



OFFICE OF THE CLERK/TREASURER

City of Burlington

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**REDISTRICTING COMMITTEE
TUESDAY, JANUARY 8, 2013
CONTOIS AUDITORIUM, CITY HALL
6:00 P.M.**

PRESENT: Mayor Weinberger; City Council President Shannon, Councilors Decelles, Bushor, and Siegel

ALSO PRESENT: Interim CAO Sisson; Assistant City Attorney Bergman; Jay Appleton, Planning and Zoning

1. Agenda

City Council President Shannon and Councilor Decelles made a motion to approve the agenda.

Mayor Weinberger stated he expects they will spend some time on item 6 to talk about process issues and the timetable.

The motion passed unanimously.

2. Public Forum

Councilor Bushor stated that a member of the community sent an email with comments and felt they should be submitted into the record. She summarized the email written by Lea Terhune, who commented on the plan criteria list and felt that it is incomplete. She also felt there should be more public input. She suggested a charrette process to move forward.

Wendy Coe, Ward 2 Resident, stated she is interested in increasing citizen input in the process.

Jim Holway, Ward 4 Resident, stated he is glad they will go in a new direction. He spoke in favor of creating a new working group beyond elected officials. He suggested including NPAs in the process.

Tiki Archembeau, Ward 2 Resident, spoke in favor of involving NPAs and including more voices in the process.

3. Approval of the Redistricting Committee Minutes

a. December 11, 2012

Councilor Bushor stated she did not receive the minutes and is not ready to vote on them.

City Council President Shannon inquired if there will be another opportunity to accept the minutes. Assistant City Attorney Bergman stated they are supposed to be complete within five days of the meeting and do not actually have to be adopted.

Action was postponed on this item.

4. Discussion of Timetable for Developing New Recommendation

and

5. Discussion of Composition of Redistricting Committee and Means of Obtaining Citizen Input

Councilor Siegel inquired if this recommendation is for the formation of a new committee or the formation of a map. Mayor Weinberger stated someone will ultimately need to make a recommendation to City Council. Councilor Siegel suggested switching items 4 and 5 because they need to understand the composition of the committee first. Mayor Weinberger stated there is a notion that they work towards a special election in June, which would require a vote by April.

City Council President Shannon requested that everyone weigh in on how they are feeling about the process currently. She stated they received an email from Councilor Karen Paul who suggested moving forward with a combination of Councilors and NPA members. She felt it was important that some Councilors be on the committee. This process was set up similarly to the State Redistricting process. It makes sense to have the Mayor involved because he is elected by everyone. The proposal for the legislature was made without legislators involved. They did get the final say, but they did not make the main decisions. She said she is willing to consider a committee without Councilors and with more public involvement. She suggested that if Councilors are on it, there should be a representative from each section of the City. She also recommended having a representative from the Board for Registration of Voters.

Councilor Decelles stated if they are realistic about having a June Special Election, they should not disband and start fresh. He suggested taking what they have done and incorporating some or all of the existing committee. Some City Councilors need to be involved so that whatever the public comes up with is viable. He would like to come to a conclusion sooner rather than later.

Councilor Siegel stated that the lines could affect the political makeup of the Council which can benefit or inhibit the Mayor. City Council President Shannon stated that is the case for everybody, not just the Mayor. Councilor Siegel stated it is not just about elections but about politics. If Mayor's party has a majority it gives him an advantage. City Council President Shannon stated this process should not be about the party. Councilor Siegel stated she has heard several ideas about how the committee can be reformed. She is not attached to any of them, but feels they are worth discussing. One is a redistricting jury where twenty five people from the voter pool are picked at random. They would come together and receive a form of payment if they come to a conclusion. They would also solicit maps from the public. They would pick the

map they like the most and bring it to the Council. This idea is brilliant but random. People would be motivated to participate in the meeting by receiving a per diem. The second idea was that each member of the committee would choose two citizen members who they felt would be invested in the committee. That could be in addition to the Committee or to replace the committee. The third is to have NPAs select members. The final idea would be to have the Board of Registration of Voters or the Ward Clerks do this. She stated she is unattached to continuing to serve in her current capacity. She would prefer a facilitator to a voting chair. Going back and forth between formal and casual may have made the process more confusing. She suggested another staff member with less responsibility do the minutes and there be more attention to clerical details.

Councilor Bushor stated she has been considering the emails and comments she has received. She stated that there is a thought that smaller is better, but that may not always be true. She also spoke in favor of having a facilitator. The Mayor has done a good job, but a facilitator may be more effective in herding the group to keep it on track. When there is a large group of people, work tends to be subdivided and then put back together. She would like to see a mix of City Councilors and residents. The drawing of boundaries is a political process that has ramifications. She still has the same goals. She found it interesting that they could have a clean slate with different City Councilors. She likes that the current committee has members of each party. She stated she is not invested in hand picking members of the committee herself. Citizen involvement has been missing from this process. Many members of her NPA felt that having four wards would have them lose representation. It is important to understand this and it will be important to include citizens. She feels the current members should remain on the committee. She hopes they will vote on this again before next March because of the vulnerability.

Mayor Weinberger stated he does not have a clear sense moving forward and they should look at where they are before moving forward. Many of the suggestions would have the committee going back to the beginning and starting over. They did not meet the goal of having consensus in a plan for voters this March. They did consider fifteen or more different plans. There are some plans that they ran out of time to vet the possibilities of. Some of them may have gained consensus if they had time to figure out the rules.

Councilor Decelles stated it sounds like if there had been more input from the community, they may have been able to gain support. At this point, throwing all of the plans away out of frustration is not the answer. They are close to some solutions and are down to a wire. No one wants a judge making the decisions.

Mayor Weinberger stated part of the problem was that the community was not engaged enough. Talking to people would help the public process. Councilor Decelles stated he initially would not have supported the 8 ward – 16 councilor model, but after looking at it more closely it seemed to have some merit. With more time, they may have been able to make a model like that work.

City Council President Shannon stated this process is political for everyone involved. When she lived on Lakeview Terrace and was redistricted into the New North End, she was unhappy for reasons that had nothing to do with politics. Her street was very politically active and members of each party were upset. The 8 ward model is great in some senses because it divides

neighborhoods well. However, it also makes it complicated when thinking about how many ballots would have to be printed, how many polling places there would be and things of that nature. There is more to be considered than just the neighborhood aspect. Political interests do need to be considered. It is difficult to redistrict yourself into a ward that would be more difficult to get elected in. Bringing in other people with the interests of the City as a whole may be a priority. These people do not need to be politicians.

Mayor Weinberger inquired if the committee feels they are close to a solution or if they need to start over. City Council President Shannon stated that she could support the 8 ward model with 8 councilors. Mayor Weinberger stated that the 8 ward 12 councilor model is viable. There would be four at large councilors that would encompass two of the smaller wards. One year would elect the at large councilors and in another year they would elect the small ward councilors. This would ensure that a City Councilor would be elected each year. City Council President Shannon stated that her problem with the 8 ward model is it increases the challenges with state district ballots. She inquired if there is a way to address that problem. Having that many wards requires a number of ballots and then they need to ensure they go to the right person. Mayor Weinberger stated that he feels they could gain some consensus without a radical change.

Councilor Bushor stated that the public needs to be engaged. One issue was that the timeline was too short to have these discussions. She understands the issue with having a large number of wards. She does not know what having 16 councilors would do. There is no harm in going forward with some of the scenarios because the new committee can use them for discussion. They have not defined how those councilors would function. The at large councilors would have to cover more territory and would be unequal. It would be important to define how they are compensated and what their responsibilities would be. They can look to the community for input, but will need some guidance as to what the Council thinks. People were not so much opposed to the plan as they felt they did not have the time to weigh in.

Councilor Siegel inquired if they will be making changes before reforming the committee. Mayor Weinberger stated if the committee feels they are close to gaining consensus on a plan, they could see if NPAs and others like the proposal. If the committee feels they need a whole new approach, they could reform the committee. Councilor Siegel stated they could push forward and get something, but they should not. The public was not comfortable with the process and they will not trust it. Adding to the committee would have tremendous value.

Mayor Weinberger inquired if the Committee feels they should reform themselves. Councilor Bushor stated she feels they should. City Council President Shannon stated that they could give some guidance to the new committee and give them suggestions about things they would like them to consider. Councilor Decelles stated the timeline will be difficult. He does not see the harm in keeping this body and adding to it and would prefer that option. Councilor Bushor stated there is value in having the committee continue in some way. The NPAs have said they would like to be involved and they should not be turned away. She is unsure how large the committee should be.

A member of the audience, Mr. Holway, spoke on the composition of the committee.

A member of the audience, Ms. Coe, stated there is a sense of neighborhoods throughout the City. There are five NPAs for seven wards which could be problematic if they are combined. They do not have anything to do with the neighborhoods. The Ward Clerks and Inspectors of Elections know the neighborhoods. She differentiates between the Old North End and Center City and wants to make sure both have representation. She is used to working with a lot of different ballots at the polls. She does not like that the State Legislature dictates where the lines are drawn.

A member of the audience, Richard Hillyard, Ward 1 Resident, spoke about the composition of the Committee. He stated the public may have a hard time wrapping their head around the idea of at large members.

Councilor Decelles inquired if people feel five members of the community would be enough. A member of the audience stated that would not be enough.

Mayor Weinberger recommended keeping the existing committee and adding to it. Councilor Siegel stated she is willing to do that although is not attached to it. City Council President Shannon stated she thinks it is a bad idea. If this committee is going to continue, there is political representation on the committee. Having 100% of republicans represented on the committee but only 1 out of 7 Democrats represented does not seem fair. If politics are going to remain in this process, it is currently very unbalanced. Councilor Decelles stated he likes that there are representatives from each of the parties and there is geographic balance. A committee of five cannot have three people from one party. Keeping the political and geographic balance seems more than logical. City Council President Shannon if the Mayor is going to be removed from the Committee it is no longer balanced by having just one Democrat. Councilor Decelles stated it keeps it equal. City Council President Shannon stated there is only one republican on the Council who is also on the committee. Councilor Decelles stated if the goal is to have a body made up of all parties there should be one of each.

Councilor Bushor stated that there are politics involved in the process whether or not the members are elected officials. It is important to have representation from each major party. In the past, independents have been allowed to be part of the process. She would like to balance that. She appreciates that right now there are more Democrats on the City Council and feels it is important to find representation from each party and an independent Councilor. They will serve as a conduit to their constituents. She would like to have a different facilitator, though she is not looking to eliminate anyone from the committee. If the Mayor were to leave, she would like to see him replaced with another Democrat.

Councilor Siegel stated there are several decisions they need to make such as if the same Councilors will remain, whether the Mayor will be involved, how additional people will be selected, whether there is a facilitator or a chair, and what the timeline will be. There are other things to consider such as how public engagement will be done. It may be easier to decide these things once the group is reconvened.

City Council President Shannon stated she thinks having a facilitator is a good idea. A special election is not a good idea because this is something that will affect everyone. This was being put

out for March when turnout is high. The next best choice is next March. Assistant City Attorney Bergman stated he advocates for a special election because the longer the current status is continued the greater the risk. Ward 1 is severely underrepresented and that information is well known. Next March would not be expeditious enough. Mayor Weinberger stated there have frequently been special elections in June or November. Assistant City Attorney Bergman stated a School Budget must be passed by the end of June. The last Tuesday in June could be a good time to hold the election. Mayor Weinberger stated they would need Council approval by the end of April. Assistant City Attorney Bergman stated the proposal would need to be in place by the April 15 meeting. They would then have one day to do the warning and just meet the deadline for a public hearing. Having something done sooner would be ideal.

Councilor Siegel stated that they need to first determine who will be on the Committee. If they have NPAs choose members, that will not be selected until February and they will not have enough time to be ready for June. Their meetings are only once a month and the goal is to bring this information back to their meetings. If they are rushed the idea of forming a new group becomes moot. Mayor Weinberger stated they are discussing their options as a committee. There is also an obligation to the law and the risk is out there. That is not something to be ignored. That is a goal that the City should work towards regardless of the Committee.

Councilor Decelles stated if the NPAs could select members by February 1 that would leave them all of February and March to do their work. The Committee would need to meet more often, but they could make a decision in that time. The timeline is not unrealistic for a June deadline.

Councilor Bushor stated it will be tight to get this done. NPAs focus on ballot items and the school budget in February. She understands the legal pressures and would have liked to put something forward. She hopes that a court would realize they have been working on this but have not found a plan the public supports. She would like to hear from NPA steering committee people about how realistic it would be to have meaningful input in that time frame. After June, it is too late to hold an election because people go on summer vacations. The earliest it could be done after June would be September. Mayor Weinberger inquired if they should aspire for June. Councilor Bushor stated she would prefer to hear from NPA steering committee members. There is a lot going on this time of year.

City Council President Shannon stated this is a very real issue and they should have acted on it in time for this year's Charter Change. Mayor Weinberger stated it would not go into effect for March 2014. Assistant City Attorney Bergman stated it eliminates risk because all possible legal steps would have been taken.

A member of the audience, Jim Holway, spoke about the timeline of redistricting. He felt that a June deadline would be too soon to allow the NPAs to get proper input.

A member of the audience, Emma Mulvaney-Stanak, stated it is difficult to talk about the timeline without knowing the composition of the Committee. Everyone wants to have more public involvement. If it is too rushed it will not be possible to achieve the goals. People need time to study the map. There are pros and cons to a special election. Turnout is typically low.

Mayor Weinberger stated the City is already at risk, but there does not seem to be a strong sense that they should push for a June election. He suggested adding to the current Committee. He is not invested in remaining on the Committee.

City Council President Shannon stated she seems to be the only one who feels this group should no longer be involved. She would like to involve the NPAs. She suggested giving the new group guidance from this committee and have them report back to this committee. This committee is not functioning well, despite everyone's best efforts. The next question is who should be on the committee. Having a representative from each ward is not necessarily the best way to go. It may be better to have someone who represents more than one ward or to have multiple people representing multiple wards. The current committee members can attend their meetings to provide input if they choose to. They will do the work and make a recommendation. The Council could then choose to refer it back to the new committee, the current committee, or do something different.

Councilor Siegel stated City Council President Shannon's suggestion sounds good. She stated she is happy to have no Councilors on the Committee and it could be advantageous.

Mayor Weinberger stated each NPA will nominate two people and the combined NPAs will be allowed more people. The City will hire a facilitator to run the meetings and will give them some guidance.

Councilor Decelles stated it is critical that there is some Council representation, preferably the current members. He suggested having one member from each ward rather than two so that the size would be more manageable. It would be fine to let the NPAs choose their own representation. There are political agendas that have to be balanced. Having one from each NPA and five members of the committee would work.

Councilors Siegel and Decelles made a motion to present a resolution to the Council to change the makeup of the committee to include the current members and one member of each ward to be selected by their NPAs. They would also hire a non-voting facilitator.

Councilor Bushor stated that brings balance and would include both Board of Civil Authority members and community members. The discussion tonight has persuaded her. This group has not been able to come to a decision. Having a facilitator and community involvement is a good step. It may make sense to come to a natural conclusion and then set a timeline. They can weigh the decision of holding a special election based on the cost, the vulnerability, and whether there is something else that will be put forth to voters at that time. She will support the motion.

City Council President Shannon stated that after members are selected, the first meeting could be charged with setting the timeline. It would be important to know the members' schedules. She requested that the five members remain on the committee and inquired if there would be a chair or just a facilitator. Councilor Siegel stated a chair would be unnecessary with a facilitator. City Council President Shannon inquired who will pay for the facilitator. She suggested that they could use the City Council funds to pay for this. Councilor Bushor stated the full Council would

have to decide that, but she would be willing to speak in favor of that.

Mayor Weinberger inquired if they would need someone to lay out the procedures and rules of order. City Council President Shannon stated the group would not necessarily need to follow Robert's Rules of Order. Staff will be needed to warn the meetings, but the facilitator can take on some of those responsibilities. Councilor Siegel stated they could use City staff who are already on payroll to do some of the work. Councilor Bushor stated they could potentially hire someone who is outside of Burlington. It might be nice to have someone not immersed in Burlington politics so the facilitator would be seen as someone neutral. Mayor Weinberger stated they can explore staff and find a way to make it work. City Council President Shannon stated there have been issues about impartiality in the facilitator. There are resources within City Hall as well. She suggested leaving that piece open.

A member of the audience, Mr. Holway, spoke about the makeup within the proposal and stated he would like more people from NPAs included.

City Council President Shannon stated she appreciates the comments, but is not willing to obstruct the process. They are giving themselves plenty of time and can give citizens opportunities for comment. The timeline will allow them to educate themselves and weigh in. The committee can periodically report back to the City Council.

She offered an amendment to the motion to have fourteen NPA members on the Committee.

Councilor Siegel stated she would be happy with either option. Councilor Decelles stated that adding seven bodies to the table is a significant step to get the community to weigh in. He would not support fourteen NPA members. Councilor Bushor and Mayor Weinberger stated they prefer the original proposal.

City Council President Shannon inquired when they want the committee to report back. Councilor Decelles stated this committee has never disbanded. The work was referred back to the committee. He inquired if they need to go back to the Council to expand the committee. Assistant City Attorney Bergman stated unless there was opposition from other Councilors, it would be acceptable to just decide to expand the committee. Councilor Decelles inquired if there is a way to get information out to NPAs to start the process. City Council President Shannon stated it is important to have a resolution to inform the Council of the decision they are making. They could advise the NPAs that this is coming in advance. Assistant City Attorney Bergman stated this was referred back to their committee. They should have authority under the original resolution. City Council President Shannon stated they sent it back to a committee of five not the committee of eleven. Councilor Bushor inquired how this committee was appointed. City Council President Shannon stated they were all appointed by resolution. Mayor Weinberger stated they would be asked to appoint someone at their January meeting. Councilor Siegel stated they could do both things simultaneously. Assistant City Attorney Bergman stated if they are reconstituting the committee, they would need a resolution. However, they could still include these people and honor these votes without a resolution. Mayor Weinberger suggested they begin to communicate with NPAs and request a report back in February.

The motion passed unanimously.

6. Any Other Business

n/a

7. Adjournment

Without objection, Mayor Weinberger adjourned the Redistricting Committee meeting at 8:20pm.