



Burlington City Council Ordinance Committee Meeting ***In-Person and Remote*** - Friday, September 9th at 4:00 PM 9/9/2022

City Council Ordinance Committee – September 9, 2022

Via Zoom & In Person at Bushor Conference Room

DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Hanson, Councilor Hightower

Staff Present: Kim Sturtevant (Acting City Attorney), Charles Dillard (Principal Planner, OCP), Sarah Montgomery (Assistant City Clerk, C/T's Office)

Others in Attendance: Sharon Bushor, Ryan Kirby, Kelly Sechrist, Sam McGinty, Robert Bristow-Johnson

Meeting called to order at 4:09 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hightower, Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Hightower

1. Public Forum

i. Public Forum

Sharon Bushor—Notice was technically okay, but too short for public to effectively participate. Need notification, also concern with time of day. Exclude some, commitment to have meetings after work, although not good for second shifters.



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Ryan Kirby with Ranked Choice Voting Resource Center—submitted comments.

~Councilor Traverse joined.

Robert Bristow-Johnson—there was a reason that in April the house gov. ops removed the method, just said rank choice—should talk to them. Looking at what happening in larger jurisdictions. Youtube video about 2018 runoff, took 4 days to know what happened. Method requires centralization of data. In Alaska last month, majority candidate was not elected. What happened in Burlington in 2009? Want to think about that and think about future and expansion of RCV. Precinct probability. Issue of collecting data all together. District councilors, two wards. Statewide RCV will have to send 3,000.

Closed public forum at 4:21 PM.

1. **Minutes**
 - i. **Approval of Minutes of 7/25/22**

Motion to approve minutes by Councilor Hightower, seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Traverse, Councilor Hightower

1. **Committee Discussion/Possible Action**
 - i. **CDO—ZA #22-09 Public Art**

C. Dillard-No standards for art currently, nothing transparently facilitates creation of public art. Pathway to allow public art without zoning permits. Worked with CA office for subsection 19b. Some other notable standards—can't inhibit accessibility in public realm or public buildings. Also some standards for historic and nonconformities.

Councilor Hightower noted that it seems specific enough and broad enough. Councilor Hanson echoed Councilor Hightower's sentiment and indicated that he appreciated the work done by staff.



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S. Bushor noted that she understood that during a prior process the standards got removed. She asked who will determine if it falls under the exemption? C. Dillard responded that as it was under the zoning ordinance it would be the zoning administrative officer initially with input from the city attorney as needed.

S. Bushor asked about whether the BCA had a process? C. Dillard responded that BCA was looking at a process currently.

K. Sturtevant noted that there was case law regarding the limits of free speech, including inciting violence. Councilor Traverse agreed that there was case law and indicated he was comfortable with language as is. He questioned support for public art in future? C. Dillard responded that he thought there will be a concerted effort in planning plans to look at public art.

Motion by Councilor Hightower to refer the amendment to the full City Council for public hearing and a recommendation for adoption. Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Traverse, Councilor Hightower

Councilor Traverse passed the gavel to Councilor Hanson and left meeting.

4.02 BCO—Chapter 2 - Rank Choice Voting

Councilor Hanson asked about the Clerk's Office recommendation. S. Montgomery replied that they had not worked on it more since the material posted, all the information is there.

Councilor Hanson asked what the City has done for tie breaking rules previously. Councilor Hightower responded that the most common was draw tabs, system breaking ties, strange to have draws for tie breaking.

R. Kirby asked if what we already have seem to make most sense. 28 jurisdictions tie by lot. Randomness seems fair. Nothing wrong backwards or forwards, don't have feelings backwards or forwards just that everyone knows rules ahead. Existing rules—tie went to special runoff between two candidates. Now can't rely on that if remove others. Should understand what they did before. Councilor Hightower noted that without that, looking backward/looking forward makes most sense. R. Bristow-Johnson added that 13 years ago didn't have that in the software. Backward viewing is more optimal.





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R. Kirby provided insight on the key distinction between backwards and forwards RCV for clarification to the group.

Councilor Hightower has a misunderstanding of what forward RCV meant, actually believes backwards RCV is simpler. Councilor Hanson does not have strong feeling on either method, although the argument for simplicity is strong. Would like to use the data on voter preference assuming there is no tie, then the info may be randomized.

K. Sechrist: Single-elimination vs batch-elimination does not really impact the outcome of the election in any way. Single-elimination is most simple for voters to understand as candidates are eliminated. On #5, clarify with vendor on the tie-break decision to ensure consistency and to avoid confusion with public.

Council Hightower: Single and tied elimination seem to make the most sense and are most consistent with the current proposed charter change written. Bristow-Johnson made note the batch elimination was in use in the City's elections 13 years ago.

On #6: Councilor Hightower agrees with the City on provision #6, one question though: does that mean if there's enough write-ins for one candidate would that eliminate another candidate on the actual ticket?

R. Bristow-Johnson: Depending on the consistency of the write-ins (i.e. one candidate), they could win and ultimately beat out a registered candidate. Certainly more complicated with RCV, but if generally if write-ins do not receive ample support/votes, the write-in category will be eliminated in that round.

R. Kirby: They were unclear on the definition of 'unresolved voting' but their understanding is that it can't be adjudicated to identify what the write-in was intending. Sec of State has a thorough guideline for determining what the write-in may say, but they will get further information.

1. Any Other Business

Next meeting: TBD

1. Adjournment

The meeting was adjourned at 5:15 pm.