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2 **Resolution Relating to**
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RESOLUTION 10
Sponsor(s): Councilors Siegel,
Tracy, Brennan
Introduced: 06/10/13
Referred to: _____
Action: amended; adopted
Date: 06/10/13
Signed by Mayor: 06/13/13

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6 CITY ATTORNEY CONSTITUTIONAL ANALYSIS OF
7 NO TRESPASS ORDINANCE FOR CHURCH STREET MARKETPLACE
8 JUNE 12, 2012
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12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen.....

15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, the City Attorney’s Office provided the City Council with a constitutional analysis
18 memorandum on June 12, 2012 regarding the constitutionality of a no trespass ordinance for the Church
19 Street Marketplace; and

20 WHEREAS, upon review and discussion of the City Attorney’s constitutional analysis
21 memorandum, the City Council unanimously adopted the no trespass ordinance on February 11, 2013;
22 and

23 WHEREAS, the memo is subject to the attorney-client privilege and not a public document and
24 thus was not available to the public at the public deliberations by the City Council when considering the
25 no trespass ordinance in 2012-2013; and

26 WHEREAS, Councilors Siegel, Brennan, and Tracy requested a second legal opinion on the no
27 trespass ordinance in April, 2013 and the opinion contradicts the legal opinion provided by the City
28 Attorney’s Office to the Mayor and the City Council; and

29 WHEREAS, the legal opinion provided by Attorney John Franco, former Assistant City Attorney
30 and now a private practice attorney, raises several concerns about the constitutionality of the ordinance;

31 NOW THEREFORE BE IT RESOLVED that the City Council requests that its Ordinance
32 Committee review the issues raised by Attorney John Franco in his communication to several City
33 Councilors and to make recommendations to the City Council on any further action related to the no
34 trespass ordinance.