

NOTICE OF FIRST AND SECOND PUBLIC HEARINGS
ON PROPOSED CHARTER AMENDMENTS
FOR MARCH 7, 2023 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 by both the City Council and by voter petition will be held Tuesday, January 17th, 2023 at 6:00 p.m. The meeting will be held at Contois Auditorium, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.

When: Jan 17, 2023 05:00 PM Eastern Time (US and Canada)

Topic: Board of Finance/City Council Public Hearings Regarding Charter Changes

Please click the link below to join the webinar:

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Pursuant to the requirements of 17 V.S.A. Sec. 2645, the second public hearing concerning proposed amendments to the Burlington City Charter by both the City Council and by voter petition will be held Monday, January 23rd, 2023 at 5:30 p.m. The meeting will be held at Contois Auditorium, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.

When: Jan 23, 2023 05:30 PM Eastern Time (US and Canada)

Topic: City Council Meeting

Please click the link below to join the webinar:

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These charter amendments are proposed to be voted on at the Tuesday, March 7, 2023 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 add a Section 8a to Article 4 as follows:*

8a Requirements for Legal Resident Voters Who Are Not Citizens:

- (a) Notwithstanding sections 7 and 8 above and 17 V.S.A., Ch. 43, a legal resident who is not a citizen of the United States shall be a legal voter at a local City of Burlington or Burlington School District election if the individual meets the following qualifications: is a legal resident of the United States, is not less than 18 years of age, has taken the Voter’s Oath, resides in the City of Burlington as residency is defined in 17 V.S.A. § 2122, and has registered to vote with the Board of Registration of Voters no later than the deadline established by Vermont law for that election or meeting.
- (b) For purposes of this section, a legal resident of the United States means any non-citizen who resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.
- (c) This section does not change a non-citizen’s ability to vote in any state or federal election.
- (d) A legal resident voter who is not a citizen may cast a ballot only for local officers and local public questions specific to a ward or City district of which the individual is a resident at the time of voting.
- (e) The Chief Administrative Officer shall develop all necessary forms and procedures for implementation of this section, including identifying on the voter checklist those legal resident voters who are not citizens.”

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further have Title II, Article 4, Qualifications of Voters, and Article 8, Method of Conducting Elections, amended as follows:*

TITLE II. ELECTIONS AND CTY MEETINGS—CITY ELECTIONS

ARTICLE 4. QUALIFICATIONS OF VOTERS

§8. ~~Person to vote in ward or City district in which the person resides; residence requirement.~~ **Person to reside in ward or City district if casting ballot for particular local officers or local public questions.** ~~No such citizen shall vote except in the ward or City district of which he or she is at the time a resident. A legal voter may cast a ballot for local officers and local public questions specific to a ward or City district only if that legal voter resides in that ward or City district at the time of casting that ballot.~~

ARTICLE 8. METHOD OF CONDUCTING ELECTIONS

~~§19. Where elections held; early voter absentee ballots.~~ **Designation of Polling Places.**

~~Annual and special elections shall be held in the several wards. Notwithstanding 17 V.S.A. chapter 51, the ballots of early or absentee voters may be returned to the ward clerks of the various wards within the City. At least thirty days prior to a local, primary, or general election, the City Council, in consultation with the City Clerk’s Office, ward clerks and inspectors of election, shall determine the number and location of polling places. Polling places shall be located in each ward unless a more accessible facility is available outside the ward which is in as close proximity as possible to the ward in which each voter resides. If more than one polling place is located within the same building, each shall be located so that it is separate and distinct from the others, in accordance with 17 V.S.A. 2501(e).”~~

3. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to 4 amend Article 2, City Election Areas Defined, thereto to read as follows:*

ARTICLE 2. CITY ELECTION AREAS DEFINED

2 Election boundaries.

(a) City Districts Described. For the annual meeting of 2015~~24~~ and all City elections thereafter, the City of Burlington is divided into four electoral districts, constituted as follows:

(1) East District. The East District shall include all that part of said City lying easterly and northerly of the following described boundaries: Beginning at the common boundary between the Cities of Burlington and Winooski in the Winooski River beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence westerly in the centerline of said railroad tracks, ~~crossing Intervale Road, for 406.6 feet to a point where the centerline of Hyde Street of Intervale Road extended~~ ~~northeasterly northerly~~ intersects said railroad track centerline (approximately -73.2028 longitude, 44.4911 latitude); ~~(approximately -73.2045 longitude, 44.4912 latitude);~~ thence southerly along the extension of the centerline of Intervale Road, crossing Riverside Avenue until the centerline intersects with that of the Archibald Street centerline extended easterly; thence westerly along the Archibald Street centerline until the intersection of the Archibald Street centerline and the North Willard Street centerline; thence southerly along the North Willard Street Centerline until the intersection of the North Willard Street centerline and the Pearl Street Centerline; thence westerly along the Pearl Street centerline until intersecting with the South Winooski Avenue centerline; thence southerly along the South Winooski Avenue centerline until intersecting the Maple Street centerline; thence easterly along the Maple Street centerline for 1573.5 feet to a point where the eastern property boundary of 315 Maple Street extended northerly intersects Maple Street (approximately -73.2064 longitude, 44.4739 latitude); thence southerly along the eastern property boundary of 315 Maple Street for 276.5 feet (approximately -73.2064 longitude, 44.4734 latitude); thence 281.4 feet westerly to a point where the southern property boundary of 315 Maple Street extended westerly intersects with the western boundary of 251 South Willard Street extended northerly (approximately -73.2071 longitude, 44.4733 latitude), thence 723.7 feet 177° southerly to a point where it intersects the southern property boundary of 285 South Willard Street extended westerly (approximately -73.2071 longitude, 44.4719 latitude); thence easterly along the southern boundary of 285 South Willard Street for 696.5 feet until intersecting with the South Willard Street centerline (approximately -73.2051 longitude, 44.472 latitude); thence northerly along the South Willard Street centerline for 220.9 feet (approximately -73.2052 longitude, 44.4724 latitude); thence easterly along the southern property boundary of 262 South Willard Street for 557.6 feet (approximately -73.2037 longitude, 44.4725 latitude); thence northerly along the eastern property boundary of 262 South Willard Street for 89.6 feet to a point where the Juniper Terrace centerline extended westerly intersects the eastern property boundary of 262 South Willard Street (approximately -73.2037 longitude, 44.4726 latitude); thence following the Juniper Terrace centerline easterly until intersecting with the

Summit Street centerline (approximately -73.2021 longitude, 44.4727 latitude); thence northerly along the Summit Street centerline until reaching the centerline of Main Street; thence following the Main Street centerline easterly 2339.6 feet (approximately -73.1964 longitude, 44.4753 latitude); thence southwesterly 214° for 136.1 feet (approximately -73.1966 longitude, 44.4751 latitude), thence southeasterly 98.2 feet (approximately -73.1964 longitude, 44.4749 latitude); thence southwesterly by 213° for 770 feet (approximately -73.1975 longitude, 44.4737 latitude); thence southeasterly by 123° for 477.4 feet until intersecting with the University Heights centerline (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1221.65 feet until intersecting with the PFG Road centerline, thence westerly by 79° until intersecting of Hyde Street, continuing on the centerline of Hyde Street to the intersection of the centerline of North Willard Street; thence southerly along the centerline of North Willard Street to the intersection of the centerline of Pearl Street; thence westerly along the centerline of Pearl Street to the intersection of the centerline of South Winooski Avenue; thence southerly along the centerline of South Winooski Avenue to the intersection of the centerline of Main Street; thence easterly along the centerline of Main Street to the intersection of the western property line of 525 Main Street extended, containing the Main Street Water Reservoir (approximately -73.1992 longitude, 44.4763 latitude); thence southerly along the western property boundary of 525 Main Street to its southwestern corner approximately -73.1991 longitude, 44.4746 latitude); thence easterly along the southern property boundary of 525 Main Street to its southeastern corner (approximately -73.1984 longitude, 44.4746 latitude); thence southwesterly along the western property boundaries of 49, 55, and 59 University Terrace to the southwestern corner of 59 University Terrace (approximately -73.1987 longitude, 44.4742 latitude); thence southeasterly along the southern property boundaries of 59 University Terrace and 60 University Terrace, extended to the centerline of University Heights Road (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1,314 feet to its intersection with the extended centerline of the walkway serving the University of Vermont Southwick Hall and the Music Building from the Redstone Campus loop road (approximately -73.1968 longitude, 44.4698 latitude); thence westerly along the extended walkway and walkway centerline, with the Music Building to the north and Southwick Hall to the south, 367 feet to its intersection with the centerline of the Redstone Campus loop road (approximately -73.1982 longitude, 44.4698 latitude); thence northerly and then westerly along the centerline of the Redstone Campus loop road to its intersection with the centerline of South Prospect Street; thence southerly along the centerline of South Prospect Street to its intersection with the centerline of the Davis Road; thence northeasterly along the centerline of Davis Road to its intersection with University Heights Road, continuing easterly along the centerline of Davis Road to its intersection with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary between the City of Burlington and Town of Colchester in the Winooski River at ~~the intersection of a point intersecting with~~ the centerline of Institute Road extended northeasterly (approximately -73.2147 longitude, 44.5089 latitude)~~approximately -73.2139 longitude, 44.5077 latitude~~; thence southerly along the common boundary between the City of Burlington and Town of Colchester in the Winooski River to a point beneath the Central Vermont Railway bridge downstream of the Lower Winooski Falls and Salmon Hole; thence ~~southerly~~westerly along the East District ~~northern~~ western boundary ~~to its intersection with the centerline of~~ for 406.6 feet to its intersection with the westerly boundary of the East District; thence southerly along the westerly boundary of the East District to its intersection with the centerline of Archibald Street, then southerly along the East District western boundary to the intersection with the centerline of Pearl Street; thence westerly along the northern boundary of the East District to the intersection with the centerline of South Winooski Avenue; thence southerly along the western boundary of the East District to the centerline of Maple ~~Main~~ Street; - thence westerly along the centerline of Maple Street until its intersection with the centerline of South Champlain street; thence northerly along the South Champlain Street centerline until ~~continuing southerly along the centerline of South Winooski Avenue to~~ its intersection with the centerline of King Street; on the south along the centerline of King Street extended westerly to Lake Champlain; on the west by Lake Champlain; on the north, beginning at the intersection of the common property boundary between 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately -73.2252 longitude, 44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately -73.2239 longitude, 44.4837 latitude); thence northerly and easterly along the centerline of the Central Vermont Railway railroad track, crossing North Avenue and the Burlington Beltline, to its intersection with the centerline of Spring Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence northwesterly along the extension of the centerline of Spring Street to its intersection with the centerline of Institute Road extended northeasterly (approximately -73.2281 longitude, 44.4995 latitude); thence northeasterly along the extension of the centerline of Institute Road extended to its intersection with the common boundary between the City of Burlington and Town of Colchester in the Winooski River (approximately -73.2139 longitude, 44.5077 latitude).

(3) South District. The South District shall include all that part of the City south of the southern boundaries of the East and Central Districts.

(4) North District. The North District shall include all that part of the City north of the northern boundary of the Central District.

(b) Wards Described. Each of the City of Burlington's four electoral districts set forth in subsection (a) of this section hereby comprises two wards, each of which is constituted as follows:

(1) East District - Ward 1 and Ward 8.

(A) The East District is divided into two wards by the following boundary: Beginning at the center of the intersection of ~~Brookes Avenue~~~~Pearl Street~~ and South Willard Street; thence ~~southerly~~ easterly along the Brookes Avenue centerline until intersecting with the centerline of North Prospect Street; thence southerly along the centerline of North Prospect Street to the intersection of the centerline of Colchester Avenue; thence easterly along the centerline of Colchester Avenue to the intersection of the centerline of Mary Fletcher Drive; thence southerly along the centerline of Mary Fletcher Drive for 331.58 feet (approximately -73.196 longitude, 44.4802 latitude); thence southerly along the western side and easterly along the southern side of the UVM Medical Center building for 1854.5 feet until a point at the center of the intersection of Beaumont Avenue and Mary Fletcher Drive (approximately -73.1932 longitude, 44.4788 latitude); thence south along the Beaumont Avenue centerline to the intersection of Carrigan Drive; thence following Carrigan Drive westerly for 199.1 feet (approximately -73.1932 longitude, 44.4756 latitude); thence travelling southwesterly for 821.3 feet along the UVM service road on the eastern border the southeastern wing of UVM Jeffords Hall; thence northwesterly along the service road bordering the southern border of the southeastern wing of UVM's Jeffords Hall until a point at the intersection of the service road and the centerline of University Heights extended northeasterly (approximately -73.1947 longitude, 44.4751 latitude); thence southwesterly along the centerline of University Heights 977.3 feet (approximately -73.1962 longitude, 44.4735 latitude); thence continuing southeasterly along the centerline of the driveway bounding the western side of the UVM Living/Learning Commons for 404.3 feet (approximately -73.1952 longitude, 44.4731 latitude); thence continuing south along the eastern side of UVM's University Heights dorms until intersecting with PFG Road; thence continuing easterly along the western extension of the PFG Road centerline for 601.2 feet until intersecting with ~~of South Willard Street~~ to the intersection of the centerline of College Street; thence easterly along the centerline of College Street extended to the intersection of the centerline of University Place; thence ~~southerly~~ along the centerline of University Place to the intersection of the centerline of Main Street; thence ~~easterly~~ along the centerline of Main Street to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 1 lies to the north and east of the boundary described in subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.

(2) Central District - Ward 2 and Ward 3.

(A) The Central District is divided into two wards by the following boundary: Beginning at the intersection of the common property boundary between 85 North Avenue and 9 Lakeview Terrace extended westerly to Lake Champlain (approximately -73.2252 longitude, -44.4832 latitude); thence northeasterly along the extended property boundary between 87 North Avenue and 9 Lakeview Terrace to its intersection with the centerline of the Central Vermont Railway railroad track (approximately -73.224 longitude, 44.4837 latitude); thence southeasterly along the centerline of the Central Vermont Railway railroad track to a point intersecting with the northwestern property boundary of 300 Lake Street extended southwesterly (approximately -73.2234 longitude, 44.4832 latitude); thence northeasterly to a point at the intersection of the northwestern property boundary of 300 Lake Street extended northeasterly with the centerline of Depot Street (approximately -73.2223 longitude, 44.4837 latitude); thence northerly along the centerline of Depot Street to the intersection with the centerline of Lakeview Terrace; Beginning at the centerline of the Central Vermont Railway railroad track at the intersection of the centerline of Spring Street extended northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence southerly easterly along the centerline of Spring StreetLakeview Terrace extended northwesterly until intersecting, continuing along the centerline of Spring Street to its intersection with the centerline of Elmwood North Avenue; thence southerly northerly along the centerline of Elmwood North Avenue to its intersection with the centerline of Pearl North Street; thence easterly along the centerline of Pearl North Street until intersecting with the North Union Street centerline; thence southerly following the North Union Street centerline until intersecting with the Loomis Street centerline; thence easterly along the Loomis street centerline to the intersection of the centerlines of Loomis Street and South Willard Avenue, to the intersection of the centerlines of North and South Winooski Avenue.

(B) Ward 2 lies to the ~~east~~north of the boundary described in subdivision (A) of this subdivision (2), and Ward 3 lies to the ~~west~~south.

(3) South District - Ward 5 and Ward 6.

(A) The South District is divided into two wards by the following boundary: Beginning at the intersection of the centerlines of King Maple Street and Saint Paul Church Street; thence southerly along the centerline of Church Street to the intersection with the centerline of Adams Street; thence westerly along the centerline of Adams Street to the intersection with the centerline of Saint Paul Street; thence southerly along the Saint Paul Street centerline along the centerline of Saint Paul Street to its intersection with the centerline of Shelburne Street; thence southerly along the centerline of Shelburne Street to its intersection with the centerline of Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended easterly to the common boundary between the Cities of Burlington and South Burlington.

(B) Ward 5 lies to the west of the boundary described in subdivision (A) of this subdivision (3), and Ward 6 lies to the east.

(4) North District - Ward 4 and Ward 7.

(A) The North District is divided into two wards by the following boundary: Beginning at the centerline of Institute Road extended southwesterly to Lake Champlain; thence northeasterly to the intersection of Institute Road with the centerline of North Avenue; Beginning at the intersection of the centerlines of North Avenue and the Central Vermont Railway railroad track; thence northerly along the centerline of North Avenue to its intersection with the centerline of Fairfield Drive; thence westerly along the centerline of Fairfield Drive to its intersection with the western property boundary of 39 Westward Drive extended southerly (approximately -73.2685 longitude, 44.5257 latitude); thence northerly along the western property boundaries-boundary of 39 and 40 Westward Drive, until intersecting with the centerline of Westward Drive; thence southwesterly along the centerline of Westward Drive to the intersection with the Northshore Drive centerline; thence northerly along the Northshore Drive centerline until intersecting with the Clair Pointe Road centerline (point);, continuing northerly along the western property boundaries of properties fronting the west side of Hardy Avenue to the southern boundary of 35 Derway Drive; thence westerly along the southern boundary of 35 Derway Drive, extended to its intersection with the centerline of Derway Drive (approximately -73.2690 longitude, 44.5249 latitude); thence northeasterly along the centerline of Derway Drive to its intersection with the centerline of Claire Pointe Drive; thence northerly along the centerline of Claire Pointe Drive approximately 44 feet to its intersection with the southern property boundary of the Claire Pointe condominium development; thence westerly along the southern property boundary of the Claire Pointe condominium development (approximately -73.2686 longitude, 44.5286 latitude) to the Waterfront Bike Path right of way approximately 537 feet (approximately -73.2707 longitude, 44.5253 latitude), and then extended to Lake Champlain.

(B) Ward 4 lies to the west of the boundary described in subdivision (A) of this subdivision (4), and Ward 7 lies to the east.

(5) Ward map reference. Reference is also made to a map entitled "Ward Redistricting, 8 Wards - 4 Districts, 12 Councilors, Approved Map (December 2 V1.3), Map Date: December 8, 2022~~Ward Redistricting, 8 Wards - 4 Districts, 12 Councilors, Referred to City Council by CC Committee (v.3), Map Date: December 2, 2013~~" located in the Burlington Chief Administrative Officer's office in further aid of the description of the wards set forth in this subsection."

4. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to adopt ranked choice voting for the election of the City’s Mayor through the amendment of City Charter § 5 as follows:*

§ 5 Election to be by ballot; method of election; runoff elections

- a) ~~The election of the Mayor and school commissioners shall be by ballot, and the person or persons receiving a plurality of all votes cast for any office aforesaid shall, except as hereinafter provided, be declared elected thereto. However, if no person receives at least 40 percent of all votes cast for any office aforesaid, no one shall be declared elected and a runoff election shall be held. The only candidates in the runoff election shall be the two persons receiving the greater number of votes or, in case of a tie, the persons receiving the greatest number of votes or the persons receiving the second greatest number of votes. The Chief Administrative Officer shall within seven days warn a runoff election to be held not less than 12 days nor more than 20 days after the date of the warning. The warning shall be published in a newspaper of general circulation in the City and posted in a public place. The person or persons receiving a plurality of all the votes cast in a runoff election shall be declared elected.~~
- b) All elections of the Mayor, and City Councilors, school commissioners and ward election officers shall be by ballot, using a system of ranked choice voting without a separate runoff election. The Chief Administrative Officer shall implement a ranked choice voting protocol according to these guidelines:
- (1) The ballot shall give voters the option of ranking candidates in order of preference.
 - (2) If a candidate receives a majority (over 50 percent) of first preferences, that candidate is elected.
 - (3) If no candidate receives a majority of first preferences, an instant runoff tabulation shall be performed by the presiding election officer.
 - (4) The City Council may adopt ordinances consistent with this subsection to implement these standards.”

The following changes (deleted matter in strikeout and new matter underlined) have been petitioned by Burlington voters:

1. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to provide for an independent office with the power to investigate and an independent board with the power to hear and decide complaints and impose discipline regarding a police officer’s actions or inactions through the amendment of*

Article 64 Appointment of Police Officers, Section 189 and Article 65 Removal or Suspension, Section 190 as follows:

189 Members of force to be retained as long as they remain competent.

The members of said regular police force now serving, or who shall hereafter be appointed thereto, shall, after the expiration of the one-year probationary period above provided, and so long as they shall remain competent, efficient and capable in the performance of their respective duties be retained as such, subject to the rules and regulations adopted under Section 184 of this Charter and provided that any member may be removed for cause as hereinafter provided. Any non-probationary member may be disciplined or removed if found to have become incompetent, inefficient or incapable from any cause, is or has been negligent or derelict in their official duty, is guilty of any misconduct in their private or official life, or for any other just cause.

ARTICLE 65. REMOVAL OR SUSPENSION INDEPENDENT COMMUNITY CONTROL BOARD

190 Chief may remove. Composition, jurisdiction, powers, and duties.

~~(a) Whenever it shall appear to the chief that any member of said force 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 by a responsible person against such member, the chief may investigate and, after appropriate notice and hearing, dismiss such member from the force, order a reduction 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's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charge being considered. In connection therewith, the chief shall have the power to subpoena witnesses and to administer the oath to such witnesses. 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 police chief.~~

~~(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 from duty pending a hearing thereon by the city council. The city council shall forth with notify the chief 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 reasonable notice of the same,~~

~~not less than 48 hours, and the city council shall have the power to subpoena witnesses and to administer the oath to such witnesses.~~

~~(e) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief from the force, 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.~~

~~(d) The chief 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 sufficient, suspend from duty without pay any member of the police force for a period not to exceed 14 days.~~

(a) Board Established.

A community police department control board consisting of no less than seven (7) members and no more than 9 members is established. The board shall be an independent department of the city. A quorum of the board shall be four (4) members, and when a quorum exists a valid majority is the majority of those present and voting. Members shall be entitled to fair compensation for their time spent working on the board through a stipend that shall be no less than that set by the city's livable wage ordinance in effect at the time.

(b) Board Members Term, Qualifications and Selection.

(1) Term. Board members shall serve a term of three (3) years and shall be eligible to serve for no more than three (3) terms. Notwithstanding this term, members shall serve until their replacement has been qualified and appointed.

(2) Diversity and Qualifications. This board is intended to serve the public and community interest and, in particular and consistent with its jurisdiction, allow for the real redress of harms to those persons who have been historically harmed by police misconduct and those who have been underserved by public safety systems.

(A) Diversity.

The Board shall have a diverse composition, and to the extent possible, have members that represent diversity of age, race, socioeconomic status, gender, geographic residence, legal immigration status, and professional and lived experience. This shall, to the extent possible, include members who are Black, Indigenous, or other people of color, members who have lived experience with houselessness, mental health conditions, sex work, domestic violence, substance use disorder and/or arrest or conviction records, members who have experience working in an organization that supports Black, Indigenous, or other People of Color, and members who are affiliated with an organization in the field of civil rights, mental health, youth advocacy, LGBTQ advocacy or alcohol or other substance use. Individual members may represent more than one of the categories listed above.

(B) Qualifications.

(i) No member shall have ever been employed by a law enforcement agency. All previous employment and relevant relationships shall be disclosed at the earliest practicable time.

(ii) Members shall be residents of the city of Burlington, regardless of legal immigration status, at the time their board service begins. Members who move outside of the city may remain on the Board for the duration of their term, provided that they still reside in Chittenden County, but may not be reappointed if they reside outside the city at the end of their term.

(3) Selection. Annually, the City Council with Mayor Presiding will choose a set of seven community-based organizations that have an interest in civil rights, immigrant rights, disability rights/mental health, racial equity and social justice, and that also have an interest in the safety of the city and criminal justice reform. Three (3) organizations, to the extent possible, should be Black-led or majority Black membership. Each organization shall appoint a representative to an appointment committee. The committee shall appoint qualified persons to be members of the board. The Director of the Racial Equity Inclusion & Belonging Office, or their designee, and one City Councilor, appointed by the City Council President, shall also be on the appointment committee. This appointment committee shall be considered a public body that is subject to the Open Meeting Law and the Access to Public Records Act. The City Attorney shall convene the first meeting of the committee and shall act as committee staff. The committee shall make appointments based on a selection process that is open to the public with regard to applications, nominations, and selection.

(4) Initial Board. The initial board shall be selected so that no more than half of the members shall serve a three-year term, and the remainder shall serve a four-year term; thereafter, each member shall serve a three year term.

(5) Vacancies. Any vacancy during a term shall not be filled unless the membership of the board drops to five members. The process for filling the seat shall be the same as that for the appointment of members.

(c) Jurisdiction.

(1) Board investigation and adjudication of misconduct. The board has the jurisdiction to discipline or remove a member of the police force, including the chief, as it deems appropriate, including the right to order a reduction in rank or suspension without pay for a specified period, pursuant to section 189, this section, and all applicable rules and regulations related thereto. This jurisdiction includes the right to review and make findings on any incident or complaint against a police officer, including the chief, on complaints of excessive force, abuse of authority, unlawful arrests/stops/searches, other unlawful acts, discourtesy/disrespect, offensive language, theft, discrimination, or untruthfulness by police officers. Any other incident or complaint shall be heard at the discretion of the board. The board shall conduct investigations of alleged police misconduct into those complaints, and in those cases

hold hearings and issue final decisions with regard to police officer discipline and removal pursuant to section 189. 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.

(2) Department investigation and adjudication of complaints.

(A) In those cases that are not taken up by the board, the investigation shall be conducted by the police department. In such cases, the chief shall investigate and, after appropriate notice and hearing, may take disciplinary action, including but not limited to dismissal, reduction in rank, or suspension without pay for a specified time period. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief'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.

(B) The chief 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 sufficient, suspend from duty without pay any member of the police force for a period not to exceed 14 days.

(C) Any decision made by the department pursuant to (A) or (B) above shall be submitted to the board for review and approval. If the board disagrees with the department's decision, it shall vacate the decision and refer the complaint to the investigative office for processing in the same manner as complaints heard by the board.

(3) Administrative suspension. Pending any investigation, the chief, in their discretion, may suspend an officer from duty pending the applicable legal process. The board shall have such authority in the case of the chief, based on the nature of the alleged offense. This suspension may be with or without pay.

(4) Retention of records. Officer performance records and or investigatory/disciplinary records, being relevant to the adjudication of complaints shall be retained by the department for a period of seventy-five years, notwithstanding any record retention policy to the contrary.

(5) Hiring. The board shall also have input into the hiring of the police chief and the hiring criteria for police officers.

(d) Powers and Duties.

The board shall have the following powers and duties:

(1) To establish rules and regulations for its operation, subject to approval by the city council;

(2) To meet and hold hearings. Disciplinary hearings held by the board at which evidence is taken shall be open to the public, unless otherwise limited by the rule of the board.

(3) To hire employees or consultants, including legal representation.

(4) To administer oaths and take the testimony of any person under oath in connection with the jurisdiction of the board.

(5) To issue subpoenas to compel testimony or access to or production of records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that the subpoena is issued pursuant to an action under the jurisdiction of the board and there is reasonable cause to believe that those materials or the testimony of the person are material to the complaint. Subpoenas issued under this subdivision shall be accompanied with a notice that informs the person that the person has a right to contest the subpoena at a hearing before a quorum of the board, and subpoenas shall be enforced as provided in 3 V.S.A. §§ 809a and 809b.

(6) To discipline or remove a member of the police force, including the chief, and discipline may include a reduction in rank or suspension without pay for a specified period, pursuant to section 189, this section, and all applicable rules and regulations related thereto. Whenever it shall appear to the board that any member of said force has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in their official duty, or is guilty of any misconduct in their private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the board by a responsible person against such member, the board may investigate and, after appropriate notice and hearing, dismiss such member from the force, order a reduction in rank, or suspend the member without pay for a specified time period that is deemed appropriate by the board. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the board'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. The board 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 board sufficient, suspend from duty without pay any member of the police force for a period not to exceed 14 days. Any and all appeals of a decision by the board, including whether or not just cause exists to warrant discipline and/or the punishment imposed, shall not be subject to grievance and arbitration but shall be made on the record established by the board to the Vermont Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure.

(7) To issue public reports on its work. The board shall issue quarterly reports that are publicly available in accessible formats on the number of complaints and the nature of the complaints. It shall also provide an annual report to the city council on all of its duties.

(8) To establish and maintain an investigative office.

(9) To attend and complete training sufficient to perform its duties.

(e) Investigative Office.

(1) If records are not provided or witnesses do not appear on request, the investigative office shall have the power to issue subpoenas to compel testimony or access to or production of records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that the subpoena is issued pursuant to an action under the jurisdiction of the board and there is reasonable cause to believe that those materials or the testimony of the person are material to the complaint. Subpoenas issued under this subdivision shall be accompanied with a notice that informs the person that the person has a right to contest the subpoena at a hearing before a quorum of the board, and subpoenas shall be enforced as provided in 3 V.S.A. §§ 809a and 809b.

(2) The investigative office shall have, on request:

(A) Access to any and all records of the police department, subject to any legal limitations (e.g., expunged records) or legal confidentiality requirements;

(B) Full cooperation of the police department, its members, and relevant City staff (i.e., Human Resources, City Attorney, etc.);

(C) Unfettered access to police command and internal affairs personnel; and

(D) Access to all policies and data created or maintained by the police department.

(3) The investigative office shall have the authority to:

(A) Receive, investigate, and present to the board any complaint against a police officer. Once received, this process should be completed under normal circumstances within thirty days, but because the time required may vary from case to case based on the nature of the allegation(s) and the complexity of the investigation, if additional time is necessary to complete the investigation, the board may authorize an extension of up to sixty days;

(B) In any case that the investigative office or the board does not investigate, monitor any investigation being conducted by the police department with full access to interviews and any other pertinent materials;

(C) Be immediately notified so that an investigator may be sent to the scene of a police shooting or in-custody death;

(D) Be allowed to interview officers less than 48 hours after an incident where deadly force is used;

(E) Access crime scenes, subpoena witnesses and files; and

(F) Set penalties for and enforce against non-compliance with the lawful orders issued pursuant to the duties and powers of the office and board.

(G) Employ a director hired by and at the discretion of the board, and hire other staff or consultants as determined by its director and authorized by the city council, including independent legal counsel to advise the board.

(4) The investigative office shall:

(A) Have an appropriation adequate to conduct the work of the office;

(B) Issue public quarterly reports analyzing complaints, demographics of complainants, status and findings of investigations and actions taken as a result, as well as dispositions;

(C) Establish multiple in-person and online ways to submit, view and discuss complaints, including hearing from the chief or their designee or any other person with pertinent information and receiving recommendations deemed appropriate by that person;

(D) Provide complaint-related information and records to the public (without personally identifiable complainant information);

(E) Be housed in a separate location from the police department.

* Material underlined added.

** Material stricken out deleted.

2. *“Shall the Burlington City Charter, Acts of 1949, No 298, as amended be further amended to grant voters the powers to initiate ballot questions, propose enactment and repeal of ordinances by majority vote?:*

Powers of The People

- General Authority for initiative and referendum

(a) **Advisory Question.** The qualified voters of the City shall have power to gauge public sentiment through nonbinding question relating to domestic, regional, statewide, national, or international concerns, **whether constituting the “business to be transacted” at any election or not.**

(b) **Binding Initiative.** The qualified voters of the City shall have the power to **propose, for any lawful purpose, binding ordinances** to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, **to adopt or reject it at a city election.**

(c) **Referendum.** The qualified voters of the City shall have power to **require reconsideration by the Council of any adopted ordinance** and, if the Council fails to repeal an ordinance so reconsidered, **to approve or reject it at a City election.**

- **Petitions**

(a) **Number of signatures.** Petitions for ballot initiatives, referendums and questions must be signed by at least **five percent** of the legal voters of the city.

(b) **Form and content.** In addition to State requirements in **17 V.S.A. § 2642**, petition for inclusion in the warning of an article to reflect public sentiment shall clearly state to be advisory only. Petition for inclusion in the warning of an article to adopt or repeal an ordinance shall clearly state that it is to be binding.

(c) **Time for filing referendum petitions.** Referendum petitions must be filed within **45 days** after adoption by the Council of the ordinance sought to be reconsidered.

(d) **No alteration of substance.** The City Attorney is authorized, subject to approval of the Council, to correct such proposal to enact ordinances so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and precision in its phraseology, but he or she **shall not materially change its meaning and effect.**

- **Action on petitions**

(a) **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in this Article or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within **60 days** or fails to repeal the referred ordinance within **30 days** after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(b) **Submission to voters.** The vote of the City on a proposed or referred ordinance shall be held during the next annual meeting, primary or general election or in a special meeting 30 days from the date of the final Council vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls.

- **Results of election**

(a) **Initiative.** If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, **it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council.** If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) **Referendum.** If a majority of the qualified voters voting on a referred ordinance vote against it, **it shall be considered repealed upon certification of the election results.**

The official copy of the proposed charter amendments will be posted for public viewing by January 7th, 2023. Should any revisions be made to the proposed charter change amendments, they will be posted by February 15th, 2023.