

EILEEN M. BLACKWOOD, ESQ.
City Attorney
EUGENE M. BERGMAN, ESQ.
Sr. Assistant City Attorney
RICHARD W. HAESLER, JR., ESQ.
Assistant City Attorney
GREGG M. MEYER, ESQ.
Assistant City Attorney
KIMBERLEE J. STURTEVANT, ESQ.
Assistant City Attorney
JUSTIN ST. JAMES, ESQ.
Assistant City Attorney



149 Church St., Room 11
Burlington, VT 05401-8489
Phone: (802) 865-7121
Fax: (802) 865-7123
TTY: (802) 865-7142

CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

MEMORANDUM

To: Maida Townsend, Chair, House Committee on Government Operations
From: City Attorney Eileen Blackwood, Esq.
Re: H. 154 November 8, 2016 Charter Change
Date: April 20, 2017

On November 8, 2016, the voters of Burlington adopted a change to the City's charter concerning the City's Traffic Fund. Vermont law requires that the City hold two public hearings on the changes prior to adoption by the legislative body. 17 V.S.A. §2645. Those two public hearings were held on Sept. 19 and 26, 2016. Both meetings were publicly warned on the City's website and the meeting agenda was posted in the City Clerk's Office, the Dept. of Public Works office, and the Fletcher Free Library. In addition, the agenda of each meeting was on the City's electronic BoardDocs system, which is available to the public. That system sends an automatic notice to anyone who has signed up when a new item is posted. The notice of the public hearings must also be published in a local newspaper, and the notice for the first hearing was properly published. Unfortunately, the notice of the second hearing, although publicly posted and available, was not also published in the newspaper.

Although notice of the second public hearing was not in the newspaper, the City believes that it took significant efforts to inform the public about the proposed charter change before the election and that there was adequate notice and opportunity for the public to consider and question the proposed change. For example,

1. The Council's Charter Change Committee held a publicly warned meeting on August 3, 2016, at which it discussed the proposed change.
2. The mayor attended meetings of each of the City's Neighborhood Planning Assemblies on the following dates and discussed the charter change at each of these meetings:
 - 9/14 Wards 1/8
 - 10/6 Ward 6
 - 10/13 Wards 2/3
 - 10/20 Ward 5
 - 10/26 Wards 4/7.
3. The Council adopted a resolution (which was considered on its deliberative agenda and was available to the public on BoardDocs several days before the meeting—and has remained available there) on August 15, 2016, identifying the proposed charter change and setting the dates for the two public hearings. It then held the two publicly warned required public hearings on Sept.

19 and 26. The Sept. 19 meeting was a special meeting, and the warning for it was properly noticed and published. The Sept. 26 meeting was a regular meeting of the Council that had been scheduled for months.

4. The Public Works Commission held two properly warned public meetings on Sept. 26 and Oct. 19, both of which addressed the proposed charter change and other items for the November ballot. The Oct. 19 meeting included a question and answer session on the proposed charter change, the 10-year capital plan, and two bond measures.

5. A public information hearing on all the public questions, including the charter change, was properly noticed (including being published in Seven Days on Oct. 26) and held on November 2.

6. The warning of the special city meeting was properly noticed (including being published in Seven Days on Nov. 2) and specifically included the proposed charter change.

7. On Nov. 3, an article in the Burlington Free Press included a separate box with the ballot items, including this proposed charter change.

8. In addition to the required postings at three physical locations, the City also posted all of the above meetings electronically on the City's meetings calendar, which is easily accessible on the City's website. All of the City Council-led meetings (paragraphs 1, 3, 5) were also posted several days ahead of time on BoardDocs, along with the supporting documents.

9. At all of the meetings there were few, if any, public comments or questions on this item.

We would therefore request that the Committee approve H. 154.