



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

6/6/2019

Charter Change Committee

Minutes

June 6, 2019

Committee Members Present: Max Tracy (MT), Chair; Joan Shannon (JS); Franklin Paulino (FP).

Staff Present: City Attorney Eileen Blackwood (EB)

Others present: none

MT called the meeting to order at 5:10 pm.

1.01 Agenda—JS moved to adopt, FP seconded. Unanimous.

2.01 Minutes of 1/15/19 --JS moved to approve, MT seconded. Unanimous.

3.01 No public speakers.

4.01 Resolution re: Councilor Recusal for Conflicts of Interest.

JS: We want professionals to be able to serve on the Council, and sometimes you can't disclose clients because of confidentiality. As a realtor, nobody should know who the buyer is, so you don't disclose that to anyone. FP: As a public official, this doesn't apply to him, but attorneys in private practice can't disclose clients. It's a small state, and there are conflicts. MT: Dave Hartnett raised this issue because Karen Paul disclosed she had a professional conflict, recused herself, then resigned from her job and could participate because the conflict was resolved. Dave did not understand how that could be. EB explained that as City Attorney she had been involved to ensure that the conflict was properly handled, and it was. JS: Karen has taken a lot of political heat for it. Maybe we should consider something like a council rule.

The committee discussed how the City Attorney's Office currently works with councilors on conflicts and considered whether there are ways to make the process more understandable to the public.



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The committee discussed laying out the process for handling a conflict of interest (COI). A councilor can go to the City Attorney for guidance or can bring an issue for the CA to look into if there is concern that a conflict exists. MT: Perhaps councilors should sign the COI policy on an annual basis. EB raised the problem with requiring elected officials to sign something to take office. MT asked if the charter could be changed to allow that? EB said she would have to research. JS: All councilors should be well-versed in the COI policy in any case.

JS suggested adding to council rules the process for consultation and disclosure. FP agreed that this should be added to council rules. MT would prefer to memorialize it in a charter change, but will go with the majority. The elements to be incorporated include

- Councilors will review the COI on an annual basis with the City Attorney early in the council year (it will be included in new councilor orientation also)—that is, the CA will make a presentation to the new council reminding them how to handle COIs. The presentation will be open to the public so the public is aware as well.

- The rule will lay out the process of disclosure—talk to the CA, if appropriate; tell the President before the meeting; disclose the COI at the meeting; give the reason, offering the most information the councilor can while respecting professional ethical obligations. The expectation will be for the councilor to say as much as they can. The rule will also include how do you resolve a conflict and then what's the obligation after it is resolved. It will also cover that once you recuse yourself, you cannot participate in discussion and should no longer sit at the table, but can be in the audience. EB will draft language and circulate a draft to the committee by June 30.

5.01 Other business: none

Next meeting: July 17 at 5 pm.

JS moved to adjourn, FP seconded. Meeting adjourned at 6:02 pm.

