First Public Hearing Regarding Charter Changes for March 7, 2023 Annual City Election - Tuesday, January 17, 2023, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM 1/17/2023

BURLINGTON CITY COUNCIL

PUBLIC HEARING RE: CHARTER CHANGES FOR MARCH 7 ANNUAL CITY ELECTION

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

January 17, 2023

DRAFT

MEMBERS PRESENT: Karen Paul

Joan Shannon

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower (via Zoom)

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse (via Zoom)

Maea Brandt

OTHERS PRESENT: Lori Olberg

Mohamed S. Ibrahim

Jared Pellerin

1. CALL TO ORDER and AGENDA

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1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 6:10 PM.

City Council President Paul began by noting that this public hearing is required by 17 V.S.A Section 2645 and is the first of two hearings that need to occur prior to the Town Meeting Day vote that would consider a number of charter changes. She noted that the second public hearing will occur on January 23, 2023.

MOTION by Councilor Magee, SECOND by Councilor Barlow, to adopt the agenda.

VOTING: unanimous; motion carries (Councilors Dieng, Brandt, and Freeman absent for vote).

2. FIRST PUBLIC HEARING REGARDING CHARTER CHANGES FOR MARCH 7, 2023

2.01 First Public Hearing Regarding Charter Changes for March 7, 2023

Assistant City Attorney Pellerin provided a brief summary of each charter change. He said that the first would allow mayoral, school board and election official contests to be decided by ranked-choice voting, which allows voters to rank candidates in order of preference. He noted that this method currently applies to City Council election contests, but this change would apply ranked-choice voting to those other categories of election contests. He said that the second proposed charter change is an all legal resident voting provision which would allow all full-time legal residents, regardless of citizenship, to vote in local (but not state or federal) elections. He noted that the third proposed charter change is for the siting of polling places and qualification of voters. He said that the fourth proposed charter change is around redistricting, and would seek to amend the district boundaries to provide for four city electoral districts and eight city wards and to ensure a population deviation between districts of less than 10%. He spoke about the fifth and sixth proposed charter changes, which will be placed on the ballot through voter petition. One would allow residents to place ordinance changes and advisory items directly on the ballot through a petition of 5% of the legally-registered City voters without City Council and Mayoral approval, and would allow voters to demand that the Council reconsider existing ordinances. The second would create a police oversight body that would create a new police oversight board with the power to fire and suspend officers for misconduct.

City Council President Paul opened the public hearing.

Amy Malinowski spoke about the ballot item regarding the police oversight board. She said that the police should not be overseeing themselves. She said that this change is a pathway to ensure that the police are operating in alignment with the City's standards.

Sara Sciortino spoke in support of the majority of the charter changes, saying that they take steps to improve democracy in the City. She spoke in support of ranked-choice voting, legal residents being able to vote, redistricting, and the creation of a police oversight body.

Lena Greenberg said that the Burlington people know what they need and that the creation of a police oversight body reflects that.

Tyler Pastorak expressed support for Proposition 0, saying that other municipalities in Vermont have mechanisms to allow residents to put forth ballot items through petition. He also expressed support for public safety and sensible police oversight. He said that the Police Chief should not have unchecked authority over disciplinary actions in the police department. He said that there has been overwhelming support for this initiative.

Sinead Murray spoke as VPIRG's democracy associate and spoke in support of extending ranked-choice voting for more types of election contests.

Robert Bristow-Johnson spoke about the redistricting charter change. He said that when he served on the redistricting committee he came away with several key takeaways: remove Ward 8, remove district representation, create a downtown ward, and that the King/Maple neighborhood not be broken up. He said that this redistricting change seems to have missed the mark on all of these. He then spoke about the charter change around police oversight. He said that the City should have a mechanism to identify when the police are not doing their jobs and remove them from their positions where appropriate. He then spoke briefly about ranked-choice voting.

Lee Morrigan spoke in support of community oversight for policing. They spoke about their experience working in a job that required physical interactions with clients and that it had vigorous and equitable oversight. They said that clients deserve physical interactions to have a high level of oversight. They noted that the Mayor has cited concerns that a community oversight body may discourage candidates from becoming

police officers, and they said that that isn't necessarily a bad thing and that officers who shy away from accountability should be discouraged from joining the police force.

Daniel Munteanu spoke in support of a community oversight body for the police department and Proposition 0, emphasizing the importance of democracy and residents' roles in the running of their municipality.

Erhard Mahnke spoke about redistricting. He urged the City Council to reconsider the proposed redistricting map, based on maps he himself has submitted to the Council. He said that one (v. 26) moves a census block from Ward 5 to Ward 6, tries to fix Ward 8, and creates a downtown district and ensures the integrity of the King/Maple neighborhood. He said that the second map (v. 27) is closer to the approved map, and readjusts Wards 1 and 6 and creates a Ward 8 that includes downtown and protects the King/Maple neighborhood.

Kit Andrews spoke about redistricting. She noted that everyone she has spoken to about redistricting does not support the currently proposed maps. She said that no one supports the district/ward model and asked why the Council isn't supporting the ward-only arrangement. She said that historically, the Old North End has contained Wards 2 and 3 but that this currently-proposed map changes that. She urged the Council to support the v. 26 map.

Aspen Overy spoke in favor of Proposition 0, saying that Burlingtonians should have the right to more of a voice when it comes to local policy. She also spoke in favor of the creation of a community police oversight board.

Annie Lawson spoke in support of the community oversight board for policing. She said that community oversight is a governance structure that applies to numerous types of occupations and industries. She said that oversight boards are critical to establishing trust between occupations and the clients and people they serve.

Solveig Overby spoke in support of the proposed charter changes except for the charter change regarding the currently-proposed redistricting map. She expressed support for Proposition 0 and the community police oversight board. She spoke in support for expanding the ranked-choice voting methodology, saying that it is a more democratic methodology for electing officials. She also spoke in support of the literature shared by Robert Bristow-Johnson on tabulation methods.

Jake Schumann spoke in favor of Proposition 0, saying it enables the community to participate in government to the greatest ability they can. He also spoke in favor of all resident voting, which empowers members of the community who should be able to participate in the democratic process. He also expressed support for the maps developed by Erhard Mahnke, saying that they help support the King/Maple neighborhood. He spoke in support of the creation of a community oversight body for the Police Department, saying that it is critical for establishing trust.

Barbara Headrick spoke about redistricting. She spoke about Erhard Mahnke's maps. She then spoke about maps that she drew. She said that her proposed Ward 1 is cohesive and well-balanced, that the New North End is designed how the City Council wants it, and that it balances the on/off-campus housing students.

Maddy Posig spoke regarding redistricting on behalf of the Buell/Hungerford Terrace neighborhood, saying that they are in support of the redistricting maps proposed on December 12th, 2022. She expressed dismay that new maps are being proposed over a month after the proposed redistricting map was adopted for consideration on Town Meeting Day, especially since one new map moves her neighborhood into Ward 2 without consulting the neighborhood itself.

Sharon Bushor spoke about redistricting. She said that the goal of redistricting is to create the least harm. She said that taking the long-term residential neighborhoods out of Ward 8 and move them to Ward 2 would be very disruptive.

Ryan Allen spoke in support of the community oversight board for policing.

Melo Grant spoke against the maps for redistricting as being proposed. She spoke about community oversight for policing. She said that previously, she felt that the Police Commission could take on some of the duties that a community oversight board would have, but said that she has changed her mind and is very much in favor of the creation of a separate, community oversight board for policing.

2.02 General Communications

City Council President Paul noted the general communication attachments that were submitted by members of the public for consideration during tonight's public hearing. She then went to Councilors for general discussion on the public comments and communications received regarding the proposed charter changes.

MOTION by Councilor Bergman, SECOND by Councilor Magee, to refer Map 8 Wards – V.26 and 8 Wards – V.27 to the independent mapping specialist for review and analysis with a report back to the Council from the independent mapping specialist on or before the Council's January 23, 2023 meeting.

DISCUSSION:

· Councilor Bergman said that when they had wanted to discuss these maps at a previous meeting they were not allowed to do so because they had not yet been reviewed by the independent mapping specialist, so he is asking that they be referred to the specialist so that the Council can discuss them at their next meeting.

· Councilor Shannon said that this gives the City the opportunity to give these maps thoughtful consideration. She said that she is reluctant to send two maps to the mapping specialists, since they will need to have the boundaries worked out at the January 23rd meeting. She said she would support V.27 over V.26.

· Councilor Barlow said he would not support the introduction of further maps for consideration, since the public has not had the full opportunity to weigh in on these in a public process. He said he would be open to the tweaking of current maps.

· Councilor Traverse said that he does not support either of these maps, though he supports an independent analysis of them and discussing them at the next City Council meeting. He said he would be open to the tweaking of current maps.

· Councilor Magee said that he would like these maps to be considered and analyzed so that the Council can further consider them.

· Councilor Hightower said that she supports the analysis of these new maps by the independent mapping specialist, and also supports the tweaking of current maps.

· Councilor Carpenter asked how the Council could go about tweaks such as around the King/Maple neighborhood. Assistant City Attorney Pellerin said that the Council could hold a special meeting between the 23rd and the end of the month to consider discussing new maps. Councilor Bergman said that all changes must come from public hearing comments.

· Councilor Bergman made a friendly amendment to only refer Map 8 Wards – V.27 to the independent mapping specialist (and Councilor Magee was amenable to this amendment).

VOTING: 8-3 (Councilors Barlow, Carpenter, and Dieng dissenting); motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, to refer the map (December 1, version 1.3) to the independent mapping specialist for review and analysis with a report back to the Council regarding joining the Maple/King neighborhood into one ward, and review and analysis regarding Brookes Avenue not cutting through Ward 1.

VOTING: unanimous; motion carries.

Councilor Shannon asked for a realistic date for staff to conduct the independent mapping analysis. She also asked whether the Council should consider holding an additional meeting. City Council President Paul said that a map could be made available the Friday before the Council's next meeting on January 23rd.

Councilor Carpenter said that she has requested a legal analysis of several of the proposed charter changes in terms of how they interact with State law. Assistant City Pellerin said that he and his office are actively conducting a legal analysis and putting together a response to inquiries from the Council.

3. ADJOURNMENT

3.01 Motion to Adjourn

MOTION by Councilor Dieng, SECOND by Councilor Bergman, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 9:00 PM.

RScty: AACoonradt

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