



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

6/22/2016

Minutes of Charter Change Committee Meeting

June 22, 2016

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

Staff: Eileen Blackwood, City Attorney (EB)

Other speakers: Councilors Adam Roof, Sharon Bushor

Other attendees: Margaret Murray

Meeting called to order at 5:09 pm by Chair Wright.

1. Agenda—JS moved to accept the agenda, SG seconded. Unanimous.
2. Minutes—JS moved to accept the minutes, SG seconded. Unanimous
3. Public forum—no speakers
- 4.01 Party Designation on Municipal Election Ballots—

City Attorney's Report: Research was done to see whether any voter or council action was taken in the period around the May 1980 statutory enactment, but nothing was found. Recommendation was for Committee or Council to decide what they want to do, and research can be done, if needed. If want to keep status quo, could just do resolution; if want to consider change, could ask voters.

Problem with resolution (JS): What if it's 6-6? KW: When did party designation start? Councilor Bushor reported that her husband ran with party designation in 1972-73.



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SG is inclined to have this go to the voters because it would directly affect them.

Councilor Roof stated that Council has established pattern of giving voters a voice on these types of issues.

JS said the reason not to do it is if Council puts something on the ballot, it appears to be an endorsement of that action. She thinks voters have limited information about candidates as it is and would have even less information without the party designation.

KW supports sending issue to voters.

Councilor Bushor supports sending to Council and voters. She'd be more inclined to have it be a referendum about whether the voters are supportive of the Council's moving in that direction. Asking their position is different than a charter change. EB explained it could depend on how question is worded.

JS noted that the parties would still caucus. Would we just have a behind the scenes party system without voters knowing? If people don't want parties, they probably don't like the partisanship, but if you still have the partisanship without disclosure, that doesn't sound right.

KW said that clearly parties would continue—all we're addressing is keeping party names off the ballot. That's a point for the public to debate.

Councilor Roof said it's not within the purview of the Council to delve into party support or funding, and if issue is partisanship, Council could just choose to be less partisan. Debate is not whether we agree or don't, but whether we let the public be heard.

SG moved that the committee refer back to the Council that a recommendation that an advisory referendum question be placed on the ballot.

KW noted the question should be advisory to the Council, including something like, Shall the Council take action to remove party designation? City Attorney will check that voters can weigh in as advisory only. The question would be to remove party designation from the ballot. KW seconded. Councilor Roof suggested the question could be whether party designation is "to be included" on the ballot?

KW said it's clearer to say "remove" than "included".

Councilor Bushor would like to be advised about what role the Council can play in advising the public about both sides of the issue.

KW asked City Attorney to draft language that would give the Council discretion to act on the advisory opinion. But Councilor Roof asked if this is a decision that is better made by the voters than by the Council, not giving the Council discretion? KW said a referendum just leaves it to the Council. It becomes a political question about margins, wards, etc.

JS agrees—We are agreeing to a nonbinding question.

Vote on the motion that the City Attorney draft language recommending to the Council that a non-binding advisory question be placed on the ballot asking if the council should act to remove party designation. 2 (KW, SG) -1 (JS). Motion passes.





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JS is a little concerned about the language “shall the Council take action”? KW: wants it clear that voters intent is to be gathered about whether they want council to act or not.

4.02 Rule for Hardship Exemption to Dept. Head Residency Requirement.

EB handed out background materials on residency requirement.

KW confirmed that voters rejected doing away with residency requirement in 2006.

JS was opposed to the change in 2006, but she doesn't recall the term of appointments being discussed. It wasn't until Mayor Kiss starting giving 1-year appointments that instability came to her attention. She doesn't know if that point makes a difference to anyone. Most important is to be fair and consistent. People should know what the policy is when they apply. Making the decisions on the fly seems worst possibility, but we do need flexibility as well as reliability. We could go to voters again or can look at rules to see if they're as we think they should be.

SG said she wants to get the most qualified person, the needs of diversity and equity, and the needs of the department. JS said the diversity and equity piece is also new. That wasn't on our radar in 2006.

SG asked how D&E plan affects this. It's more important than where someone lives. Directors should reflect the community and be well-qualified.

KW said we could go back to the voters; this was 10 years ago.

SG is not sure how much she thought about it at the time.

KW said public now thinks we're violating the spirit of the residency requirement by granting exemptions.

JS said eliminating requirement was supported by Council at the time, but not the public. So it may be tough to educate everyone about the Council's position.

Councilor Bushor feels strongly that she wasn't in favor of removing the requirement in 2006 and isn't now. If person resides in community, then they want the well-being of the community. People wanted department heads to share the wealth and feel the pain; you aren't as invested if you don't live here. This doesn't really limit diversity. But she'd be willing to go back to the voters, since it's been 10 years. Feels adamant about doing what the voters want.

Councilor Bushor pointed out in lines 41-43 the draft refers to whether the move would cause family hardship; that's discriminatory. That should read individual and/or family. It also shouldn't be decided by the City Council with Mayor Presiding. The Council should reflect the will of the voters.

KW had another councilor mention the family issue. Also, that person didn't like limiting the rule to those owning home, but thought the same thing applies to renters with leases. He would not want people to continue to just rent a room. JS said it's terrible to take a room away from the market. If you have someone coming from Hanover who rents a room, it might make sense. KW would want someone to seek an exemption, not go around the renting a room. JS said there's a case where it's legitimate and fair; KW said they still should get the exemption. Councilor Bushor echoed JS that there are scenarios where renting is legitimate. KW said if you had to get an exemption, it would make it clear.

EB explained the legal questions around legal voter status and residency as a piece of that status.



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JS said that she could go either way, but if this goes to the voters, there would need to be a campaign to get this passed. How many councilors are willing to support and campaign for it? KW suspects the voter would get the same result.

Councilor Roof noted that there is a question about some department heads being included and some not.

JS said we could look at who is covered. KW is fine with the list. JS would prioritize some people. CAO is a tough job and want the largest pool. City Attorney too. CEDO, police, fire, civil defense being in the City seems more compelling. But harbormaster, cemetery? HR director? Councilor Bushor is prompted by looking at the list to see if some positions should be removed. She noted that electric light director does not need to be a resident--more regional scope. KW wouldn't agree.

KW—do we want to go to the voters with anything? SG said she's not going to put on a campaign.

KW asked if there were any other options for exemptions?

Committee agreed there should be changes to address the two issues: 1) adding renters and 2) the move should be a hardship to self and/or family.

KW: What if voters feel this exemption violates the spirit of the law? Ms. Murray commented that City has requirement that landlord has to have a person who resides in the City to respond if there is an issue; if City requires that of landlords, it should do the same of its own employees. When people live in a community, they have skin in the game and think of it differently. What do people feel who could have applied for superintendent job but didn't want to move to Burlington and now superintendent lives in S. Burlington?

JS thinks some voters will agree with Ms. Murray, but this definition is within the hardship definition.

Councilor Bushor feels this is diluting the residency requirement. She thinks it is a big change. KW asked if she would send it to the voters? She said she won't support it as a Council change.

SG would like to think more about this.

JS suggested that any charter change wouldn't happen until March. It's not urgent today.

SG asked if there's other information we need? SG moved to postpone action on this matter.

JS thinks that besides skin in the game, diversity goals, skill set also need to be considered, so whether the City should limit its pool is important. Being fair is important too, as the Council has the ability to give exemptions. Before 2006, it wasn't clear or consistent. She is concerned that if we decide after the fact that it's ok not to live in Burlington, how is that fair to those who may not have applied?

Motion to postpone further discussion on this issue until the next meeting after next week's meeting. SG moved, JS seconded. Unanimous.

4.03 Other priorities.



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KW reported that there may be resolution coming from other councilors about having this committee bring up issue this committee nixed last time.

EB raised some technical changes the City Attorney's Office would like to address. JS suggested they could go on consent agenda.

5. Next meeting: June 30 at 3 pm re: 4.03 review of tax appeals process only. Committee discussed having John Vickery come. EB handed out charter language and resolution. JS asked to also have an understanding if Board of Civil Authority is done differently in other municipalities in terms of appeals. Does it always go to BCA and is BCA always legislative body?

6. Adjournment. SG moved & JS seconded. Meeting adjourned at 6:52 pm.