1. APPROVAL OF SCHOOL BUDGET FOR FISCAL YEAR 2016

"Shall the voters approve the School Department's proposed $68,595,138 budget for education spending for fiscal year 2016 for current expenses and deficit retirement?"

2. AUTHORIZING THE SCHOOL DISTRICT TO ESTABLISH A FUND TO RELOCATE ITS HORIZONS AND ON-TOP PROGRAMS, MEET OTHER INFRASTRUCTURE NEEDS, AND DEPOSIT THE PROCEEDS FROM THE LEASING OF THE TAFT SCHOOL BUILDING INTO THIS FUND

"Shall the School District be authorized to establish a fund for the purpose of relocating its Horizons and On-Top programs, and meeting other infrastructure needs, and deposit into this fund the proceeds from the leasing of the Taft School land and building?"

3. PLEDGING THE CREDIT OF THE CITY TO SECURE INDEBTEDNESS FOR PUBLIC IMPROVEMENTS WITHIN THE DOWNTOWN TIF DISTRICT

"Shall the City Council be authorized to pledge the credit of the City to secure indebtedness or make direct payments for the purpose of funding one or more public improvements and related costs attributable to projects serving the Downtown Tax Increment Financing (TIF) District, specifically:

(a) **Main Street Streetscape Upgrades:** (the two blocks between Church Street and Pine Street inclusive of all intersections) to include streetscape, stormwater, utility, lighting and transportation upgrades;
(b) **St. Paul Street Streetscape Upgrades**: (the two blocks between Main Street and Maple Street inclusive of all intersections) to include streetscape, stormwater, utility, lighting and transportation upgrades;
(c) **Brownfields Remediation/Brown's Court**: relating to preparation of site for redevelopment;
(d) **Marketplace Garage Improvements and Repair:** as a supplement to other funding for this project;
(e) **Related Costs:** reimbursement for TIF eligible related costs incurred by the City for the creation, implementation and administration of the Downtown TIF District, including direct municipal expenses such as departmental or personnel costs related to creating or administering the district to the extent they are paid from the municipal and not education taxes and are otherwise reimbursed in accordance with law;

in a total principal amount not to exceed $10,000,000 (which will bring the total Downtown TIF District debt approved since the Downtown TIF District's creation to $10,000,000), and to issue bonds, notes or make interfund loans for such purpose with the understanding that tax increment from the properties within the Downtown TIF District shall be pledged and appropriated for the payment of such indebtedness or direct costs of the improvements; and with the further understanding that the City may utilize more than the statutory minimum requirement of 75 % of all municipal increment, up to and including 100 % of same, in meeting the financial obligations of the district?"

4. CHARTER CHANGES CONCERNING RESERVE FUNDS

"Shall the City of Burlington, Acts of 1949, No. 298, as amended, be further amended to amend subsections (a) and (b) of Section 65 to read as follows:

Sec. 65. Source of funds for appropriations; operating expenses for departments, creation of special funds.

(a) All money received from taxation, assessments, fines and other lawful sources, except revenues and income of the water, waste water/solid waste and traffic divisions of the public works department and of the electric light department, shall constitute the entire sum from which appropriations and payments are to be made by and under the authority of the city council. The necessary operating expenses and the cost of repairs, improvements and additions to the property and equipment of such divisions and of the light department shall be paid from the receipts of said divisions and department, respectively. The electric light department, the water division and the waste water division shall every fiscal year make a contribution to the city in lieu of taxes in the form of a cash payment and/or the equivalent in free services and municipal rate benefits in an amount equaling the amount of money which would be received by the city in ad valorem real estate taxes and personal property inventory taxes were such divisions and department privately owned utilities. In order to determine the amount of contribution in lieu of taxes to be received from each such division and department, the city assessor shall annually make an assessment of their respective properties in the same manner as and at the same time that assessments of taxable properties are made. Each division and department shall likewise file with the city assessor inventory forms at the time and in the

manner required by state law of taxable persons. Each division and department shall have the same right of grievance and appeal as is afforded to taxpayers. However, the determination of the board of civil authority shall be final. The specific level of the contribution shall be fixed in the same manner as the amount of tax on taxable properties and inventories are determined, immediately upon the setting of the annual tax rate by the city council. The city council, with the prior approval of the board of light commissioners and/or the board of public works commissioners, shall have authority to create and establish, maintain, build up and increase from year to year from the earnings of such department and divisions, special reserve funds for such department and divisions, to be kept by the city treasurer in a separate bank deposit and in a separate account for each department and division and to be used only to pay for such ~~permanent improvements, extensions, and additions to the property and equipment of such department and divisions, from time to time~~ expenses as the electric light and public works departments may recommend and the city council may approve and authorize. Appropriations and payments from the earnings of said department and divisions to said reserve funds ~~shall be made only during the first thirty days of a fiscal year from the earnings of said department and division for the previous year and when~~ may be made at any time but must be authorized by separate resolution of the city council for each department and division. The total amount of such reserve funds may ~~shall~~ be limited to such sum as the city council may by resolution from time to time determine and prescribe. All portions of all appropriations remaining unexpended at the close of the fiscal year, except in the case of appropriations to the school department and the streets division of the public works department, shall then become part of the general fund, unless the city council provides otherwise by resolution.

(b) In addition to the reserve funds for the electric light department and for such divisions of the public works department authorized above, the city council may by resolution create and establish ~~a~~ reserve funds to pay for public improvements, replacement of equipment, capital expenses, and planned or unplanned operating expenditures of any city department(s) or division(s) thereof. Once established, the city council ~~and, in the case of any department and division for which such reserve fund shall have been established,~~ may maintain, build up and increase ~~the same~~ a fund from year to year by ~~appropriating thereto during the first thirty days of a fiscal year such portion, or all, of its unexpended appropriation for the preceding~~

~~fiscal year~~ depositing in the fund any monies ~~as~~ the city council may deem advisable, to the extent not prohibited by any other law or regulation. Monies deposited in and expended from a reserve fund shall be identified in the city budget (as it may be amended from time to time). Reserve funds shall be kept in separate accounts and invested in the same manner as other public funds. The city council may expend monies from a reserve fund for any legal purpose for which that fund was established. ~~Such reserve fund shall be used only to pay for such permanent improvements, extensions or additions to the property and equipment of the particular department or division thereof as the city council may from time to time authorize.~~?"

5. CHARTER CHANGES TO ALLOW NONCITIZENS TO SERVE ON CITY BOARDS AND AS ALL CITY DEPARTMENT HEADS

"Shall the City of Burlington Charter, Acts of 1949, No. 298, as amended, be further amended to delete the requirement that certain members of boards and department heads be required to be legal voters of the city of Burlington and instead require that they be Burlington residents, by amending section 48 subsection (63) and sections 120, 130, 183, 196, 203, 218, 226, 276, 277, and 322 to read as follows:

Sec. 48. Enumerated.

The City Council shall have power:

(63) (A) As written.

(B) The board of public works commissioners shall consist of seven ~~legal voters~~ residents of the City of Burlington, who shall be appointed by the city council to serve for the term of three years, and until their successors are appointed and qualified, except as herein otherwise provided.

(C) The city council with mayor presiding shall appoint to the public works commission seven ~~legal voters~~ residents of the City of Burlington. On the first Monday in June, 1988, and every three years thereafter, the city council with mayor presiding shall appoint three commissioners to serve a term of three years. On the first Monday in June, 1989, and every three years thereafter, the city council with mayor presiding shall appoint two commissioners to serve a term of three years. On the first Monday in June, 1990, and every three years thereafter, the city council with mayor presiding shall appoint two commissioners

to serve a term of three years.

(D) As written.

(E) As written.

Sec. 120. Enumerated.

There shall be maintained in said city a board of assessors consisting of the city assessor and two ~~legal voters~~ residents of said city; a board of tax appeals normally consisting of seven ~~legal voters~~ residents of said city; a board of public works commissioners consisting of seven ~~legal voters~~ residents of said city; a board of cemetery commissioners, a board of police commissioners, a board of light commissioners, a board of fire commissioners, and a board of health, each consisting of five ~~legal voters~~ residents of said city; a board of airport commissioners consisting of four ~~legal voters~~ residents of the City of Burlington and one ~~legal voters~~ resident of the City of South Burlington, a board of park and recreation commissioners, consisting of five ~~legal voters~~ residents of said city; a board of library commissioners consisting of ten members; a board of planning commissioners, the members of such boards to be appointed by the city council with mayor presiding; a board of school commissioners consisting of twelve legal voters of said city and of the respective wards in which they are elected; and a board of finance to be constituted as hereinafter provided.

Sec. 130. Manner of filling vacancy and residency requirement.

(a) As written

(b) (1) As written.

(2) As written.

(3) Any person appointed to serve as a member of any city commission must, except as otherwise specifically provided for herein, be a ~~legal voters~~ resident of the city at all times during his or her term of office.

(c) Except as provided below, any person appointed by the mayor and approved by the city council for the position of city assessor, city attorney, chief administrative officer, city constable, civil defense director, director of the office of community and economic development, harbor master, or human resources director, and any person appointed to be the superintendent or corresponding chief executive officer of the cemetery, electric light, fire,

parks and recreation, planning, police, public works, or school departments shall, in order to be legally eligible to serve, either be a ~~legal voters~~ resident of the city as of the date his or her term of office commences and at all times thereafter or, if not a ~~legal voters~~ resident as of the date his or her term of office commences, shall become a ~~legal voters~~ resident within the city within one year from the date such term of office commences and maintain such status at all times thereafter. In case of personal hardship found and declared to exist by the city council with mayor presiding, the time limit for an individual to become a ~~legal voters~~ resident of the city may be extended for a set period of time beyond one year.

(d) The above subsections hereof shall not be considered applicable to an incumbent in the above listed positions so long as such incumbent remains in the position which he or she holds as of March 1, 1994. Nor shall the above subsections be regarded as applicable to any city position which is not listed above or to the appointed assistants in any position listed above.

(e) In case any person holding any elective or appointive office in the city shall at any time for any reason become legally disqualified to hold such office, such office shall thereupon become vacant and shall be filled for the unexpired term in which such vacancy occurs and in the manner herein provided for filling such vacancy.

Sec. 183. Board of Police Commissioners; composition; terms.

The board of police commissioners shall consist of five ~~legal voters~~ residents of said city, to be appointed by the city council with mayor presiding to serve for three years and until their successors are appointed and qualified.

Sec. 196. Composition.

The board of fire commissioners shall consist of five ~~legal voters~~ residents of said city, to be appointed by the city council with mayor presiding to serve for three years and until their successors are appointed and qualified, except as herein otherwise provided.

Sec. 203. Commissioners to manage parks; composition of Board.

The public parks of the City of Burlington now in existence, and those which may hereafter be established, together with all park property which may be acquired and all public

recreational activities hereafter sponsored by the city, shall be under the management, care, and control of the city council. The parks and recreation department may likewise cosponsor recreational activities with other public and/or private agencies. The city council may by resolution delegate any of the powers relating to parks and recreation to the board of parks and recreation commissioners. The board of parks and recreation commissioners shall consist of five ~~legal voter~~ residents of said city, to be appointed as hereinbefore provided.

Sec. 218. Composition; appointment; terms.

The board of cemetery commissioners shall consist of five ~~legal voters~~ residents of said city, who shall be appointed by the city council with mayor presiding to serve for the term of three years and until their successors are appointed and qualified, except as herein otherwise provided.

Sec. 226. Composition; appointment; term.

The board of light commissioners, which board may also be properly referred to as the board of electric commissioners, shall consist of five ~~legal voters~~ residents of said city, who shall be appointed by the city council with mayor presiding to serve for the term of three years, and until their successors are appointed and qualified, except as herein otherwise provided.

Sec. 276. Composition; terms; powers; manager.

(a) The board of airport commissioners of the City of Burlington shall consist of four ~~legal voters~~ residents of said city to be appointed by the city council with mayor presiding to serve for four years and until their successors are appointed and qualified. In addition, so long as the public aviation field and municipal airport is located within the limits of the City of South Burlington, the board of airport commissioners shall likewise consist of one ~~legal voters~~ resident of said City of South Burlington to be appointed by the governing body thereof to serve for four years and until a successor is appointed and qualified. The city council shall have the exclusive general management and control of all lands owned or leased and used by the city for the purpose of a municipal airport, and of all buildings, property, and equipment of the city thereon, and shall see that the same are kept in good condition and repair. The city

council may by resolution delegate any of its powers relating to the airport to the board of airport commissioners.

(b) As written.

(c) As written.

Sec. 277. Composition.

The board of health shall consist of five ~~legal voters~~ residents of the city, one of whom shall be a health practitioner who is either a physician, a physician assistant, or a registered nurse.

Sec. 322. Establishment of Commission.

There shall be maintained in the City of Burlington a Church Street Marketplace Commission consisting of nine ~~legal voters~~ residents of the State of Vermont, not less than five of whom must be ~~legal voters~~ residents of the city, who shall be appointed by the city council. On the first Monday in June 1993 the city council shall appoint four commissioners, three for a three-year term and one for a four-year term. On the first Monday in June 1994, the city council shall appoint one commissioner for a three-year term and on the first Monday in June 1995, the city council shall appoint two commissioners for three-year terms. On the first Monday in June 1999, the city council shall appoint two commissioners for a two-year term. Thereafter, all appointments shall be for three-year terms and commissioners shall serve from the first day of July following their appointment and until their successors are duly appointed and have qualified. Appointments shall be made so that no more than four of the commissioners shall at any one time be from the same political party. Two members at all times shall be proprietors or managers of retail businesses which are within the Church Street Marketplace District and such members need not be residents of Burlington. Two members at all times shall be proprietors or managers of retail businesses which are within the downtown improvement district, with one of such members being located within the downtown improvement District but outside the boundaries of the Church Street Marketplace and such members need not be residents of Burlington. The commission shall organize by the election of a chair and vice chair and by the appointment of a clerk and a treasurer. The clerk shall keep a written record of the proceedings of the commission, such record to be the property of

the city. The clerk need not be a member of the commission. The manner of removal of commissioners and filling of vacancies shall be as provided in sections 129 and 130 of this charter, and the commissioners shall, except as otherwise herein expressly provided, be subject to all other provisions of this charter relating to public officers.?"

6. NON-U.S. CITIZENS RIGHT TO VOTE IN VERMONT MUNICIPAL AND SCHOOL ELECTIONS

"Shall the Vermont Constitution be amended to give residents of Vermont who are not currently citizens of the United States of America the right to vote in municipal and school elections?"

7. CHARTER CHANGES TO MAKE BOARD TERMS THREE YEARS

"Shall the City of Burlington Charter, Acts of 1949, No. 298, as amended, be further amended to change the term lengths of certain board members to three years, by deleting section 121 and amending sections 126, 179, 196 and 276 to read as follows:

Sec. 121. ~~Enumerated.~~ [Reserved.]

~~(a) The city council with mayor presiding shall, on the first Monday in June, 1983, appoint one airport commissioner and one library commissioner. The city council with mayor presiding shall, also at such time, appoint up to five fire wardens. Annually thereafter and whenever a vacancy occurs, the city council with mayor presiding shall appoint one airport commissioner and up to five fire wardens.~~

~~(b) On the first Monday in June, 1991, the city council with mayor presiding shall appoint two library commissioners for a term of three years, one library commissioner for a term of two years, and one library commissioner for a term of one year. Thereafter, on the first Monday in June, the city council with mayor presiding shall appoint either two library commissioners or one library commissioner based upon the expiration of prior terms, all for a term of three years, or until their successors are duly appointed and qualified.~~

Sec. 126. Commissioners and board of tax appeals.

Except as specified in section ~~121~~ 179 of this Charter~~,~~ with respect to the library commissioner elected from the library staff, each ~~Each~~ public works commissioner, cemetery commissioner, police commissioner, fire commissioner, light commissioner, park and recreation commissioner, airport commissioner, planning commissioner, library commissioner, member of the board of health and member of the board of tax appeals shall hold office for the term of three years, ~~each airport commissioner and each city planning commissioner for the term of four years and each library commissioner for the term of two years,~~ from the first day of July following his or her appointment or until their successors are appointed and qualified, except that any commissioner in office at the time of enactment of this amendment shall remain in office until the conclusion of the term to which that commissioner was appointed. Each assessor, except the city assessor, shall hold office for the term of three years from the first day of April following the appointment and until his or her successor is appointed and has qualified.

Sec. 179. Composition.

The board of library commissioners shall consist of ten members. Six of such members shall be designated the public commissioners and four of such members shall be designated the trustee commissioners. Four of such public commissioners shall be appointed by the city council with mayor presiding. One public commissioner shall be the mayor or his/her designee and one public commissioner shall be an employee of the library elected by the employees thereof. The four trustee commissioners will be appointed on a self-perpetuating basis by the trustee commissioners. The term of all voting commissioners other than the mayor shall be three years and the mayor's term shall coincide with his/her term of office. The public commissioner elected from the library staff shall be elected for a one-year term. However, the initial terms of the commissioners shall be staggered. ~~The appointment of the four public commissioners by the city council with mayor presiding shall proceed as specified in section 121 of this Charter.~~ During the first week in June, 1991, two trustee commissioners shall be appointed by the present trustees of the Fletcher Free Library for a term of three years, one for a term of two years, and one for a term of one year. Thereafter, all such appointments shall be for a term of three years commencing the first day of July following

their appointment and continuing until their successors have been appointed and qualified. The four public commissioners appointed by the city council with mayor presiding must at all times be residents of the city. Neither the public commissioner elected by the library staff nor the trustee commissioners must reside in the city, but all trustee commissioners must reside within Chittenden County. In addition the board of library commissioners may appoint not more than two additional nonvoting advisory members of the board to serve for terms which the board shall deem appropriate. A chair of the board of library commissioners and a clerk of the board shall be appointed at the first meeting in July. The clerk need not be a member of the board.

Sec. 196. Composition.

The board of fire commissioners shall consist of five legal voters of said city, to be appointed by the city council with mayor presiding to serve for the three years and until their successors are appointed and qualified, except as herein otherwise provided. The city council with mayor presiding shall also at the time of the commission appointments appoint up to five fire wardens.

Sec. 276. Composition; terms; powers; manager.

(a) The board of airport commissioners of the City of Burlington shall consist of four legal voters of said city to be appointed by the city council with mayor presiding to serve for ~~four~~ three years and until their successors are appointed and qualified, except that any commissioner in office at the time of enactment of this amendment shall remain in office until the conclusion of the term to which that commissioner was appointed. In addition, so long as the public aviation field and municipal airport is located within the limits of the City of South Burlington, the board of airport commissioners shall likewise consist of one legal voter of said City of South Burlington to be appointed by the governing body thereof to serve for ~~four~~ three years and until a successor is appointed and qualified. The city council shall have the exclusive general management and control of all lands owned or leased and used by the city for the purpose of a municipal airport, and of all buildings, property and equipment of the city thereon, and shall see that the same are kept in good condition and repair. The city council may by resolution delegate any of its powers relating to the airport to the board of airport commissioners.?"

8. CHARTER CHANGE TO ELIMINATE REQUIREMENT RELATING TO POLITICAL AFFILIATION FOR CERTAIN CITY BOARDS

"Shall the City of Burlington Charter, Acts of 1949, No. 298, as amended, be further amended to remove certain requirements about political affiliation on boards by deleting section 123 and amending section 322 to read as follows:

ARTICLE 39. - [Reserved] ~~APPOINTMENTS; HOW MADE~~

Sec. 123. ~~Staggered appointments required.~~ Reserved.

~~The appointment of the commissioners provided for in the foregoing two sections shall be so made that no more than two-thirds of the members of any one board shall at any one time be from the same political party; provided, however, that the board of library commissioners and the board of health shall be excepted from the provisions of this section.~~

Sec. 322. Establishment of commission.

There shall be maintained in the City of Burlington a Church Street Marketplace Commission consisting of nine legal voters of the State of Vermont, not less than five of whom must be legal voters of the city, who shall be appointed by the city council. On the first Monday in June, 1993 the city council shall appoint four commissioners, three for a three-year term and one for a four-year term. On the first Monday in June, 1994, the city council shall appoint one commissioner for a three-year term and on the first Monday in June, 1995, the city council shall appoint two commissioners for three-year terms. On the first Monday in June, 1999, the city council shall appoint two commissioners for a two-year term. Thereafter, all appointments shall be for three-year terms and commissioners shall serve from the first day of July following their appointment and until their successors are duly appointed and have qualified. ~~Appointments shall be made so that no more than four of the commissioners shall at any one time be from the same political party.~~ Two members at all times shall be proprietors or managers of retail businesses which are within the Church Street Marketplace District and such members need not be residents of Burlington. Two members at all times shall be proprietors or managers of retail businesses which are within the downtown improvement district, with one of such members being located within the downtown

improvement district but outside the boundaries of the Church Street Marketplace and such members need not be residents of Burlington. The commission shall organize by the election of a chair and vice-chair and by the appointment of a clerk and a treasurer. The clerk shall keep a written record of the proceedings of the commission, such record to be the property of the city. The clerk need not be a member of the commission. The manner of removal of commissioners and filling of vacancies shall be as provided in sections 129 and 130 of this Charter, and the commissioners shall, except as otherwise herein expressly provided, be subject to all other provisions of this Charter relating to public officers.?"

* Material underlined added.
** Material stricken out deleted.

Miro Weinberger, Mayor

Publication Dates:
Burlington, Vermont

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1/29/15