



# BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

## 8/3/2016

Minutes of Charter Change Committee Meeting

August 3, 2016

Present: Kurt Wright (KW), Chair; Sara Giannoni (SG); Joan Shannon (JS)

Staff: Eileen Blackwood, City Attorney (EB); John Vickery, City Assessor (JV); Chapin Spencer, Public Works Director (CS); Patrick Cashman, Public Works (PC)

No public attendees.

Meeting called to order at 4:11 pm by Chair Wright.

1. Agenda—JS moved to accept the agenda, KW seconded. Unanimous.
2. Minutes—June 22—4.01 4th paragraph add “limited information about candidates as it is and would have even less information.” At very end, under 4.03 add to what KW said re: jurisdiction of PWC. With those changes, motion to adopt both June 22 and June 30 by JS, second by SG. Unanimous

3. Public forum—no speakers

4.01 Review of Affiliation on Political Party—EB explained that because the Charter contains reference to the political party of councilors and others, former City Attorney Joe McNeil had determined that the authorization to include political party on the ballot was implicit in the charter and that no explicit statement was needed. Because of this longstanding interpretation, EB noted the safest course at this time would be to have the charter explicitly state if party listings wanted to be continued, but that in the absence of an explicit statement, the Council could decide to act. The Committee discussed the pros and cons of asking the voters a negative versus positive question, and of an advisory question versus putting it in the charter. Each councilor, once elected, might still have to identify their party for purpose of meeting the charter provisions. The Committee also discussed what it would mean if the voters said no to a question of continuing political party on the ballots and how removing party status would affect the other sections of the charter that mention party status.

Motion: to postpone action on this item was made by SG, seconded by JS. Unanimous





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4.02 Eliminate Tax Appeal to BCA –The Committee discussed putting this on March v November election ballot, and decided to stay with March. KW is concerned that the voters know what they're voting on. EB suggested we could add the two summary phrases that are in the resolution into the introductory question, and the Committee thought that was a good idea. JV brought up having the tax due on the 15th, rather than the 12th. The Committee decided that could be put on a future agenda so the CAO could weigh in. JS asked whether you want to reward landlords for renting below market because they're being taxed on an income basis for income they don't have, but they will get market value when they sell.

JV agreed there could be an influence on sale price from below-market rents. JS said she hasn't come up with a specific proposal yet. JV said that we could have a lower value for municipal tax, but the city would still have to pay the full education tax. JS questioned this, saying that state statute says the property has to be market value, so can't we determine that market value is affected by whether the leases are below market. JV: state says appraise at market value, and appraisal courses say here's how you do that, so your question is can we do it at something other than market value. JS agreed to continue this discussion with JV separately.

Motion: to recommend to council as amended above, by JS, second by SG. Unanimous

4.03 Dept Head residency—JS noted that the job security issue didn't come up in 2006. People used to get the maximum appointment after their first year, but Bob Kiss started limiting to one year. JS asked if the Committee could have the City's diversity consultant (Curtiss Reed) speak directly to the D&E issue. Proposed change to personal hardship—discussed removing "owns" to include renters. SG said that considering all the changes, she'd like to consider going back to the voters on this issue. JS suggested making these changes now and coming back to the issue for more discussion of going back to voters. The other issue is whether a hardship needed to be addressed by the council each year? The Committee felt that if the condition continued, it did not.

Motion: to recommend to council with change to remove "owns and" by JS, second by SG. Unanimous.

#### 4.04 Other possible charter changes

Section 48(58) Chapin explained cleaning up "coin operated", what controlling and regulating traffic means, clarifying roles of PWC commission and council. Chapin noted that there is a car that is abandoned with a title in a garage right now. Pat Cashman reported that he has sent out 6 certified letters re: abandoned cars. Most of the changes are in (D). Current language is confusing to the public, and we are proposing to simplify the language. JS asked what "demand management facilities" are, and CS explained that they are related to transportation on demand facilities such as Car Share. All are fine leaving "garage" instead of "structure." Committee members asked CS why this was needed to go on the November ballot, and CS explained how this change would facilitate the capital plan, so it was important to go hand in hand.

Motion: to recommend to council this charter change to be placed on the ballot with the capital plan. KW said there's also the jurisdictional issue of whether parking issues should be addressed by the council, or continue with the commission. Does this change connect to that or inhibit that discussion? CS said this doesn't prevent that conversation continuing in the future. Second by SG. Unanimous.



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5. Next meeting Sept. 28 at 4:15.
6. Adjournment: JS moved & SG seconded. Meeting adjourned at 5:35 pm.