinance, rather than charter. Unanimous.

1. **Other Business:** Application changes: EB noted that she has received information from other jurisdictions from interns but hasn't reviewed it yet. RS would like to see the draft application, but the committee decided it's not their jurisdiction so they don't need to see it officially.

Several issues were raised in public forum: Term limits. Library trustee. Job qualifications. KW is opposed to term limits because there are lots of people who serve well for long periods of time. NB agreed, and noted that he has not had trouble voting against people who should not be reappointed.

RS asked what the other members thought about establishing job qualifications. KW said he hadn't thought about this too much, but the council needs to be careful, as these are supposed to be citizen (not expert) commissions. NB agreed and particularly didn't want to set qualifications, if it would adversely affect younger applicants. RS said she might like to discuss the concept, but believes the council has enough to do right now. As a new councilor, she didn't know enough about what commissions do, so qualifications might help. They wouldn't have to be set in stone but could just be recommendations.

Library trustees: Should we look further into the issues raised by Adrian, RS asked? Yes, NB said. KW agreed. They will schedule another time to look at this—in January. They asked that staff do research on background for how the current



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system evolved. RS can reach out to staff and board members. It would make sense to ask trustee members to come and discuss this with the committee.

Next meeting:

The committee discussed evenings or daytime but as they want to invite the library commissioners decided to set the meeting for Jan. 13, 5:30 to 7 and to try for CR 12. In preparation for that, the committee asked that the City Attorney's Office email the full library commission and the director and let them know that the committee is going to discuss the system and invite them to come or comment by email in advance.

The committee asked the city attorney to send the charter changes directly to the council.

1. The meeting was adjourned at 6:40 pm.

