



OFFICE OF THE CLERK/TREASURER

City of Burlington _____

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**CITY OF BURLINGTON
REDISTRICTING COMMITTEE**

Tuesday, April 16, 2013

Burlington Police Department

7:00 to 9:00 P.M.

PRESENT: City Council President Shannon; Councilors Bushor, Siegel, and Decelles; Jim Langan, Ward 1; Japhet Els, Llu Mulvaney-Stanak, Ward 2; Nancy Greenwalt, Ward 3; Jim Holway, George Gamache, Ward 4; Elisa Nelson, Ward 5; Michael Rooney, Andy Montroll, Ward 6; Jason L'Ecuyer, Ward 7

ALSO PRESENT: Cindy Cook, Facilitator; Jay Appleton, Planning/Zoning; Mannie Lionni, Ward 7 Alternate; Bill Keogh, Ward 5 Alternate; Councilor Mason; PG Kearney; Richard Hillyard; Barrey Trutor; Phil Lavigne; Hollie McKee, Glenn McKee, Charles Delaney, Lea Terhune, Greg Roy, Alex Goldenberg, Barbara Headrick, Tiki Archembeau, Odele Peter, Burlington Residents

1. Agenda

Cindy Cook, Facilitator, outlined the agenda.

2. Results of City Council Discussion Regarding Committee Composition

Councilor Siegel stated the City Council reconstituted the Committee by adding an additional voting member to Wards 2, 4, and 6. The Mayor resigned from the Committee. She hopes the Committee will stay stable even though there is an even number of members.

3. Redistricting Presentation: Why are we redistricting and how is redistricting done, Jay Appleton

and

4. Issues for Which More Information is Needed:

How is the 2010 census used in measuring resident representation?

Under what circumstances is deviation of greater than 10% allowable?

Can differing voter turnout rates be considered?

Should students who are legal residents of other towns or states be considered

“residents”?

Can residents of developments that were occupied after the 2010 census be counted?

Other Questions?

Jay Appleton, Planning and Zoning, introduced himself to the Committee. He displayed a map of census blocks from the 2010 census and explained the numbers. The total population in each ward is not even, which is why Redistricting must be done. He defined the terms District, Plan, Ideal Population, Deviation, and Overall Plan Deviation. He displayed a table showing how many people live in each ward, the ideal population, and the deviations. He noted that Burlington’s deviation vary from 25% to -16%. Courts have determined that the maximum allowable deviation is 10%. Courts will look at the entire plan and the overall deviation, which is the percentage point spread between the most and least populated wards. The current overall deviation is 41.5%. The City’s legal department advises that they need to put forward a new plan as soon as possible. The first thing to do to get started is determine how many Councilors they want on the Council. To do this, the easiest approach is to start grouping census blocks and look at the total deviation. The census will not release data at a level smaller than a block. These blocks are generally bound by roads. There are some large blocks that are very dense. This limits their ability to draw ward lines, as it is very difficult to split blocks.

A member of the audience, Phil Lavigne, inquired how the census works with regards to students. Councilor Siegel stated a member of the public drafted a list of answers to the questions on the agenda. He stated all of the questions legal matters that have been settled by the Supreme Court. All residents count in determining wards for redistricting. Students are legally counted where they reside. She is interested in a system called cumulative voting. Ms. Cook stated they may have been answered before but she hopes to get clarity on each question and have the answers one place before the next meeting. Mr. Lavigne inquired what it means when they say it must be done as soon as possible. Mr. Appleton stated they are currently pushing the envelope. Mr. Lavigne inquired if there is a date. Mr. Appleton stated that census data was released in 2011 and nationally, municipalities did their redistricting then and through 2012. Burlington is now in 2013. Ms. Cook stated the City Attorney’s Office has stated that Burlington is not meeting its obligation for equal representation and is subject to a potential suit from someone who is not adequately represented. There is no deadline but they encourage the Committee to move forward as quickly as possible. Mr. Lavigne inquired if the City Attorney’s Office is concerned about a potential suit. Ms. Cook stated there are legal obligations for the City to provide equal representation. Mr. Lavigne inquired if any consideration is given to neighborhoods. Mr. Appleton stated it is absolutely considered. Sometimes streets are split because of the way that the math works. The idea is to try to capture neighborhoods and people who are like-minded. It is much easier said than done.

A member of the audience, Tiki Archembeau, Ward 2, stated at the State level they gerrymander for currently elected representatives. He inquired if that happens at the local level. Mr. Appleton stated it can. The State level districts are often very whacky. At a municipal level this happens much less because cities are more compact. Councilor Bushor stated the original Committee agreed not to protect incumbents. They wanted to use natural boundaries and keep neighborhoods intact.

Michael Rooney inquired if there are any definitions of neighborhood and if they have commonality in issues. He commented that it was not clear to him that everyone knew instinctively what a neighborhood was except when it referred to next door neighbors. Michael asked if it was possible to use attending a college to define a neighborhood and Jay said it was possible.

Mr. Appleton stated the State guidelines talk about maintenance of patterns of geography, social ties, trade, and political interests. He has never seen anything that quantifies that. It's one of those things that you know when you see it.

A member of the audience, Lea Terhune, Ward 4, stated she is interested in splitting census blocks. The deviation has to be tight, within 238 people. This will be very difficult if they cannot fine tune census blocks. She inquired if they had a large senior housing complex on the edge of the ward, could they find out exactly how many people lived there and use that as a reliable number. Mr. Appleton stated he think the answer is yes. He has considered some new developments that have provided a number of units. The numbers can be fuzzy and he cannot advise how that would go in courts. However, if it is done in one place, it needs to be done everywhere. UVM and Champlain College have had substantial developments. Ms. Terhune inquired about the development on North Avenue and stated that they would know exactly how many people would live in those units. She inquired if that number would be retroactive to 2010. Mr. Appleton stated his understanding is that you can add those numbers on to try to correct it. However, it would have to be done everywhere. Ms. Terhune inquired if they would have to include every new development since 2010. Mr. Appleton stated he would use a database to look at net new units. Ms. Cook stated they will have to come back with more information about that topic at the next meeting. Ms. Terhune inquired if the Committee will continue to include the location of City Councilors homes on maps. Councilor Siegel stated she would be happy to have the location of Councilors removed from the map. She does have concerns about how their decision will affect the School Board. Jim Holway, Ward 4 Representative, stated he does not feel they should consider where current Councilors lives. There are many impacts to what they are doing and they do not need to add further items for consideration into the mix. City Council President Shannon stated they should not consider incumbency as part of the process. They had discussed checking in with the School Board during the last Committee. They did not seem particularly interested. One member did attend the meeting and proposed that they may shrink the School Board. That could potentially be part of the same Charter Change that they use for redistricting. She suggested they invite the School Board and inform them of the direction they plan to head.

5. Public Forum

Councilor Decelles read comments he received form a resident of the New North End. The resident stated that although some wards have a greater population than Wards 4 and 7, he would like to make a few points. Wards 4 and 7 have higher voter turnout and the population is more stable. They have the highest percentage of home ownership and families with children. The student population outnumbers the population of stable residents in other wards and in some cases dominates the university ward. It is reasonable to ask why people who have worked their whole lives to buy a home should have a less compelling right for City Council representation

than University students who do not pay taxes and will not live here after graduation. Census driven ward representation allows for deviation of up to 20% for a good cause, and census data alone does not dictate representation. In this case, there is a good cause for Wards 4 and 7 to have equal representation on the City Council when compared with other wards.

Councilor Siegel stated she received 8 emails from Ward 3 constituents making similar comments. They do not want the Old North End to be cut up and put with the New North End.

Richard Hillyard, Ward 1 Resident, stated in the previous Committee they discussed having parameters about the number of Wards, the number of councilors, whether they want at-large councilors. Having at-large councilors tends to work against the desire to have neighborhoods represented closely. He thinks the Committee would want to make those determinations up front. There is a desire to keep the New North End intact. The arithmetic is complex depending on how many Councilors they decide is permissible. The last Committee was reluctant to go above fourteen. Using fifteen would allow for a simpler solution because of the arithmetic.

Mr. Archembeau stated he understands that it would be helpful to know the number of Wards and Councilors to help with the math equation. He does not know what the ideal number is. They all know that preserving neighborhoods would be ideal. That said, there will have to be some compromise because of fluctuations in population. An example is Lakeview Terrace who has been voting in the New North End for the last twenty years. He understands the concern that having too many Councilor could be unwieldy, but at the same time it could be better to have more Councilors and more wards. He noted that there are many large bodies that manage to pass laws.

Odele Peter, Ward 4 Resident, stated she lives on Lakeview Terrace, part of the Old North End, but votes in the New North End. It may make more sense to bring this up when there is a proposal, but she does not know what they were thinking when they did this. She hopes the new plan corrects the problem. It is important to have a representative that represents her neighborhood.

Ms. Terhune stated the statement that Councilor Decelles read is representative of what she hears in her neighborhood. She works with the NPA and talks to people frequently. She read a statement speaking in favor of the eight ward model. She suggested that UVM could make up its own ward. Boundary adjustments could be made to fine-tune the numbers. Having Councilors elected by university students would bring new perspectives to the Council and help address town gown issues. Arguments against more wards came mostly from elected officials. Involving elected officials in redistricting is bad form.

Llu Mulvaney-Stanak, Ward 2 Representative, stated Ward 2 has a heavy student population people of different socioeconomic backgrounds, people of different colors, and people of different immigrant status. She noted that this is about the census definition of residents of Burlington and not just voting members. The Council represents people even if they do not vote. This room is overwhelmingly white and not young. The primary reason she is here is to humanize the process.

Councilor Bushor stated there are a number of non-committee members present. As they move forward with redistricting, she would like to know how they will be communicating back with the people who have attended the meeting. It would be advantageous to communicate with citizens who would like to watch the process outside of meetings. She wants to ensure they reach out to citizens to let them provide feedback before the present a final option. They have also discussed having large wards with councilors at-large. That idea was not well thought out in the previous Committee. There are scenarios that may come forward that she would like feedback on.

Jim Holway, Ward 4 Representative, stated it would be great to hear if anyone has questions for the Committee.

Pat Kearney, Ward 4 Resident, stated he would like to be assured that the suggestion of an eight ward model with a UVM ward be pursued. He suggested they create a draft map. Mr. Appleton stated the eight ward proposal was brought to the full City Council and was rejected. He is happy to revisit whatever people want. He invited people to try using the web application. Mr. Kearney requested that they draw a map with eight wards with one of the wards being the University. They can then fine tune the map. Ms. Terhune stated they are envisioning a ward with all of UVM's on campus housing in one ward. Off-campus students will be scattered around the City.

Barbara Headrick, Ward 6, stated UVM is planning on building another dorm on Redstone Campus where Coolidge Hall is. They also plan to build dorms between Cook Building and the Hospital. She inquired if they can use those numbers when drawing a campus ward. A member of the audience stated that the housing would have to be complete to include those numbers.

Mr. Holway stated there is a website on the City's page with 21 maps listed. Only one of those variations is an eight ward model. It shows that there is 17% deviation. If a person were to look at that list, they might think those are the only possibilities. Lines can be drawn in any way.

Ms. Terhune stated the NPAs would like to be involved. They would wait until the Committee did their work and put forth a recommendation. They would then be able to give feedback on the plan. They would post the plan in advance to give people time to review and comment on it.

Ms. Cook inquired if people have ideas about how to bring more diversity to the Committee.

Ms. Headrick suggested that this topic be brought up at a School Board Meeting. Ms. Cook polled the group to see if they would like to present at a School Board Meeting and they indicated they would.

Ms. Mulvaney-Stanak stated they should have a website in lay person's terms. The City is also working on a new Diversity Committee that has a number of tied in people with colored communities in Burlington. As they have a plan, it would be good to connect with them. She suggested posting information in the Schools since that is a place where many people travel. She hopes they remember that it costs money to run for City Council. Although she likes the idea of a student ward, they may not have the money needed to run a campaign. They should keep socioeconomic access in mind.

Mr. Hillyard stated they need to remember that not everyone has a computer. Some people who are most invested in the community are not computer literate.

Ms. Cook inquired if the group would like to do a workshop where they could pair people with someone who could draw lines for them. Councilor Bushor stated she recommended that last time. That would be another way to engage people rather than electronically. Ms. Terhune stated there were a number of good ideas at the last Committee that were not followed through on because of time constraints.

Councilor Siegel stated she appreciates the idea of getting feedback from NPAs. She also has concerns about the timeline. It is important that they are getting people up to speed and providing information, but she also wonders how much time they will spend on process before they are able to start map making. They only have four more meetings scheduled before summer. Ms. Cook encouraged the group to come to the next meeting with some strong ideas that they would like to consider. Usually there is a hard and clear deadline, but in this instance there is not. The goal would be to wrap the process up in early June, if possible. June was chosen because it is difficult to engage people in the summer.

City Council President Shannon stated they have been working with NPAs for engagement. It would be helpful to create a flyer with the meeting schedule and a projection of what they would be trying to accomplish at each meeting. This would help spread the word to different places around town. The Council agreed to pay for facilitator services through June. There is a money factor based on the length of the process. They certainly want to take the time to do it right, but money is a factor. They are likely to lose momentum throughout the summer months.

Jason L'Ecuyer, Ward 7 Representative, stated that they typically know in advance how many Councilors or Wards there will be. They also want to maintain neighborhoods the best way that they can. If they do not know how they are going to be moving forward tonight, he does not see them being able to get through this in three meetings.

Mr. Kearney stated that he does not see this as a difficult process. He feels that a few committee members could work to put forth a proposal within a few days, distribute the map, and take feedback. This can be done without meeting face to face.

Ms. Terhune stated the Committee has been charged with putting forth a proposal to the City Council by June. The Council will then determine whether or not to place it on the ballot. However, the next election is not until March of the following year. Councilor Bushor stated when the process began there was a thought that there may be a Special Election in November that could address this item. However, there is no indication that will happen. However, they are still trying to get this done. If it will be waiting until March, there is no reason to hurry. She believes the legal team feels that the City is more vulnerable if the plan has not been approved by the voters. Ms. Terhune stated they would only be vulnerable at the time of the election and there is no election until March. They could meet monthly throughout the year to allow time for people to talk in their neighborhoods. Councilor Bushor stated that the schedule is aggressive. They probably should have had a hiatus at the end of the process when they had a more firm

proposal to allow it circulate and receive feedback. There is a problem with the timeline because it will not leave time for the public to give valuable input. Ms. Cook stated the timeline was a function of people's busy schedules.

Glen McRae, Ward 1 Resident, stated they have taken this long to decide what the schedule will be. They should understand that this is a self-imposed deadline. It will be 2014 before they have something done that should have been done in 2011, which is obscene. This is an opportunity for a community civics lesson and they are rushing it. If there is a simple solution that everyone agrees with, it is a simple process. However, this is an opportunity to do real engagement. Real engagement does not happen when there is a finished product that people are responding to. It is important to keep people involved throughout the process. There is a cost associated with this. The City owes it to itself to make sure that they have a structure of governance that they are proud of and take ownership of. If there are problems with the new map, at least people will have been involved and seen how the process unfolded. They need to put some work into making sure they have governance that will meet the needs of the people for the next ten years. It is time to be more deliberative and not to use the Council imposed deadline. They should build a real plan and ask for the resources needed to do the process.

Andy Montroll, Ward 6 Representative, stated they have a month until the next meeting. He inquired what their goal for the next meeting should be and how they should go about it. He inquired how they will go about putting together proposed maps and how they will make adjustments to them.

Councilor Decelles stated it may be helpful to have all of the maps blown up and hung to look at what the old Committee did. That may be helpful to use as a starting point.

Ms. Cook asked the Committee how they would like to proceed.

Mr. Holway stated they should not waste a whole month waiting to figure out what they will do next and would like to get a better sense of what they will do next. He does not like the idea of using the old Committee's maps because they were done without respect for neighborhoods. He would like to have a plan with contiguous neighborhoods and equal deviation. That is not something that was done with the old maps. Mr. Appleton stated he does not live in Burlington, but he has worked for the City for fourteen years. He feels he has some knowledge of the lay of the City, although not as intimately as its residents. His maps were scientifically done, but would need to be revisited. Mr. Holway gave one example of a previous map that split the residents of a 12 house dirt road in half. He thinks that they should get some real maps out as soon as possible.

Mannie Lionni, Ward 7 Alternate, stated he feels apprehensive and wants the Committee to get on with its work. He understands the concerns about maximizing public process, but feels they can do both things at the same time. He hopes they can put forth some strong ideas for them to put to the public. A week before the next meeting, they should have at least two options to look at. The only real options are seven wards or eight wards, but he does not feel he understands the repercussions of each. He hopes they can see a real proposal for each of these before the next meeting and a list of the problems each present.

Michael Rooney, Ward 6 Representative, stated it would be helpful to have City knowledge embedded in maps. He would like a combination of people to work on the maps together, otherwise they will just have maps based on strict mathematics. He has heard proposals for seven or eight wards or fifteen councilors. They should look at each of these. Ms. Cook noted that having fifteen councilors has been proposed and reminded the Committee that they could have wards with more or less than two councilors.

Mr. Montroll stated he would like to see a variety of maps. They do not need to be fine-tuned yet. Having them ahead of time will allow them to look at them and see if any of them are close to what they want to see. They probably will not be the right maps, but it will be a good starting point that they can start working from.

Charlie Delaney, Ward 4 Resident, stated the Committee is charged with making a recommendation to the City Council. Having to put forth a recommendation puts the Committee in the hot seat and people will complain. They will have to make the best decision possible. The Committee can give reasons why they are recommending the plan they do. He looks at redistricting in terms of neighborhoods. He has many neighbors that live in different wards. He would hope they could have something more inclusive. Government has been trying to downsize which puts pressure on people who are trying to do more with less. He prefers the four ward plan with three Councilors each.

City Council President Shannon stated there are lots of maps that are available to the Committee online. What has not been done is create a map with eight wards isolating UVM campus. BTVvotes was created so that citizens could draw maps. She is not tech savvy, but can use BTVvotes. There was local knowledge in the maps drawn and they did make some adjustments. At the end of the last process there were five maps that they could use as a starting point. It would be great for Committee members to get on BTVvotes and bring proposals to the table.

Councilor Siegel stated they do not have to have a certain number of wards or councilors, and also do not need to do winner take all voting. There are many different options, such as cumulative voting. If they went with big wards, she would like them to use that option. There are existing maps they can use and she is interested to see an eight ward map with UVM isolated. She is also curious about the idea of a fifteen member Council.

Ms. Headrick stated she strongly supports the idea of having an eighth ward capturing on-campus housing. She does want to ensure that they do not also capture neighboring streets and really use on-campus housing.

Ms. Terhune stated there are enough map and computer geeks in this room that could flesh out different ideas. She is reticent about using old maps because they were difficult to draw and did not accommodate eight wards. Now that has been corrected, they need to create those maps.

A member of the audience inquired why the proposed maps were rejected. Councilor Siegel offered to show her the previous maps after the meeting.

Ms. Mulvaney-Stanak stated she agrees with the idea of doing homework before the next

meeting. She volunteered to work with others to document ideas about how to engage citizens once the process begins.

Mr. Montroll stated they should break up into smaller groups at the next meeting to start fine tuning maps. They can then bring the ideas together at the end. Ms. Cook stated they can invite people with knowledge of BTV votes to work with small groups at the next meeting.

Elisa Nelson, Ward 5 Representative, stated they should start with focused mapping. Most of the discussion has focused around 14-16 Councilors and 7-8 wards. Keeping that focus will help them from rehashing old plans and narrow their focus.

Mr. McRae stated with each map should come a list of problems, questions, and issues. As someone who teaches at UVM, it is generous that they are considering enfranchising that group. Before they move too far forward in that direction, he suggested engaging students to see if they want to be enfranchised and look at the logistical constraints of having students who are only on-campus for about two years. This also raises problems of term-limits. They should investigate it before any proposal moves too far forward.

Mr. Lavigne stated they are doing good work and encouraged the Committee not to oversimplify the work. He encouraged them to be both as simple and accurate as possible. It does not need to be made complicated.

6. Review and Approve April 8 Meeting Minutes

Mr. Holway stated he did not have time to read the minutes and he cannot vote to adopt them.

The committee voted unanimously to approve the April 8 minutes as amended. Mr. Holway abstained from voting.

7. Adjourn

The Committee discussed tasks that they will complete before the next meeting. These are:

1. Llu will work w/ Sharon and others to develop a community outreach plan, and will give particular attention to diversity
2. Jim H will coordinate a group that will work w/ Jay in developing an 8 ward plan that creates a ward that centers on residential UVM students.
3. Jim L will work with Richard to develop one or more plans w/ 15 councilors.
4. Others (as yet unidentified) may work on developing a 4 ward plan, perhaps involving Rachel's proposed cumulative voting.
5. The committee agreed to reach out to the School Board.

The meeting was adjourned at 8:59pm.