



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

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City Council Charter Change Committee Minutes

September 16, 2020

Attendance: Committee Members Joan Shannon, Chair; Perri Freeman; Jane Stromberg

Staff: Eileen Blackwood

Others present: The meeting was held by Zoom with 37-41 attendees. Attendees who spoke and other participants are identified below.

Chair Shannon called the meeting to order at 5:39 pm.

1.01 Stromberg moved to adopt the agenda with the following amendment: to add elimination of qualified immunity and the reasonable officer standard to the agenda as item 4.5 for 30 min. Second by Freeman. Unanimous.

2.01 Freeman moved to approve the minutes of July 8, 2020 as presented. Second by Stromberg. Unanimous.

3.01 Just Cause Evictions.

(a) Public Forum—The following individuals spoke concerning the proposal:

Donald Slish

Christie Delphie

Tom Porter

Martha Lang

Mark Porter

Phil Geraghty

Rich Ketcham

Richard Martin

Brian Armstrong

(b) Comments from Vermont Legal Aid—Erika Johnson spoke about Legal Aid's interest in the charter change based on a 2019 study it conducted on the causes and impacts of eviction, reporting that 20% of filed evictions are for "no cause," with many more unfiled or informal evictions. She will provide the Committee with referenced materials.

(c) Comments from the Vermont Landlord's Association—Angela Zaikowski spoke about how no cause evictions protect other tenants and neighbors, as well as landlords.



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(d) Committee deliberations—Freeman questioned Johnson about whether there was a way to find out how many “no cause” evictions occurred informally, but there is no way to do so. She then questioned Zaikowski whether there was research showing that “no cause” protects other tenants. Zaikowski explained that under just cause a neighbor or other tenant complaining about the tenant would have to come to court, and many are reluctant to do so. Another speaker who came later was allowed to speak, and Stromberg said in response to her concern that as a landlord she not have to allow a tenant who was abusive or harassing to her, that such behavior should be considered “just cause.” Shannon asked questions about discrimination by landlords because of section 8 eligibility. She also pointed out that “no cause” does not mean that the landlord did not have a good reason. Johnson noted that they may or may not and emphasized that Legal Aid is asking the City for a policy that if a tenant is going to be losing their home, there should be a good reason for it.

Shannon noted that the charter language should be clarified to be clear that it excludes short-term rentals. She also noted that the language is just authorizing the Council to enact an ordinance on the topic; this is not a commitment to just cause eviction and does not define the reasons a landlord may be allowed to terminate a lease. She asked whether sub-leases would be included.

The Committee requested that the two presenters send any studies, reports they had mentioned. The Committee also asked that the CEDO/Permitting report to the Committee be included for the next meeting and the author be invited to speak.

The Committee then agreed to continue its deliberations at the next meeting.

3.02 Discussion of Police Disciplinary Decision Making.

(a) Report from Police Dept. on Current Process. Chief Jon Murad explained the current disciplinary process, including how reports are made and the role of the Police Commission and other entities.

(b) Public Forum. Harmony Edosomwan spoke from the protest in Battery Park and encouraged an independent public body to provide oversight that is resourced effectively.

(c) Committee discussion of evaluation matrix. Shannon shared her screen showing a proposed matrix the committee could use to evaluate how well different bodies could review discipline. She suggested that the Committee brainstorm what values it thought should be considered and then it could look at who might most effectively discipline based on those values. She suggested as a start public accountability and fairness to the officer.

Freeman suggested that the Committee should look at some other models and their language. As values, she suggested a body independent of the police, as they have not been policing themselves effectively. She also suggested the analysis should involve more than fairness, but final discipline authority. The body must be fully resourced.

Stromberg noted that anyone with a badge should be held to a very high standard to protect and serve. Checks and balances are important.

The Committee came up with the following list of values to consider:

- public accountability
- 1. to officers
- 2. to victims
- 3. to the union
- 4. expertise
- 5. of victims
- 6.
- 7.



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- 8.
9. to legal counsel/legal guidance
- 10.

The matrix includes five options: chief, mayor, commission, council, new committee

Harmony E. spoke again saying that there need to be more voices involved, as they want discipline to be in the hands of the people, not the mayor, commission, or council. She wants the police chief to be elected.

Shannon reminded the Committee that its task is to review a variety of options and bring them back to the council.

(d) Committee brainstorm of other positions or groups who should be involved to determine discipline.

Shannon questioned what do we need to continue the discussion? Who are the leaders in reform? Chief Murad mentioned Austin, Camden, Nashville, NYPD. LA has a Police Commission. Murad can provide some models, and the Committee members may bring some as well.

4.0 Discussion of Police Disciplinary Decision Making

This discussion was held above.

4.5 Discussion of Qualified Immunity and Reasonable Officer Standard

The Committee did not have time to discuss this topic. Shannon raised that these issues should be referred by the Council. City Attorney noted that she recalled the Council had passed a resolution some years ago about council referral. Freeman asked for a copy of it.

The Committee set the next meeting for Sept. 23 at 5:30 pm.

5.0 Adjournment

The meeting was adjourned at 8:53 pm.

