



Charter Change Committee Meeting ***Remote ONLY***, Wednesday, May 25th, 2022, 10:00 am 5/25/2022

CHARTER CHANGE COMMITTEE

Wednesday, May 15, 2022

Sharon Bushor Conference Room, 1st Floor, City Hall; Via Zoom

FINAL MINUTES

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

Staff Present: Tim Devlin (Assistant City Attorney)

Others in Attendance: Gillian Nanton (Assistant Director, Community & Economic Development Office (CEDO)), Sarah Montgomery (Associate Clerk and Elections Staff, Clerk & Treasurer's Office). Members of Public: Jane Knodell.

Meeting called to order at 10:03 AM.

1.0 Agenda

1.01 Motion to adopt/amend agenda

Motion to amend agenda, adding "4.04 Items to Discuss and Next Meetings."

Motion by Councilor Carpenter, Seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous.

2.0 Adopt Minutes from 5/11/2022

Motion by Councilor Carpenter, Seconded by Councilor Traverse.



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Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

No members of the public appeared for public forum at this time in meeting.

4.01 Review of Non-Citizen Voting

Public Comments: Jane Knodell: Voiced support for public outreach on non-citizen voting.

Discussion of Proposed Charter Change Language:

Attorney Devlin gave overview of new changes.

Councilor Carpenter had no questions.

Councilor Traverse had no comments and was comfortable to advance language and supports outreach.

Additional public comment from Jane Knodell: How has the proposed charter change language changed?

Councilor Carpenter: The proposed charter change language was based on a review of Montpelier and Winooski's successful and recently enacted charter language. Committee selected one version to work from last meeting. The proposed language has not really in substance changed, but only clarified.

Assistant Director Nanton: Can a new resident vote immediately?

Councilor Bergman: Yes, based on state law with intent to domicile and other statutorily defined criteria. Attorney Devlin agreed.

Councilor Carpenter: Can non-voters be on the City's Board for Registration of Voters? Can the City recruit Board members? Can non-citizens be on this board or others?

Councilor Bergman: The answer is likely found in the City's charter.

Attorney Devlin will look into these questions.



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Motion: Move proposed charter change language re legal resident non-citizen voting, as drafted, with any outstanding questions to be examine by the City Attorney's Office, and with development of support programs, such as outreach, to be made by City Staff in CEDO and the Clerk & Treasurer's Office. Motion made by Councilor Carpenter, Seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous.

Discussion of Logistical Questions and Answers by Staff:

Attorney Devlin shared answers to questions from Committee members at last meeting, provided by Elections Staff, Sarah Montgomery.

Additional Ballots & Costs:

Potential Costs:

Written questions from Attorney Devlin on behalf of the Committee: What are the potential costs associated with having additional ballots for only local issues in circumstances where both local and county/state/federal items are to be voted on (i.e. a November election). How much time and money would it take to modify the City's registration system to accommodate non-citizen voting?

Written answers from Sarah Montgomery: As it currently stands, the state pays for all costs associated with ballots in the general election (November), even when we include city specific questions. The exception is if we add questions that change the size and weight of the ballot – then we would need to pick up any extra costs incurred associated with printing, postage, and envelopes. Cost of generating, printing, and mailing a separate ballot: In the annual city election in March 2022, the cost to print and mail ballots to all of our registered voters was \$39,094.75, plus an estimated cost of \$15,000 for envelopes, for a total of \$54,094.75. In the special city election in December 2021, the cost was \$36,729.36, plus another \$15,010 for envelopes, for a total of \$51,739.36. My understanding is that we would not be able to integrate non-citizen voter registration into VEMS, our statewide voter registration system. We would need to develop a system to keep the non-resident list in a separate system and somehow integrate that into our checklist at the polling places on Election Day. Without further research about what this might look like, I can't estimate the cost for this. From a brief conversation I had with the Winooski town clerk about this, it sounded like the administration behind how they are currently doing this is fairly cumbersome.

Councilor Carpenter voiced interest in costs of additional costs for bringing new people to voter role.

Sarah Montgomery: Her initial thoughts were that the elections involving non-citizen voters need two ballots, but staff at Winooski and Montpelier indicated that those municipalities have two ballots—one for citizens and one for non-citizens—which would reduce costs. Sarah Montgomery will provide the Committee with updated written information and guidance.



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Councilor Carpenter: How many new people would be voting? Who is voting now?

Sarah Montgomery: There are 23K currently active voters. Additional 12K voters likely have moved away (these voters' status is deemed "challenged").

Councilor Bergman: What were the numbers of new voters in Winooski and Montpelier

Sarah Montgomery: Winooski indicated 54 new voters. Montpelier did not indicate a definite numbers, but "not a lot."

Councilor Carpenter: There are many older Canadian citizens residing in Burlington; perhaps this will be a factor, depending on outreach.

Councilor Traverse: Do any ordinances need to be altered to permit non-citizen voting?

Councilor Bergman: No, voting criteria is set by state law and City charter, not ordinance. Attorney Devlin agreed.

Sarah Montgomery indicated that creating a separate voter checklists seems difficult, but that she will look into this more.

Input from Board for Registration of Voters:

Written questions from Attorney Devlin on behalf of the Committee: Input from Board for Registration of Voters: The Committee want to seek input from the Board for Registration of Voters on this item, specifically, on the draft charter change language. Granted, this draft language is still be worked on by the Committee and will likely be ready for review later next week. Looking at the Board's webpage, only a few have their contact information lists. Do we have a way to contact all of the members to solicit feedback and possible participation at future Committee Meetings?

Written answers from Sarah Montgomery: Yes. I have an email group for them I can share with you or I'd be happy to forward a request to them.

Councilor Carpenter: How often does Board for Registration of Voters meet?

Sarah Montgomery: The Board meet monthly, with their next meeting on June 7th at 6:00pm.

Councilor Carpenter and Traverse agreed that the Committee can send a rep from this committee to them.

Councilor Bergman added that the Board be asked to send a member to this Committee when discuss the topic again.

Councilor Carpenter: Do the Ward Clerks meet regularly?

Sarah Montgomery: No.

Councilor Carpenter indicated that she can attend Board meeting on June 7th.



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Councilor Bergman wished to designate Councilor Carpenter to represent this Committee at the Board's meeting. He also wanted to have Ward Clerks alerted.

Councilor Carpenter: Could discussion of non-citizen voting be added to the Board's next meeting agenda?

Sarah Montgomery indicated that she does staff this Board, but will be unavailable for the June 7th meeting, but there is still time to add an item if the Board wants.

Councilor Bergman indicated that Councilor Carpenter can attend the Board's meeting to just gather reactions.

Councilor Carpenter indicated that she will make clear that the Committee is only gathering input and that there are no administration recommendations yet.

Councilor Traverse indicated that he can join June 7th meeting. He agreed that a draft of the proposed charter change should be shared with Board and Inspectors of Election.

Councilor Carpenter: Are other municipalities aside from Winooski and Montpelier pursuing similar initiatives? Attendees indicated that they did not know.

Attorney Devlin indicated that Elections Staff have contact information of Board for Registration of Voter, and that he will contact the Board, Ward Clerks, and Inspectors of Election. Communication to include: 1) proposed charter change language; 2) contextual information from Sarah Montgomery regarding Winooski's and Montpelier's processes; 3) a statement making clear that the Committee is currently only gathering input, and that is not making any administration recommendations at this time; 4) a request for the each to provide any written commentary regarding administration of this initiative; 5) an invitation to attend next meeting on subject; and 6) a statement that if any constituent wants, they may proffer their input as well.

Information from Chief Administrative Officer (CAO) regarding the "Translation Budget":

Written response from CAO Shad's response the Committee's questions concerning the City's "translation budgets" and any processes and timelines that have to be followed if the Council would try to appropriate funds in this budget year: "We have \$80K budgeted in the Language Access Program in CEDO for translating documents in general. We also have \$12K budgeted in the CT office specifically for election translations. If the Committee wanted to ask for more money to be appropriated, that would need to happen within the next week or so as we are finalizing things now."

Assistant Director Nanton advocated for an increase in budget for translation. CEDO uses already budgeted funds for other translation, like communication materials, surveys, etc. An additional \$40K in addition to the \$80K budgeted in the Language Access Program.

Sarah Montgomery: We also have \$12K budgeted in the Clerk & Treasure's Office specifically for election translations. This is already spoken for, and will all go to the ballots.



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Councilor Carpenter: When is the additional funding needed? The charter change may be effectuated until 2024. For this budget year, it seems that the money is needed for outreach material. Questions for Assistant Director Nanton: What should Outreach budget look like? What written materials will be needed, interpretation services needed at meeting?

Councilor Traverse: There will be translation costs for a Frequently Asked Questions (FAQ) document.

Councilor Carpenter: There will be translation costs for any informational videos CEDO may produce.

Councilor Bergman: How is the \$40K broken down?

Assistant Director Nanton: There will be numerous outreach elements, and wants to ensure enough funds will be available.

Councilor Bergman: Thoughts on advancing a budget request?

Councilor Carpenter: Can Councilor Initiative Funds be used? Can other funds be used to support a charter change?

Attorney Devlin indicated that the City must be viewpoint neutral; the City cannot advocate for either passage or defeat of this initiative.

Councilor Bergman asked Assistant Director Nanton and Attorney Devlin to ask the CAO for a meeting with Councilor Bergman to discuss a budget amendment for outreach on this initiative.

Motion to have staff inquire with CAO about making budget amendment for outreach, how and when to meet with Councilor Bergman about this, and about making proposal to effectuate this.

Made by Councilor Traverse, Seconded by Councilor Carpenter.

Discussion: Councilor Carpenter indicated her continued interest in US Census data.

Final Resolution: Motion Passes

Yes: Unanimous

Outreach Efforts & Community Engagement:

FAQs:

Councilor Carpenter: Was there any outreach preformed in 2019? Attendees indicated they did not know.

Sarah Montgomery: Winooski did have a pamphlet, which she can send it to Councilor Carpenter. She will check with Montpelier.

Assistant Director Nanton: There are no formal written FAQs yet. The FAQs should have basic questions and information, i.e. What is the change? Who does this affect? Why doing this? What other municipalities have done this? She can write up these questions in more detail.



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Councilor Carpenter requested Assistant Director Nanton to put questions and answers into email to Committee members.

Councilor Traverse indicated that he had seen Winooski's Fact Sheet, liked it, and thought it could be used as a basis of CEDO's. CEDO's should have a contact information and maybe also create an email inbox that would redirect to Committee member's email addresses.

Sarah Montgomery indicated that the FAQ also needed to clarify between local and state laws.

Trusted Community Voices (TCV) & Outreach:

Assistant Director Nanton indicated that TCV has two upcoming meetings, on June 7th and 21st (every other Tuesday), 5:30 -6:30PM, and all remote. She recommends at least a draft FAQ be done prior to meeting, but not necessarily final or fully translated. She can make space on the TCV agenda.

Councilor Bergman: Will the FAQ be ready by June 21st?

Councilor Traverse: Who is creating FAQ?

Councilor Carpenter: A few key people would be most affective to attend outreach meetings, rather than just this Committee's members. Create a formal outreach Committee.

Councilor Bergman: July meetings may be more attainable. Can Assistant Director Nanton inform TCV that this may come in July?

Assistant Director Nanton: Yes, can inform TCV of tentative time table.

Councilors Traverse and Carpenter can attend June 21 meeting with TCV.

Attorney Devlin will look into any Open Meetings Law implications and restrictions.

Councilor Bergman: spoke with Councilor Dieng, who had concerns about anti-immigrant sentiment, but is interested in this initiative. Councilor Dieng is a member of a community group [name unknown] of New Americans that could be a platform for councilors speaking about this initiative and outreach.

Councilor Bergman: Are there other places to engage people? Neighborhood Planning Assemblies (NPAs) are a starting place.

Councilor Bergman: Should we wait until FAQs are created?

Group agreed, yes.

Councilor Carpenter: Can CEDO ask these NPAs to put this item on an agenda?

Assistant Director Nanton: Yes, she can have the CEDO staffer reach out to the NPAs. Community engagement should extend beyond NPAs because only a limited number of New Americans attend NPAs.

Councilor Bergman: Who in CEDO is the NPAs' contact?

Assistant Director Nanton: There should be available CEDO staffing.



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It was the consensus of Committee for CEDO staff to reach out to NPAs.

Councilor Traverse: Should Committee reach out to School Board with draft and solicit School Board.

Attorney Devlin will send same email going to Board, to School Board chair.

Councilor Bergman: When should the Committee next discuss this item? When should the Committee next meet? June 8th or 15th?

Councilor Carpenter: When will Redistricting be discussed by the Committee? Is there a time constraint for Redistricting? Will this item be voted on by the public in November? What did Resolution say?

Councilor Traverse: What are staff's assumption regarding timing?

Councilor Bergman: March 2022 public voting goal stated in 6/28/21 Resolution has passed. Practical problems.

Councilor Traverse: What are staff's assumption on timing?

Councilor Bergman: Can Committee discuss Redistricting on June 15th, which is the preferable date for the next meeting.

Councilor Bergman: Open to discussing two items: Redistricting and Legal Resident Non-Citizen Voting (second item).

4.02 Discussion of Councilor Compensation Issues and Research

Motion to postpone discussion on item.

Moved by Councilor Traverse, seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

4.03 Discussion of consolidation of polling places (time permitting)

Attorney Devlin indicated that, based on the City Attorney's Office's initial interpretation of charter language, he does not believe there a need to change the charter to consolidate polling places. Attorney Devlin to examine other sections of Charter (§§8, 19, and 31) to see if this will alter legal thinking, and if so, Attorney Devlin will draft clarifying language for an additional Charter Change.

Councilor Bergman indicated that there may also be practical concerns.



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Councilor Carpenter indicated that these seem like charter changes that, if necessary, should go to voters. She is concerned about a current polling location being located in a church.

Councilor Traverse is also concerned about other references to the terms "Wards" in "Districts" in Charter that may need to be changed.

4.04 Items to Discuss and Next Meetings

Councilor Bergman: will meet on June 15th: 1) Redistricting, 2) Polling, and 3) Legal Resident Non-Citizen Voting (time permitting).

5.0 Adjournment

Motion to Adjourn by Councilor Carpenter, seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 12:09pm.