



Charter Change Committee Meeting *In-Person and Remote***, Wednesday, May 11th, 2022, 10:00 am, Sharon Bushor Conference Room, City Hall 5/11/2022**

CHARTER CHANGE COMMITTEE

Wednesday, May 11, 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 (CEDO)

Meeting called to order at 10:00 AM.

1.0 Agenda

1.01 Motion to adopt/amend agenda

Motion to amend and adopt agenda as written.

Motion by Councilor Carpenter, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous. (Councilor Traverse not yet in attendance)

2.0 Adopt Minutes from 4/27/2022

Motion by Councilor Carpenter, Seconded by Councilor Bergman.

Final Resolution: Motion Passes



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Yes: Unanimous. (Councilor Traverse not yet in attendance)

3.0 Public Forum

No members of the public appeared for public forum.

4.01 Review of Non-Citizen Voting

Tim Devlin (Assistant City Attorney) introduced himself and provided the Committee with context for the two versions of proposed charter change language regarding non-citizen voting, provided by the outgoing City Attorney to the Committee, and based on successful charter changes made by Montpelier and Winooski, with some modification to fit Burlington's charter.

Councilor Traverse joins meeting.

Attorney Devlin recommended that selected version include explicit language that the provisions of the charter change withstand any contradicting language in 17 V.S.A. § 2121(a)(1).

Councilor Carpenter asked that the selected version include a requirement for Burlington residency and voter registration by local and state deadlines. She questioned whether foreign nationals can vote in both their home country and ours.

Councilor Traverse asked, Does the "Voter's Oath" have a citizen requirement? Attorney Devlin indicated that he did not know and that the City Attorney's Office could look into it; a quick reading of Vermont Statutes Title 17, Chapter 43 did not seem to require citizenship to take the Voter's Oath.

Citizen Engagement:

Councilor Bergman expressed a want to engage with New Americans on this topic, and to address concerns previously posed by Councilor Dieng and will reach out to him to get that list. Generally, he said that he believes there is a consensus that broad engagement with the Burlington community is central to presenting the charter change.





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Councilor Carpenter: What is the timeline for this charter change?

Councilor Bergman: Goals is to have it on the ballot in March 2023 if possible. Committee work needs to be finalized in time for the City Council to approve ballot language by early-mid December 2022.

Assistant Director Gillian Nanton, Assistant Director in Community & Economic Development Office (CEDO), with working title of Assistant Director of Community Engagement, Neighborhoods, and Development, said she has a small team of four, including a Community Manager position that is currently vacant, with some prospective candidates and one 'community engager.' She also runs the Trusted Community Voices (TCV) initiative which consists of seven liaisons working for the City (part time employees that work up to 8 hours per week). TCV translates City materials into languages including Vietnamese, Swahili, French, Nepali, and Arabic. The program began in 2020 right before lockdown; it was accelerated in the pandemic with the role of communicating public health and safety information. TCV has been successful in doing this so far. CEDO and TCV liaisons meet twice a month, with the next meeting on May 17th. Departments often utilize TCV to communicate programs and projects, e.g. BED Net Zero Energy Initiative. There are also other entities, such as the Red Cross, who want to engage with immigrant populations. Having time to engage with the community prior to this charter change going onto the ballot will be beneficial. It would be useful to translate proposed changes and relevant pieces of the charter and additional contextualizing paragraphs. CEDO has had success in past COVID projects by translating information. Community engagement should include different modes of communications, such as social media, radio, etc.

Councilor Carpenter inquired about the City's past practices with translations. Councilor Bergman: City Council has the power to fund translations of engagement materials. He emphasized the importance of translation and supports the committee asking the council for funding of engagement materials translation in this budget year.

Councilor Carpenter: Last year we had charter changes. Were these translated?

Councilor Bergman: In polling places and voting booths there are translated copies available. But engagement on putting on a ballot item is different than the election ballot itself. He added that this community engagement is educational and should involve soliciting feedback, including from Neighborhood Planning Assemblies (NPAs). Election materials would come from election budgets; this is different.

Councilor Carpenter: It would be beneficial to create a "Frequently Asked Questions" (FAQ) document for community engagement regarding this charter change. She is less concerned about the exact words of the charter change and more about the concept. We want to educate the New American community, but also others because there will likely be opposition to this proposed change.

Councilor Traverse: Have seen TCV in action and considers it valuable. Translation services are important. Does there need to be a separate ballot for non-citizens? Concerns about stigma. Can you get a translated ballot today? These perhaps are questions for Elections Staff at the Clerk/Treasurer's (C/T) Office.

Attorney Devlin: As the current charter change language is written, yes. Even if removed there still may need to be two



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different ballots. We will research this.

Councilor Bergman: All local matters should be on one ballot, and both citizens and non-citizens should be able to use the same ballot for local issues. Two ballots, one for legal residents and one for citizens would otherwise be a deterrent to these Non-Citizen Legal Resident Voters.

Councilor Bergman: What are Costs associated with this initiative if it passed, ballot and registration and other administration costs. Attorney Devlin will ask the Chief Administrative Officer (CAO).

Assistant Director Nanton: At least sample ballots were translated in past. There have been other recent initiatives for informing New American voters, such as an informational video. We were able to try this on a limited scale in past, but were some issues with translation. She would like to promote new methods and ideas.

Councilor Carpenter: How many New Americans in Burlington are registered to vote today?

Gillian Nanton (CEDO): Do not have good information. Know this number is growing.

Councilor Carpenter: not only do we need feedback from this population, but knowing these figures will help in crafting methods of outreach.

Councilor Traverse: Question for C/T's Office, how much time and money will it take to create and modify a new registration system?

Councilor Bergman: Can the Board for Registration of Voters be asked for feedback on this proposal?

Councilor Carpenter: Can representatives from Winooski and Montpelier City Clerks be asked for their thoughts?

Councilor Bergman asked Counselor Carpenter to gather questions for these people.

Charter Change Language:

Councilor Bergman asked Counselors Carpenter and Traverse their opinions and preferences about two versions of the proposed charter changes.

Councilor Traverse: Prefers the first/Montpelier version because of direct language re requirements rather than statutory cross references in lines 26-37. Question re this version, line 19-21, excepting only justices of the peace and not all



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elections for state positions excepted

("(e) Any legal resident voter who is not a citizen shall vote on a ballot containing only local Burlington questions and candidates, except for justices of the peace."). Prefer to have language changed to limit to only local candidates and questions.

Councilor Bergman: Prefers the first/Montpelier version, but with incorporating language from alternative on lines 33-36 ("(c) The Chief Administrative Officer shall maintain a City voter checklist composed of voters eligible to vote in City elections under section 7 and 17 V.S.A. chapter 43 and this section and shall keep this City voter checklist separate from any other voter checklist."), as well as other language in alternative previously discussed ["Notwithstanding section 7 above and 17 V.S.A. § 2121(a)(1)"].

He reiterated that the engagement should include clerks, inspectors, board of voter registration, and other elections officials and C/T's Office election staff at a future meeting.

Councilor Traverse: Agreed with Councilor Bergman re lines 33-36. Also wants broader language for voter check list. It is important that election workers be able to identify various types of voters.

Councilor Carpenter asked that we find out how Winooski and Montpelier implemented their non-citizen voting initiatives?

Committee agrees to update draft by 1) using the first/Montpelier version as a base, 2) pulling some language from second/Winooski version as discussed [lines 33-36; reference to 17 V.S.A. § 2121(a)(1)], and 3) addressing concerns about a) Voter List and b) Separate/same ballot. City Attorney's Office to update draft. No vote necessary.

Councilor Bergman to Assistant Director Nanton: Is this enough information to begin engagement with community?

Assistant Director Nanton: What kind of contact wanted by Councilors? What kind of feedback from the community are the Councilors looking for?

Councilor Bergman posed the following two questions: 1) When will Committee meet with TCV group? 2) What kind of feedback is Committee looking for?

Councilor Carpenter: Want to soon have a simple draft of a FAQ, maybe by next meeting. She indicated that there was concern from a number of New Americans opposed Non-Citizen Legal Resident Voting.



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Assistant Director Nanton: next TCV meetings are on June meetings 14th and 28th, 5:30-6:30PM

Councilor Bergman asked if the June 14th meeting was too soon to create to FAQ?

Councilor Carpenter: First need charter change language, then create FAQ with 5 to 6 questions to be created by Gillian.

Councilor Traverse: The FAQ be as succinct as possible. June 14th may not be too soon. Can we translate the FAQ for that meeting?

Assistant Director Nanton: FAQ does not have to be translated by then for the TCV liaisons to be made aware of concept of charter change.

Councilor Bergman: Suggested scheduling next Committee Meeting on May 25th, 2022 at 10AM to allow for the time to agree on language and move ahead with the FAQs. All attendees agree that they are available.

Councilor Bergman: The May 25th meeting will review an updated draft. City Attorney's Office to send requests of other City staff of those previously asked questions (including cost of translations). FAQ to be developed with aim to have a working draft to communicate to the TCV group. If needed, Council could try to appropriate funds in this budget year; Attorney Devlin to ask CAO of process for obtaining Translation funds and time line.

Councilor Carpenter asked that the City Attorney ask Winooski's and Montpelier's City Manager for description of their engagement process.

4.02 Discussion of Councilor Compensation Issues and Research (Update from City Attorney's Office)

Attorney Devlin believes that no drafted language yet exists for this proposed charter change, but will search records. Committee agreed existing language may have only been part of resolution referring the matter to Charter Change Committee.

Attorney Devlin requested clarification from Committee as to what types and nature of compensation and benefits the councilors were seeking.

Councilor Bergman asked City Attorney's Office to put its question into writing, and this could then be used to ask of other



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councilors their opinions on the matter. This will be looked at the next meeting.

Attorney Devlin to follow up with Human Resources Director for answers to questions previously posed by the Outgoing City Attorney on behalf of the Committee. Attorney Devlin believed Human Resources only considered health insurance, and that while it would be likely that the technical ability to enroll Councilors into the system, there were still economic, legal, and policy considerations to be made before providing a definitive answer.

Councilor Carpenter: Timeline of the proposed charter change to go to voters? She raised the concern of having this close in time to the vote on a new high school.

Councilor Bergman: no sooner than March 2023. Councilor compensation is important for the health of this community and democracy. Should be engaging with community on issue now to inform the issue. The political considerations on bringing this forward do include looking at the impact of the high school bond vote.

Councilor Bergman asked the City Attorney's Office to ask questions of Vermont League of City or Towns:

- What data is there regarding how many/which municipalities in Vermont provide compensation to city councilors?
- Does Brattleboro and Winooski have compensation for councilors?
- What benefits are offered to Councilors, e.g. pay, healthcare, etc.
- Are there other national organizations that may have information for comparable municipalities, perhaps by metrics like population, economics, etc.

Councilor Bergman: Will put on next agenda.

4.03 General Discussion of Committee Priorities

Councilor Carpenter: Should the committee consider a charter change regarding 'Redistricting without going to State Legislature for approval'? Montpelier apparently has such a provision. Can City Attorney's Office draft an example?

Councilor Traverse: Considering the Governor's recent vetoes of charter changes (i.e. 'Just Cause Eviction'), could these items come back to this Committee?

Councilor Carpenter: Can charter changes approved by the voters but not yet taken up by the Legislature continue next session?

Councilor Bergman: We (City Attorney's Office) can reach out to Legislative Counsel with the question: "If a charter change is passed, but not acted upon by legislature, how does this move forward? Must it be reintroduced? What is the effect of



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that? Are there time limits?"

Councilor Carpenter: Should this Committee discuss any Community Development and Neighborhood Revitalization (CDNR) involved landlord issues?

Councilor Bergman: Is CDNR looking at this issues like landlord accountability list?

Councilor Traverse: Can discuss this with Councilor Hightower who is on the CDNR.

Councilor Bergman: No formal action on this at this point, only interest in outcome.

4.04 Proper Jurisdiction for Issues between Council Committees

Tabled.

5.0 Adjournment

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

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 12:00pm.