



City Council Meeting

Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM

5:30 pm, Contois Auditorium OR Remotely via ZOOM:

<https://zoom.us/j/92246026234>

Please click the link below to join the webinar:

<https://zoom.us/j/92246026234>

Or Telephone: +1 309 205 3325 US

Webinar ID: 922 4602 6234

****CCTV link: https://www.youtube.com/playlist?list=PLljLFn4BZd2PwCqe7INoKug676jIf_iUA ****

To participate in Public Forum in person, sign up at the meeting.

To participate in Public Forum via ZOOM sign up here:

<https://www.burlingtonvt.gov/citycouncil/publicforum>

Do not sign up in person and via Zoom - select one only

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	January 22, 2024 - Special City Council Meeting and Second Public Hearing Regarding March 5, 2024 Charter Change - Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda

2. Work Session About Public Safety Tax Increase ****5:30 pm - 6:30 pm**** **Location: Bushor Conference Room**

Subject	2.1. Work Session About Public Safety Tax Increase **5:30 pm - 6:30 pm**Location: Bushor Conference Room
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Category	2. Work Session About Public Safety Tax Increase **5:30 pm - 6:30 pm** Location: Bushor Conference Room
Department	Clerk/Treasurer's Office
Type	Communication Discussion Information Presentation

3. Second Public Hearing On Proposed Charter Amendments For March 5, 2024 Annual City Meeting **start time: 6:30 pm**

Subject	3.1. Second Public Hearing On Proposed Charter Change Amendments For March 5, 2024 Annual City Meeting
Meeting	January 22, 2024 - Special City Council Meeting and Second Public Hearing Regarding March 5, 2024 Charter Change - Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM
Category	3. Second Public Hearing On Proposed Charter Amendments For March 5, 2024 Annual City Meeting **start time: 6:30 pm**
Department	Clerk/Treasurer's Office
Type	Action Public Hearing
Recommended Action	open the Public Hearing close the Public Hearing

4. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**

Subject	4.1. Verbal Comments
Meeting	January 22, 2024 - Special City Council Meeting and Second Public Hearing Regarding March 5, 2024 Charter Change - Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM
Category	4. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open the Public Forum close the Public Forum

5. Deliberative Agenda

Subject	5.1. Resolution: March 5, 2024 Annual City Meeting--Advisory Ballot Question re: Pledge Of Mayor And City Council (Councilors Bergman, Magee, Dieng)
Meeting	January 22, 2024 - Special City Council Meeting and Second Public Hearing Regarding March 5, 2024 Charter Change - Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM
Category	5. Deliberative Agenda
Department	Attorney's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution

6. Adjournment

Subject	6.1. Motion to adjourn
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Category	6. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

7. Informational and Non-Discrimination Statements

Subject	7.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	January 22, 2024 - Special City Council Meeting and Second Public Hearing Regarding March 5, 2024 Charter Change - Monday, January 22, 2024, 5:30 PM, Meeting to begin in Bushor Conference Room before moving to Contois Auditorium OR REMOTELY via ZOOM
Category	7. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information



FY25 General Fund Budget Update

City Council Work Session
January 22, 2024



Context

- Numerous, changing budget pressures since last voter-approved tax increase in FY20
- Increased costs to the general fund FY20 – FY25
- Decreased emergency and one-time funds available to balance the budget
- **In sum, the City is currently projecting a significant gap in FY25 budget if no action is taken. This presentation lays out our plan to close the gap.**



City has Overcome Challenges Since FY 2020

The City has navigated the following budget pressures since our last voter-approved tax increase in FY20:

- Responded to global pandemic creating new public health services.
- **Like all organizations, the City has faced more than a 17% increase in consumer price index (CPI) since FY20.**
- Rebuilding police officer ranks after losing 40% of our officers.
- Created new public safety resources including Community Service Officers (CSOs), Community Support Liaisons (CSLs), and Urban Park Rangers.
- Made substantial overdue investments in racial equity and justice, language access, and livable wages – including creating the Racial Equity Inclusion and Belonging (REIB) Department.



City has Overcome Challenges Since FY 2020 - continued

The City has navigated the following budget pressures since our last voter-approved tax increase in FY20:

- Retained City employees, signing four new union contracts.
- Navigated unprecedented and sustained inflation and record-low unemployment rates.
- Launched an equitable economic recovery by creating a new City department to provide support to workers and businesses.
- Opened three new shelters and the Community Resource Center day shelter plus created initiatives to respond to a 500% increase in unsheltered homelessness following June motel evictions.



Mounting Budget Challenges

In the face of these challenges it has been clear for some time that our budget challenges were rising too:

- Request for property tax rate increase was narrowly rejected for FY23.
- The FY24 budget included \$4M of one-time funds that were flagged as needing replacement.
- Country has experienced CPI inflation of more than 17% since FY20 and property tax revenues do not rise with inflation.
- With new police contract, new professional positions + projected increase in officers, BPD personnel costs in FY25 will be \$1.7M higher than in FY20.



Proposal to Balance the Budget

Current projections for FY25 indicate an approximate \$9M budget gap if no action is taken.

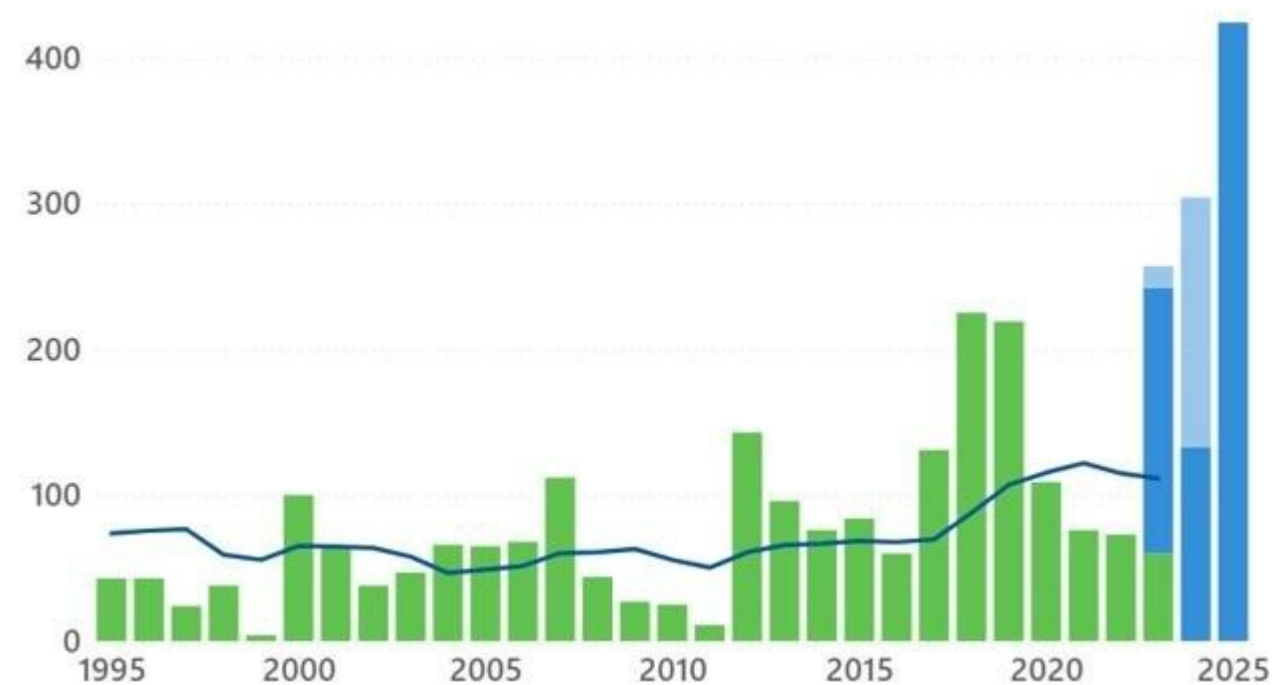
The gap can be closed while maintaining projected public safety budget by taking actions on multiple fronts:

- Capture growth in grand list revenues and other taxes
- Reduce city operating costs through efficiencies in non-public safety departments
- Complete review + increase of non-property tax revenues within Council authority
- Extend for one additional year the full phase out of one-time funds
- Request voter approval to increase current Police and Fire Property Tax Cap by \$.03 on Town Meeting Day



Capture Growth in Grand List and Other Taxes

- \$.3M in new property tax revenue via grand list growth
- \$.6M Increase in Gross Receipts, Local Option Taxes and Franchise Fees



New units, in construction, permitted



Reduce City Operating Costs Through Efficiencies + Non-Public Safety Cuts

- City has commissioned operations and efficiency study of largest general fund City Departments (not including police or fire departments).
- Goal of operations study is to reduce non-public safety spending by at least \$3M.
- CEDO is completing third-party operational review of its services.
- Proposing no expansion of existing general fund services or programs not related to public safety in FY25 budget.



Raise Non-property Tax Revenues

- Current user fee (e.g. campground fees, boat slips, parking, etc.) study ongoing to ensure City covering costs and is competitive with peer cities.
- Projecting a 10% increase in user fees to reflect inflation since past updates (\$1.3M/year).
- Special attention will be paid to ensure that youth scholarships and access remain available.
- Increase hotel tax by 2% so City + State rate would be 13% which is comparable with regional comparisons (change will raise approximately \$1M/year).



Extend for One Additional Year the Full Phase-out of One-time Funds

- Current budget includes \$4M in one-time funds.
- Careful management of remaining ARPA funds and other one-time monies would make it possible to include \$1M of one-time funds in the FY25 budget while retaining current Unassigned Fund Balance



Lift Police + Fire Tax Cap

- This plan would fully fund police and fire budgets including projected increase in officers per Rebuilding Plan and \$250,000 of flexible police funding for emerging needs.
- Police and fire costs have increased substantially since last voter approved increase in FY20.
- The Police and Fire Tax currently funds approximately one-third of total BPD and BFD costs.
- Lifting cap does not commit the Mayor + City Council to implementing the tax increase (frequently in past have not used full cap authority).
- Full utilization of this \$.03 cap increase would result in a 4% increase of municipal taxes.



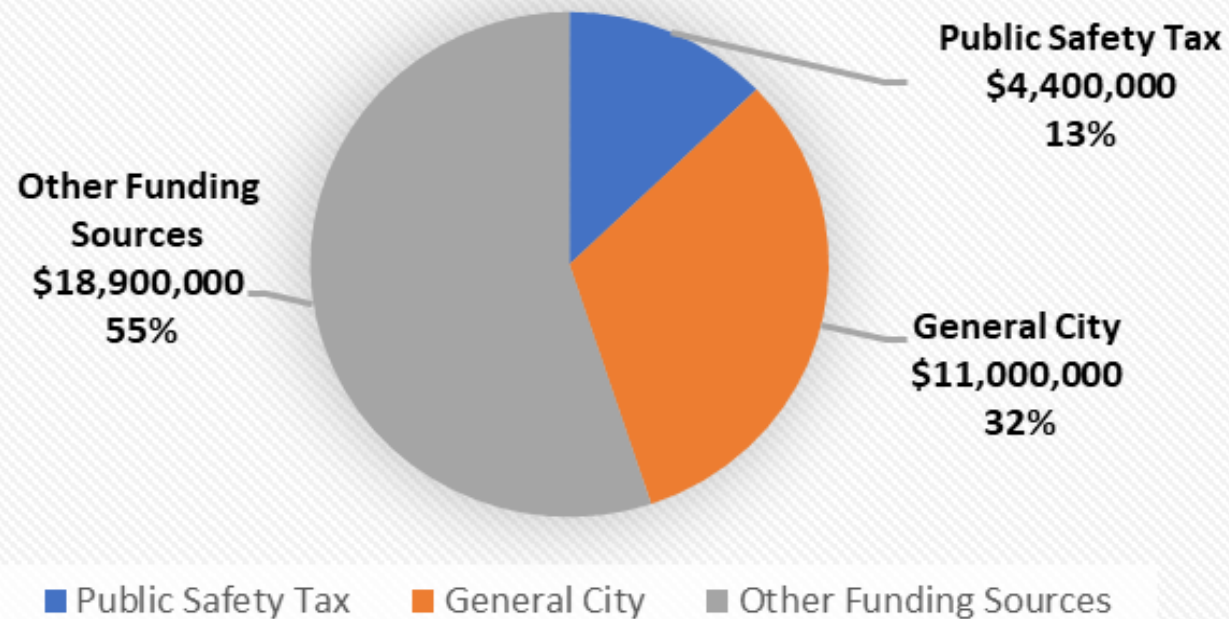
Increased Public Safety Costs since FY20

Increased Public Safety Costs to GF Since Last Tax Increase in FY20	
Type of Cost	Annual Amount
Increased personnel costs for BPD	\$ 1,700,000
Increased personnel costs for BFD	\$ 825,000
BPD Recruitment incentives	\$ 125,000
Increasing BFD and BPD GF operational costs outlined in PPT	\$ 1,066,600
Personnel costs for urban park rangers	\$ 200,000
Flexible response fund for Public Safety	\$ 250,000
TOTAL	\$ 4,166,600



Public Safety Budget vs. Current Police + Fire Tax Rate

FY24 Public Safety Budget (BFD & BPD) Funding Sources





Summary of Actions Proposed to Balance Budget

Category	Amount	Details
Regularly Expected Revenue Growth	\$ 0.3	Expected increase in property tax revenue via organic grand list growth
	\$ 0.6	Expected increase in GR, LOT and FF based
City-led Budget Adjustments	\$ (3.0)	Expected decrease about 5% of GF non-public safety expenses after operational analysis
User Fees	\$ 1.3	Expected increase user fees approximately 10% after analysis
Hotel Tax	\$ 1.0	Potential 2% increase to gross receipts/hotel portion only
One-Time Funds	\$ 1.0	Remaining ARPA funds
Public Safety Tax	\$ 1.8	Potential increase of \$.03 to public safety tax
	\$ 9.0	Total



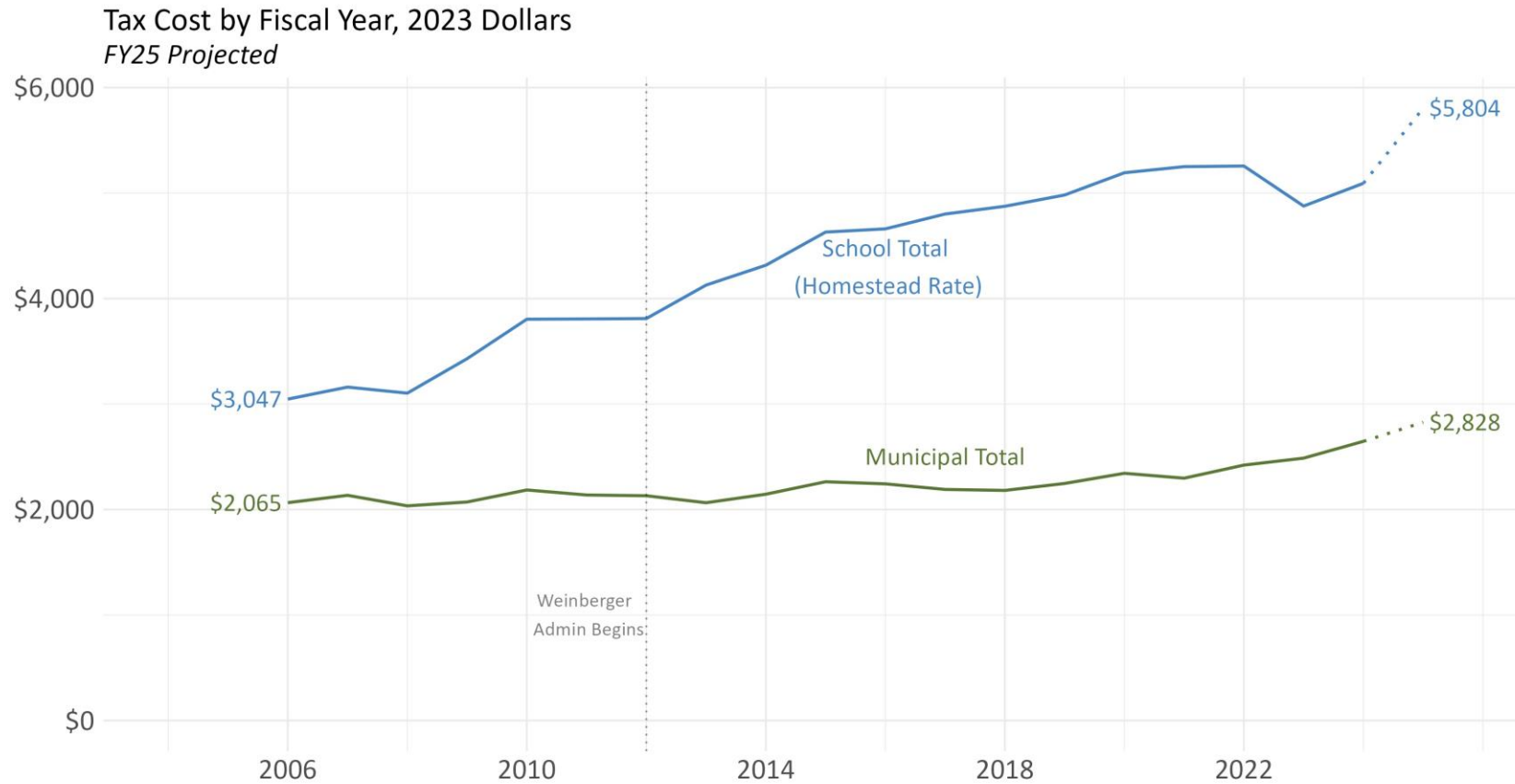
Impact of Proposed Police + Fire Tax Increase on Taxpayers

Appraised Value	FY24	FY25 Proposed	Y over Y Increase	% Increase
	\$0.7523	\$0.7823		
\$300,000	\$ 2,256.90	\$ 2,346.90	\$ 90.00	3.99%
\$500,000	\$ 3,761.50	\$ 3,911.50	\$ 150.00	3.99%
\$700,000	\$ 5,266.10	\$ 5,476.10	\$ 210.00	3.99%

Note: this table reflects full utilization of a lifted Police + Fire tax cap. The City's Debt Service tax is also projected to increase municipal taxes approximately 1% and the FY25 Retirement Tax rate will likely also increase but will not be known until later in FY24.



Municipal and School Taxes over Time



Tax cost adjusted for inflation.

Tax bill based on the median value for condos and single family homes, prior to the property tax credit.



Questions and Discussion

**** Note: the proposed Charter amendment related to police oversight was referred by vote of the City Council at their January 16th meeting, to the Burlington Police Commission for further review and consideration. The proposed amendment will not be placed on the ballot for the March 2024 Town Meeting Day.****

NOTICE OF FIRST AND SECOND PUBLIC HEARINGS
ON PROPOSED CHARTER AMENDMENTS
FOR MARCH 5, 2024 ANNUAL CITY MEETING

Pursuant to the requirements of 17 V.S.A. Sec. 2645, the first public hearing concerning proposed amendments to the Burlington City Charter will be held on Tuesday, January 16th, 2024 during a City Council meeting that begins at 6:00 p.m. The meeting will be held in Contois Auditorium, 2nd Floor, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.
When: Jan 16, 2024 06:00 PM Eastern Time (US and Canada)
Topic: Regular City Council Meeting

Please click the link below to join the webinar:
<https://zoom.us/j/95467806511>
Or Telephone: +1 929 205 6099 US (New York)
Webinar ID: 954 6780 6511

Pursuant to the requirements of 17 V.S.A. Sec. 2645, the second public hearing concerning proposed amendments to the Burlington City Charter will be held on Monday, January 22nd, 2024 at 6:00 p.m. The meeting will be held in the Contois Auditorium, 2nd Floor, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.
When: Jan 22, 2024 05:30 PM Eastern Time (US and Canada)
Topic: Board of Finance Meeting and Public Hearing for Charter Changes

Please click the link below to join the webinar:
<https://zoom.us/j/92246026234>
Or Telephone: +1 309 205 3325 US
Webinar ID: 922 4602 6234

These charter amendments are proposed to be voted on at the Tuesday, March 5, 2024 Annual City Meeting.

1. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:*

ARTICLE 62. POLICE DEPARTMENT

183 Board of Police commissioners; composition; terms.

The Board of Police Commissioners shall consist of seven legal voters and should represent the diverse nature of said City’s constituents, including those from historically marginalized

communities, to be appointed by the City Council with Mayor presiding to serve for three years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The City Council shall make rules and regulations for the government of the entire ~~p~~Police ~~for~~ Department and shall fix the qualifications of applicants for positions and service on said ~~for~~ Department and, to the extent permitted by applicable law, the Chief of Police shall furnish the City Council with any information they may require concerning ~~the finances of the Police~~ Department. The Chief of Police shall be responsible for all expenditures made by the Police Department and no expenditures shall be made by the Department except in conformity with the standards promulgated by the City Council.

(b) The Board of Police Commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the Police Department, its services, and facilities as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the City Council. Said Board shall notify the Mayor and the Chief Administrative Officer, in writing, of any and all changes, modifications, or additions to the rules and regulations of the Department.

(c) Without limitation to the foregoing, the Board of Police Commissioners and the Chief of Police may propose rules and regulations for the government of the entire Police Department in a manner not inconsistent with those established by the City Council. Adoption of such proposed rules and regulations requires joint approval by the Board of Police Commissioners and the Chief of Police. In the event joint approval is not provided by the Board of Police Commissioners and the Chief of Police, either party may bring forward to the City Council the proposed rule or regulation for the City Council's consideration.

(d) The Board of Police Commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the Police Department. To the greatest extent permitted by law, the Chief of Police shall provide the Board of Police Commissioners timely updates of any review, investigation, or disposition of alleged misconduct, and the Board of Police Commissioners shall have the ability to request additional information from the Chief of Police and access to all documents or other evidence relied upon by the Chief of Police in reviewing allegations of misconduct. For higher level complaints of alleged misconduct, the complaint may not be disposed until the Board of Police Commissioners is notified of the proposed disposition.

After receiving notice from the Chief of Police of the recommended or actual disposition relating to the review of alleged misconduct, the Board of Police Commissioners shall have the authority to:

- (i) recommend an alternative disposition to the Chief of Police within a time established by ordinance; or
- (ii) independently investigate any allegation of misconduct by members of the Police Department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the Board of Police Commissioners, and approved by the City Attorney's Office, and completed within a time established by ordinance.

Upon the conclusion of such an investigation, the Board of Police Commissioners may make a recommendation per subsection (i). The Board of Police Commissioners shall not have the authority to investigate or impose discipline upon the Chief of Police. Matters regarding the alleged misconduct of the Chief of Police shall be addressed in conformity with section 190(b) of this Charter.

(e) Upon receiving a recommendation by the Board of Police Commissioners in subsection (d), the Chief of Police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the Chief of Police rejects the recommendation, the Chief of Police shall immediately the notify Board of Police Commissioners. Upon receiving notice of the rejection, the Board of Police Commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter, subject to the notice and hearing provisions set forth in in Article 62, section 190(a).

This independent panel shall consist of three (3) persons appointed on a case by case basis by the Mayor. Members of the independent panel shall include at least two persons with experience in law enforcement, human resources or labor and employment law, or other similar experience, and one member from the general public.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of ~~p~~Police ~~for~~ee-Department designated.

(a) The direction and control of the entire ~~p~~Police ~~for~~ee-Department, except as herein otherwise provided, shall be vested in a police officer who shall be called the Chief of Police, and such other ranking police officers as the City Council shall authorize, subject to the authority of the mayor as chief executive officer and the ordinances and orders of the City Council. The order of rank and succession within the Police Department shall be as designated by the City Council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of Police may remove member for cause; hearing.

(a) Whenever it shall appear to the Chief of Police that any member of said ~~for~~ee Police Department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Chief of Police by a responsible person against such member, the Chief of Police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~for~~ee Police Department, order a demotion in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the Chief of Police's notice to the member shall be given at

least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the Chief of Police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. ~~The Board of Police Commissioners shall hear any appeal filed in a timely manner with respect to such actions of the Police Chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such Board of Regulation. Following its consideration of any such appeal, the Board may affirm, modify, or vacate the decision made by the Chief of Police.~~

(b) Whenever it shall appear to the Mayor that the Chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Mayor by a responsible person, the Mayor may suspend the Chief of Police from duty pending a hearing thereon by the City Council. The City Council shall forthwith notify the Chief of Police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the Chief of Police reasonable notice of the same, not less than 48 hours, and the City Council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the City Council shall find such complaints or charges to be well founded, it may dismiss the Chief of Police from the ~~foree~~ Police Department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this charter as pertains to the removal of the Chief of Police.

(d) The Chief of Police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the Police Department that may seem to the Chief of Police sufficient, suspend from duty without pay any member of the Police ~~foree~~ Department for a period not to exceed 14 days.”

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, in Title III, Article 24, Bonding the City, Section 62(a), be further amended as follows:*

(a) Except as otherwise provided, the credit of the city, except by temporary loans not exceeding during any quarter of any fiscal year twenty-five (25) percent of the taxes assessed upon the entire grand list for such fiscal year, and except by emergency loans as hereinafter provided, shall not be pledged by the city council, or by any officer of said city, unless by vote of the legal voters of said city, at a meeting thereof duly called for that purpose; provided, however, that the chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by a temporary loan in anticipation of the receipt of revenue from the airport department, or the traffic division or the wastewater or water divisions of the public

works department for their ordinary running expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the airport department or the above-mentioned divisions for the payment of such bills and accounts, or sufficient unappropriated funds in the city treasury from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such bills and accounts; and provided further, that the chief administrative officer, when authorized by the city council, may pledge the credit of the city by temporary borrowing in anticipation of the receipt of revenue from the electric department not to exceed ~~**five**~~ *ten* million dollars outstanding at any time to provide working capital and liquidity for the electric department *, with the electric department to repay such borrowing from available revenues*. Temporary notes issued hereunder in anticipation of the receipt of the revenue from the electric department shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. Except as above provided, all temporary loans, except loans for the payment of bills and accounts of the water division of the public works department and the electric department and except emergency loans, shall be paid by the chief administrative officer from and out of the receipts from the collection of the installment of property taxes or other taxes next falling due after the making of the loan, and all moneys received from such temporary loans, other than for the water division of the public works department and the electric department and other than from emergency loans, shall be used to pay the current and ordinary expenses of the city, pending the collection of taxes. All such temporary loans made to pay the accounts and bills of the water division of the public works department pending the receipt of revenue shall be paid during said fiscal year from the revenues received by that division. Temporary loans under this paragraph for the water division and electric departments shall be general obligations of the city notwithstanding that they are primarily payable from the revenues or receipts of the respective division and departments.”

* Material underlined added

** Material struck out deleted

The official copy of the proposed charter amendments will be posted for public viewing by January 6th, 2024. Should any revisions be made to the proposed charter change amendments, they will be posted by February 14th, 2024.

OFFICIAL COPY OF PROPOSED CHARTER CHANGES

These charter amendments are proposed to be voted on at the Tuesday, March 5, 2024 Annual City Meeting.

The following changes (deleted matter in strikeout and new matter underlined) are being proposed by the City Council:

1. *"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:*

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(a) The City Council shall make rules and regulations for the government of the entire ~~p~~Police ~~for~~ Department and shall fix the qualifications of applicants for positions and service on said ~~for~~ Department and, to the extent permitted by applicable law, the Chief of Police shall furnish the City Council with any information they may require concerning ~~the finances of the Police Department.~~ The Chief of Police shall be responsible for all expenditures made by the Police Department and no expenditures shall be made by the Department except in conformity with the standards promulgated by the City Council.

(b) The Board of Police Commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the Police Department, its services, and facilities as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the City Council. Said Board shall notify the Mayor and the Chief Administrative Officer, in writing, of any and all changes, modifications, or additions to the rules and regulations of the Department.

(c) Without limitation to the foregoing, the Board of Police Commissioners and the Chief of Police may propose rules and regulations for the government of the entire Police Department in a manner not inconsistent with those established by the City Council. Adoption of such proposed rules and regulations requires joint approval by the Board of Police Commissioners and the Chief of Police. In the event joint approval is not provided by the Board of Police Commissioners and the Chief of Police, either party may bring forward to the City Council the proposed rule or regulation for the City Council's consideration.

(d) The Board of Police Commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the Police Department. To the greatest extent permitted by law, the Chief of Police shall provide the Board of Police Commissioners timely updates of any review, investigation, or disposition of alleged misconduct, and the Board of Police Commissioners shall have the ability to request additional information from the Chief of Police and access to all documents or other evidence relied upon by the Chief of Police in reviewing allegations of misconduct. For higher level complaints of alleged misconduct, the complaint may not be disposed until the Board of Police Commissioners is notified of the proposed disposition.

After receiving notice from the Chief of Police of the recommended or actual disposition relating to the review of alleged misconduct, the Board of Police Commissioners shall have the authority to:

(i) recommend an alternative disposition to the Chief of Police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the Police Department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the Board of Police Commissioners, and approved by the City Attorney's Office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the Board of Police Commissioners may make a recommendation per subsection (i). The Board of Police Commissioners shall not have the authority to investigate or impose discipline upon the Chief of Police. Matters regarding the alleged misconduct of the Chief of Police shall be addressed in conformity with section 190(b) of this Charter.

(e) Upon receiving a recommendation by the Board of Police Commissioners in subsection (d), the Chief of Police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the Chief of Police rejects the recommendation, the Chief of Police shall immediately notify Board of Police Commissioners. Upon receiving notice of the rejection, the Board of Police Commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter, subject to the notice and hearing provisions set forth in in Article 62, section 190(a).

This independent panel shall consist of three (3) persons appointed on a case by case basis by the Mayor. Members of the independent panel shall include at least two persons with experience in law enforcement, human resources or labor and employment law, or other similar experience, and one member from the general public.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

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(a) The direction and control of the entire ~~p~~Police ~~for~~ Department, except as herein otherwise provided, shall be vested in a police officer who shall be called the Chief of Police, and such other ranking police officers as the City Council shall authorize, subject to the authority of the

mayor as chief executive officer and the ordinances and orders of the City Council. The order of rank and succession within the Police Department shall be as designated by the City Council by regulation.

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ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of Police may remove member for cause; hearing.

(a) Whenever it shall appear to the Chief of Police that any member of said ~~foree~~ Police Department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Chief of Police by a responsible person against such member, the Chief of Police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~foree~~ Police Department, order a demotion in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the Chief of Police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the Chief of Police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. ~~The Board of Police Commissioners shall hear any appeal filed in a timely manner with respect to such actions of the Police Chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such Board of Regulation. Following its consideration of any such appeal, the Board may affirm, modify, or vacate the decision made by the Chief of Police.~~

(b) Whenever it shall appear to the Mayor that the Chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Mayor by a responsible person, the Mayor may suspend the Chief of Police from duty pending a hearing thereon by the City Council. The City Council shall forthwith notify the Chief of Police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the Chief of Police reasonable notice of the same, not less than 48 hours, and the City Council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the City Council shall find such complaints or charges to be well founded, it may dismiss the Chief of Police from the ~~foree~~ Police Department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this charter as pertains to the removal of the Chief of Police.

(d) The Chief of Police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the Police Department that may seem to the Chief of Police sufficient, suspend from duty without pay any member of the ~~Police foree~~ Department for a period not to exceed 14 days.”

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, in Title III, Article 24, Bonding the City, Section 62(a), be further amended as follows:*

(a) Except as otherwise provided, the credit of the city, except by temporary loans not exceeding during any quarter of any fiscal year twenty-five (25) percent of the taxes assessed upon the entire grand list for such fiscal year, and except by emergency loans as hereinafter provided, shall not be pledged by the city council, or by any officer of said city, unless by vote of the legal voters of said city, at a meeting thereof duly called for that purpose; provided, however, that the chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by a temporary loan in anticipation of the receipt of revenue from the airport department, or the traffic division or the wastewater or water divisions of the public works department for their ordinary running expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the airport department or the above-mentioned divisions for the payment of such bills and accounts, or sufficient unappropriated funds in the city treasury from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such bills and accounts; and provided further, that the chief administrative officer, when authorized by the city council, may pledge the credit of the city by temporary borrowing in anticipation of the receipt of revenue from the electric department not to exceed ~~**five**~~ *ten* million dollars outstanding at any time to provide working capital and liquidity for the electric department *, with the electric department to repay such borrowing from available revenues*. Temporary notes issued hereunder in anticipation of the receipt of the revenue from the electric department shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. Except as above provided, all temporary loans, except loans for the payment of bills and accounts of the water division of the public works department and the electric department and except emergency loans, shall be paid by the chief administrative officer from and out of the receipts from the collection of the installment of property taxes or other taxes next falling due after the making of the loan, and all moneys received from such temporary loans, other than for the water division of the public works department and the electric department and other than from emergency loans, shall be used to pay the current and ordinary expenses of the city, pending the collection of taxes. All such temporary loans made to pay the accounts and bills of the water division of the public works department pending the receipt of revenue shall be paid during said fiscal year from the revenues received by that division. Temporary loans under this paragraph for the water division and

electric departments shall be general obligations of the city notwithstanding that they are primarily payable from the revenues or receipts of the respective division and departments.”

* Material underlined added

** Material struck out deleted

This “Official Copy of Proposed Charter Changes” is posted this 21st day of Dec. 2023. If revisions are made to this proposed language, based on feedback received at the scheduled public hearings, a revised official copy of proposed charter changes will be posted no later than February 14th, 2024.

By: _____

Katherine Schad,

Chief Administrative Officer

Resolution Relating to

MARCH 5, 2024 ANNUAL CITY MEETING— ADVISORY
BALLOT QUESTION RE: PLEDGE OF MAYOR AND CITY
COUNCIL

RESOLUTION_____

Sponsor(s): Councilors Bergman,
Magee, Dieng
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, a group of citizens has submitted a petition asking that the following question be placed
2 on the ballot of the annual town meeting on March 5, 2024: “Shall the voters of the City of Burlington advise
3 the Mayor and City Council to adopt the following pledge? WE AFFIRM our commitment to freedom, justice,
4 and equality for the Palestinian people and all people; and WE OPPOSE all forms of racism, bigotry,
5 discrimination, and oppression; and WE DECLARE ourselves an apartheid-free community, and to that end,
6 WE PLEDGE to join others in working to end all support to Israel’s apartheid regime, settler colonialism, and
7 military occupation.”; and
8 WHEREAS, the City has verified that the petition contains a sufficient number of signatures to meet
9 the requirements of 17 VSA § 2642 and Burlington City Charter § 6 (5% of the registered voters of the City);
10 and
11 WHEREAS, the petition concerns advising the Mayor and City Council to adopt a pledge related to
12 matters of international relations; and
13 WHEREAS, the City has discretion to include advisory questions on the ballot and exercising such
14 “.... furthers the Council’s ability to balance the efficient transaction of city business with the provisions of a
15 local forum for discussing state and national issues¹”; and
16 NOW, THEREFORE, BE IT RESOLVED that the City Council directs that the following question be
17 placed on the ballot of the annual City meeting to be held on March 5, 2024:
18 *Shall the voters of the City of Burlington advise the Mayor and the City Council to adopt the following*
19 *pledge?*
20 *WE AFFIRM our commitment to freedom, justice, and equality for the Palestinian people and all*
21 *people; and WE OPPOSE all forms of racism, bigotry, discrimination, and oppression; and*
22 *WE DECLARE ourselves an apartheid-free community, and to that end,*

¹ Clift v. City of South Burlington 181 Vt. 571.

23 *WE PLEDGE to join others in working to end all support to Israel's apartheid regime, settler*
24 *colonialism, and military occupation.*

25

26

27

28

GB/JM/Resolutions 2024/March 5, 2024 Annual City Meeting— Advisory Ballot Question Re: Pledge Of Mayor And City Council
January 19, 2024

Lori Olberg

From: Mark Leopold <Mark.Leopold@burlingtontelecom.net>
Sent: Thursday, January 18, 2024 7:59 PM
To: burlingtontownclerk; Mayor's Office; Zoraya Hightower; Gene Bergman; Joseph Magee; Sarah Carpenter; Benjamin Traverse; Karen Paul; Ali Dieng; Hannah King; Melo Grant; Tim Doherty; Mark Barlow; Joan Shannon
Subject: RE: Burlington City Council Meeting December 11, 2023
Importance: High

Some people who received this message don't often get email from mark.leopold@burlingtontelecom.net. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Councilor,

I write to you to oppose putting the anti-Israel petition on the March 5 ballot.

The proposed wording holds Israel to a double standard, demonizes Israel, and seeks to delegitimize Israel as a country. Israel is a vibrant democracy. Palestinian Israelis vote alongside Jewish Israelis in all elections. Unlike in most Arab countries, women vote in Israel. Arabs are proportionately represented in the Israeli parliament and head all Arab municipalities, schools, and religious courts.

The apartheid accusation against Israel is false.

Please vote **NO** on this issue.

Mark Leopold
Ward 4