



# BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

## 9/30/2015

### Charter Change Committee Minutes

Sept. 30, 2015

Present: Councilors Kurt Wright (Chair) (KW), Sara Giannoni (SG), Joan Shannon (JS) arrived 5:34 pm.

Staff: City Attorney Eileen Blackwood

Others present: Nancy Kaplan (Chair of Parks Commission, Christine Longmore (Police Commissioner), Sarah Kenney (Chair of Police Commission), Parks Director Jesse Bridges

Chair Wright convened the meeting at 5:15 pm.

**1.01 Agenda.** SG moved to adopt agenda as presented, second by KW. Unanimous.

**2.01 Approval of Minutes** of 9/10/15. Councilor Giannoni's name is mis-spelled in 5.01 and 6.01. Moved by SG to adopt minutes as amended. Second by KW. Unanimous.

**3.01 Public Forum:** No speakers outside of agenda items.

**4.01 Police Commission:** Sarah Kenney, chair of Commission, reported that Commission sent memo to Council last term requesting expansion from 5 to up to 9 members. The Commission also asked that the charter change committee look at adding some guidance about the role of the Commission. There is changing public dialogue around the country about what public oversight commissions should look like.

SG asked what would happen if commission duties were put on the ballot and then there were contradictory resolutions found. Attorney Blackwood responded that a charter change could overrule any prior delegation on the same subject, but it is believed that there have been no delegations of duty to date (just referrals of certain issues or actions).

Police Commissioner Christine Longmire suggested that it might make sense to have one Commission member be a youth member. Others agreed.

KW asked why more members would be helpful. Commissioner Kenney noted that often one member has not been present. Also, they have lots of work that could be done by subcommittees. Also, they would like to have more geographic and diverse community representation.





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Commissioner Longmore raised the question of the Commission's working on grievances and noted there is much room for creativity in allowing citizens a process to express their experiences with police. She supports expansion of commission.

KW likes the idea of 7 commissioners but is concerned 9 is too many. Commissioner Kenney said she hasn't had a chance to discuss this with the whole Commission. She thinks given the current status of the relationship between policing and the public, it is important to have more representation to promote transparency in policing. She wouldn't be passionately opposed to 7, but their idea was to have more rather than less. KW feels strongly that 9 is a big number. SG said since Council has decreased size, having up to 9 on Commission may help the Council's reduced capacity. Commissioner Longmore mentioned that having one as youth member would address some concerns, and Commissioner Kenney said that 7 plus a youth member might be okay.

SG asked whose role it is to add duties for police commission. City Attorney Blackwood noted that such duties could be 1) in the charter or 2) by Council resolution. [Councilor Shannon arrived, and KW summarized for her the prior discussion.] JS asked, why 9? Commissioner Kenney responded: better community representation and diverse voices. She said the chiefs have used the Commission as a sounding board. Also, there is a role for grievances under the labor contract. There has not been a grievance, though in the 7 years she has been on the commission.

JS said in addition to size, Council is considering the role of Commission and redundancy. The Commission prior to 2001 had more authority, and the Council can delegate it authority now. She suggested that SG discuss some of the actions the Public Safety Committee has been considering. SG reported that the Public Safety Committee has been doing a listening tour and has heard about transportation and bike safety, drug abuse and crime, bias and perceived racism, and treatment of people from marginalized communities. Chief del Pozo came to talk about some of his many ideas. Commissioner Kenney noted that the Chief just came to his first Commission meeting, and he is a visionary about the future of the BPD—transparency and a citizen complaint process as two of his goals. He has suggested a blind review process of redacted information and to review body camera footage (some). Some of his ideas would fit well with expanded role of Police Commission. JS said of things SG listed, are those things the Police Commission could take up and report back to Council, rather than having Council subcommittee do? Commission currently works closely with Department, while SG's committee is engaging public; could Commission do both? Commissioner Kenney thought it would be great, but right now they have only 5 busy people on the Commission, and most came on when the scope of duties was 5 hours a month. An expanded number of people would help. It would be hard logistically right now.

KW asked if CC Committee wants to recommend action or have future discussion. JS said she's more comfortable with 7, rather than 9, as sometimes the council has trouble getting volunteers for some board positions. SK asked if the charter could say "up to 9" and then only appoint 7? KW said commissioners not showing up is more exception than the rule, and the Commission's experience with a former commissioner not attending meetings was council's fault for not acting sooner.

This item was suspended, as Commissioner Kaplan had to leave before 6.





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**4.02 Parks Commission:** Commission Chair Kaplan reported that the Commission discussed whether to increase its membership to 7 or 9. She thinks 7 is better, 9 too unwieldy. But they would definitely like to expand to 7, particularly as they have within their purview many different areas. It is difficult for staff to attend the number of meetings that Parks oversees. She supports merging Cemetery Commission in, even if it makes the Parks Commission larger. Pulling cemetery duties in would be helpful, but if that commission feel super strongly that it should remain separate, she would accept that.

JS reported that she met with Cemetery Commission, and they feel very strongly. They said they only meet 4 times a year, so it is not a large burden on staff. They've been meeting monthly recently, Director Bridges reported, because of this issue. Director Bridges also added that the cemeteries have been part of the Parks Department for decades. They are separate by charter and rule, but so are the harbor, waterfront, streets, etc., and yet they are all part of Parks Commission. Commissioner Kaplan reported that the Parks Commission already meets separately as Harbor Commission and that area gets as much attention as it needs. The Cemetery could be folded in the same way, and with additional seats, at least some of the Cemetery Commissioners could continue to serve. Director Bridges reported that the Department is not staffed with different cemetery employees; all the same employees handle parks, cemetery, waterfront, etc.

JS noted that merging the two commissions wouldn't mean fewer meetings. Commissioner Kaplan said cemetery issues would not require a separate meeting, just a longer one. JS said the Council doesn't have the stomach to go to war with the Cemetery Commission, which is very passionate about remaining separate. The Committee also made sure to thank the Cemetery Commission members who are very dedicated.

Director Bridges asked that the role of commissioners be very clear to the commissioners and staff, so that it is clear that the Commission cannot direct staff's day to day operations.

Commissioner Kaplan noted that it's difficult to recruit because we need more diversity training. She feels that increasing to 7 members is the practical answer, but the Commission recommended up to 9.

SG asked about redundancies. JS said there are some things that are being done twice—like when a Moran project has to be presented to the Parks Commission, the PAC, the NPA, etc. She noted that one of the reason the Council has subcommittees is because historically the Council hasn't gotten reports back, so the option may be for the Council to request reports more consistently. Director Bridges noted that he can't afford to pay hourly staff to do all the different meetings, so he is the one running around to attend them. What he hears from the public is that there are so many meetings, it's hard to get to all of them. The public wants us to consolidate some of them. JS noted the Commission should provide the public oversight and report to the Council. Director Bridges noted that it is better for the oversight not to be adversarial but to be a public conduit, as the Parks Commission is.

JS said it seems as though not much has changed with the Council subcommittees since deciding they'd only do assigned tasks. KW agreed that the subcommittees should not be meeting monthly. JS said the Council is the body that can do something. Director Bridges noted that when the Parks Commission had trouble with attendance, fellow commissioners sent letters to those not attending. JS noted it's a common problem with one or another board.



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**JS moved to expand the Parks Commission to 7 members and would consider any language in strengthening role of Commission in lieu of Council subcommittee. SG seconded. Unanimous.**

KW asked if the expanded role would go into the charter? JS agreed that it could be by ordinance, but maybe a statement from the CC Committee should say that the Council should refer things to Commissions rather than Council subcommittees to better utilize and empower commissions.

**4.01 Police Commission.** The discussion returned to the Police Commission. SG said she is inclined to support "up to 9" because that's what the Commission asked. Commissioner Longmore said maybe they should discuss the concerns about 9 with the whole commission. KW noted they would have time to discuss. He also reiterated that he thinks 7 is better and allows a diversification of geography and other characteristics, but 9 is too big. JS also said she would support 7. Commissioner Kenney said there is no question that 7 would help. JS noted that the "up to" language would be difficult for the council in making appointments. KW said it means that the Council would feel it necessary to have 9.

**JS moved to expand the Police Commission to 7 members. KW seconded. 2-1 (SG opposed).** Commissioner Kenney noted they would not have a Police Commission meeting before the next Council meeting. KW noted that the CC Committee could bring this change to the Council at its 10/26 meeting. Commissioner Kenney said the Commission meets on 10/20. City Attorney Blackwood will prepare this change for the Council.

Commissioner Kenney asked about how to move forward on the issue of the duties of the Commission. KW suggested that the Commission work with the Chief and come up with something to present to the CC Committee. Some clarity around their role would be important. Commissioner Kenney agreed. The Commission will reach out to Public Safety Committee for input as well. Director Bridges suggested getting public input as well.

**4.03 Cemetery Commission:** See discussion above.

**4.04 Other Boards/Commissions:** no discussion

**5.01 Next Meeting:** no discussion

The meeting was adjourned at 6:24 pm.





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