



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

6/30/2016

Minutes of Charter Change Committee Meeting

June 30, 2016

Present: Kurt Wright (KW), Chair; Sara Giannoni (SG); Joan Shannon (JS) arrived at 3:50 pm

Staff: Eileen Blackwood, City Attorney (EB); John Vickery, City Assessor (JV)

No other attendees.

Meeting called to order at 3:31 pm by Chair Wright.

1. Agenda—SG moved to accept the agenda, KW seconded. Unanimous.
2. Minutes—hold to next meeting
3. Public forum—no speakers
4. Review of Tax Appeals Process: KW explained issues referred to Committee—role of Board of Civil Authority (BCA), number of members of Board of Tax Appeals (BTA), other issues. Possibilities—make some changes or remove BCA from process. SG raised the question about how to assess residential rental properties and whether they could be assessed based on actual income from rents. JV said system already has it built in to take into account if there are subsidized rents.

KW asked SG her thinking about eliminating the BCA from the appeal process. Taxpayers still could appeal to State or court. SG noted that this is just a second board of people who aren't experts in the field. SG noted she, as member of BCA, doesn't feel comfortable making the decision. JV noted that this is only the first or second time since he's been employed that anyone appealed to the BCA. JV noted that occasionally BTA decisions are split.

KW is inclined to remove the BCA from the process. SG asked how often does the BTA make a decision that is contrary to JV? JV responded that they are quasi-judicial, so they do decide against his decision and not infrequently. BTA is not just a





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rubber stamp on the assessor's decision. JV described the hearing process. SG is inclined to remove the BCA appeal.

JV noted that other towns have a single administrative appeal to the BCA, not a BTA and then BCA. The Committee discussed possible cost savings.

JV asked what about a requirement that anyone without a real estate background to serve on BTA must take a basic course in the property evaluation process. KW asked who pays for it? Will that discourage people? JV wondered if there is an online course. The VLCT may have something.

KW raised the issue of the partial reappraisals and grand list maintenance and the revenue neutrality clause. KW asked if it could be done? JV said it would be very difficult.

JS arrived, and KW summarized discussion so far to JS: inclined to remove BCA from the process. SG asked if there is any reason not to eliminate it? JS sees no reason to keep it. People can still appeal the BTA decision.

Committee discussed possibility of requiring a minimum of 3 BTA members. Also, recusal should be noted before the meeting. JV explained that in the recent case, the BTA member didn't realize the conflict until the last minute. JS suggested hearing should be rescheduled if there were a last minute recusal.

Motion: JS moved to eliminate the BCA from the appeal from the BTA and require the BTA hearing panel to consist of at least 3 voting members. SG seconded. Unanimous.

JS asked about the assessment valuation of property based on actual rent charges. JV explained that if there are restricted rents, he evaluates them based on those restrictions, similarly if individuals are in subsidized rentals, they also rate them lower. This covers all housing authorities, but also if zoning requires affordable housing, that would be assessed at a lower value. JS noted that as an individual landlord, if she rents to Section 8, she is still taxed as if she is renting at market value. JV noted that state law might allow a lower value if there were a covenant put on the property, but not based on just what someone wants to charge. JS acknowledged that it could be taken advantage of, and JV agreed that he would rather not have to decide if someone is cheating. JS asked if City could create a registration system that allows a landlord to voluntarily sign up for charging less than fair market value. JV said operation and monitoring of such a system would be complicated. JV said please don't make more regulations. Could we do charter change that allows Burlington assessor to give some judgment to an individual case based on less than fair market value? What about limiting to receiving section 8 voucher? It's complicated because the landlord can still pay FMV. JS said the folks caught in the middle are those between section 8 and FMV. KW asked if this would be the same section of the charter? EB said no. KW said, let's get some research and come back to this.



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KW noted that charter says BTA must have 2 real estate professionals. The Committee discussed that there may have been difficulty getting real estate professionals to serve. JS noted that several of the folks currently on the Board of Tax Appeals are not professionals and do not own real property. Also, there is a current vacancy. The Committee reviewed current openings and decided there are two vacancies and probably both need to be real estate professionals. KW asked what if you can't find a professional. EB said you must try to meet the charter.

JS asked for a note to the Council about the need to recruit 2 real estate professionals, so the 2 openings are limited to them.

5. Next meeting to discuss residency and housing assessment above. Wed. Aug. 3 at 4 pm.
6. Adjournment. JS moved & SG seconded. Meeting adjourned at 4:26 pm.

