



**OFFICE OF THE CLERK/TREASURER**

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

**REDISTRICTING COMMITTEE**

**Monday, April 8, 2013**

**MINUTES**

**PRESENT:** Mayor Weinberger, Councilor Bushor, Jim Langan, Ward 1 Representative, Japhet Els, Ward 2 Representative, Councilor Siegel, Nancy Greenwalt, Ward 3 Representative, Jim Holway, Ward 4 Representative, City Council President Shannon, Elisa Nelson, Ward 5 Representative, Andy Montroll, Ward 6 Representative, Councilors Decelles; Jason L'Ecuyer, Ward 7 Representative.

**ALSO PRESENT:** George Gamache, Ward 4 Alternate; Bill Keogh, Ward 5 Alternate; Mannie Lionni, Ward 7 Alternate; Jay Appleton, Planning and Zoning, Cindy Cook, Facilitator, Interim CAO Sisson; Assistant City Attorney Gene Bergman; Councilors Hartnett and Ayers; Bill Morris, BTVvotes, Robert Bristow Johnson, Phil Lavigne, Emma Mulvaney-Stanak, Audience Members.

**1. Agenda**

Cindy Cook, Facilitator, presented an overview of the agenda.

**2. Public Forum**

Robert Bristow Johnson, Ward 7 Resident, requested that the Committee avoid a four ward plan, as he does not want to see the New North End become one solid voting block.

**3. Introductions of Committee Members and Brief Statements re Member's Interests and Process Goals**

Mayor Weinberger stated his main interest is coming up with a system that allows for fair representation for all and does not make it more difficult for the City to be governed.

Andy Montroll, Ward 6 Representative, stated his main goal is to keep neighborhoods intact as much as possible.

Jason L'Ecuyer, Ward 7 Representative, stated his goal is to maintain the sense of neighborhood.

Councilor Bushor, Ward 1, stated she wants this process to involve the public and allow for feedback. She also wants to keep neighborhoods intact, use natural boundaries, and come up

with a plan that will allow for a diverse Council.

Elisa Nelson, Ward 5 Representative, stated her goals are fairness, neighborhood, and public involvement. She is also an Inspector of Elections and ease of administering elections is interesting to her.

City Council President Shannon, Ward 5, stated that City Councilors on this committee were selected based on geographic and political diversity. In the last redistricting process she was moved from the Old North End into a New North End ward which left her and her neighbors feeling disenfranchised. Keeping neighborhoods intact is important to her.

Jim Langan, Ward 1, stated his goals are to keep neighborhoods intact and comply with the law.

Nancy Greenwalt, Ward 3, stated keeping neighborhoods intact is worthwhile.

Japhet Els, Ward 2, stated his goals are fair representation and to keep neighborhoods intact. He also wants to ensure a fair process where everyone is represented.

Councilor Decelles, Ward 7, stated that people in Burlington like that they can run into their City Councilor around town. Keeping neighborhoods intact is a good goal. He hopes to listen to non-Council members to hear their ideas.

Councilor Siegel, Ward 3, stated her goal is to do a better job at connecting with Burlington's citizens.

Jim Holway, Ward 4, stated his goal is to have representation for all and to have more wards rather than fewer. He hopes to maintain neighborhoods and involve the public more.

George Gamache, Ward 4 Alternate, stated that Burlington is politically vibrant and diverse and he hopes to maintain that.

Manny Lionni, Ward 7 Alternate, stated he shares the interests that have been expressed. He is here to help his Ward's representative and serve as a conduit to his neighbors in Ward 7.

Bill Keogh, Ward 5 Alternate, stated he has an open mind.

Phil Lavigne, Audience Member, stated the key to this process is equality.

Assistant City Attorney Eugene Bergman stated he will be serving as the legal counsel for the Committee and will answer questions related to the law.

Dave Hartnett, Ward 4 City Councilor, stated there are two wards, 2 and 4, that will have one less vote because they do not have Councilors representing them. There was a proposal to allow their alternates to become voting members to give them equal rights. He does not need to have an answer tonight, but wanted to express that sentiment on behalf of his constituents. Ms. Cook stated that she has also heard that concern. Her understanding is that because the Council formed

the Committee, the Council would need to make the changes. Councilor Bushor stated the request was sent to many people this weekend. She is open to moving in that direction and bringing a modification back to the Council. She would like to remove any barriers to focusing on the task at hand. Mr. L'Ecuyer stated he agrees with Councilor Bushor's comments. Councilor Siegel stated there are plans to have a resolution at City Council to address that and hopefully make that change.

#### **4. Redistricting Presentation: The problems that need to be addressed, possibilities and constraints, *Jay Appleton***

Jay Appleton, Planning and Zoning, stated he works for the City and manages their AMANDA permitting system, portions of the website, and the Geographic Information System (GIS). GIS is the mapping tool to redistrict. He displayed a map of the 2010 census blocks, the smallest geographic unit for population counts. He also displayed the existing wards and a table showing the population of each ward. Ward 1 is the most populated and Ward 4 is the least populated. He defined the terms 'District', 'Plan', 'Ideal Population', 'Deviation', and 'Overall Plan Deviation'. Individual Wards must have an overall deviation of 10% or less.

Ms. Cook inquired if having a 10% deviation is a hard and fast rule. Assistant City Attorney Bergman stated that Courts consider anything with less than 10% overall deviation constitutional. When it exceeds 10%, the City itself must demonstrate that it is necessary. The goal is to get as close as possible to 0% deviation. 10% is a very good, strong guideline to use.

Mr. Appleton stated they are doing this in order to maintain equality in representation. There are State laws that dictate this. They are required to recognize patterns of geography, social interaction, trade, political ties, and common interest. They are also required to use a compact and contiguous territory and he displayed maps exemplifying the definitions of these terms. The recommended first step is to make a determination of how many Councilors they want to have. This is easiest because it allows them to determine how many people should be in each ward. He displayed a map of census blocks and their population totals. He noted that there are two very dense blocks that have a big effect on redistricting. As soon as one of those blocks is included in a district, it limits flexibility. He outlined where these blocks exist in Burlington.

Ms. Cook stated that generally speaking, census blocks need to be kept intact unless there is a very strong reason to split them.

Mr. Appleton stated the first Committee hoped to have about 12-15 councilors. They considered 4, 6, 7, and 8 ward models with an equal number of councilors and the possibility of having at-large councilors. They considered ways to keep the New North End and Old North End from being in the same wards, using major roads for divisions, whether or not to place students in one district or separate districts, minimizing the number of ward and district combinations, and minimizing the degree of change from the current wards.

Mr. Holway requested a copy of the presentation and requested that materials be distributed in advance going forward. Ms. Cook stated they can do that.

A member of the audience noted that it will be important to keep the timeline in mind and consider development that has or will take place since the census was completed. Ms. Cook stated her understanding is that you cannot anticipate future growth but you can take into account development that has occurred since the census. Assistant City Attorney Bergman stated that any anticipation that is done must remain within the 10% deviation. Ms. Cook stated that they do not want to have to repeat this process any sooner than necessary, so including anticipated growth to the extent that they can makes sense.

Councilor Bushor stated there is a lot of useful information in the minutes of the previous Committee. The Council felt that larger wards could make campaigning difficult and could create a situation where a person with a full time job would not have the time needed to serve as a City Councilor. That could eliminate some of the diversity that they want on the Council.

City Council President Shannon stated there were various opinions about each and every plan. There was not consensus, which is why they have brought more people into the process.

Councilor Siegel stated their concern was not only that only people without full time jobs would be able to run, they would also have to have a lot of money. One thing the former Committee discussed was that having an odd number of Councilors has a benefit because there is never a tie.

## **5. Discussion of Process for Obtaining Citizen Input**

Ms. Cook stated they are holding a listening session to solicit citizen input and are also considering having an all-wards NPA meeting.

Councilor Bushor stated in the past, they held meetings in the New North End, the Center City, and the South End to allow people to attend them. They were all very similar and engaged the public. If these were not solely NPA meetings, it may result in getting more comments.

Mr. Holway stated that is a good idea, but NPAs are a good combination. People tend to go to NPA meetings if there is an issue that interests them and it is well advertised in advance.

Ms. Nelson stated that although face to face meetings are wonderful, there are people who do not go to meetings. She suggested having a webpage that would allow people to submit comments that the Committee could read. This would give those that could not make it to meetings a voice. Ms. Cook stated that she has set up a special email address up to receive comments.

Mr. Lionni stated there are big issues and small issues. Lakeview Terrace is a small issue, but he does not want to let the small issues slip by. It would be helpful to identify those early on. Ms. Cook stated that they need to remember that change is difficult and at the end of the day there are people who will be voting in a different area than they are used to.

Mr. Holway stated the next meeting is a public listening session and it will be important to have a second session, either with three meetings in different parts of the City or an all wards NPA meeting, when they are closer to a finished product.

Councilor Bushor stated that in the past, the public was not involved in the way they wanted to be. There was supposed to be a tool to allow the public and the Council to draw their own maps. It turned out to be very difficult. She would like to consider finding a way to allow people to draw their own maps.

Mr. Appleton stated there is an app on the website called BTVvotes which does allow people to draw their own maps. The person who developed the app, Bill Morris, also created a tutorial video. They hope that people will find it easier to use. Tom Ayers, Ward 7 City Councilor, stated he has been looking at BTVvotes and it looks like it is only setup to play around with 4 and 7 ward scenarios. Bill Morris, BTVvotes, stated that in the past, it would only allow for 7 but will now accommodate up to 15. Ms. Cook stated that having two Councilors per ward is not set in stone so long as each Councilor is representing roughly the same number of residents.

A member of the audience, Emma Mulvaney-Stanak, stated that it is important to remember that the census represents everyone who lives in Burlington whether or not they can vote. She hopes they will consider the minorities in the City, particularly racial, socioeconomic and political minorities, when coming up with a public process. There is a lot of research available about how larger and smaller districts affect minorities.

Mr. Morris stated this process is inherently complicated and he has considered a number of ways to turn this into an application or a website without losing meaning. BTVvotes is a complicated web application, but it captures the entirety of the process. They can do things to make it more accessible, but it does capture the process.

## **6. Committee's Timeline and Meeting Schedule**

Ms. Cook stated she has developed a proposed meeting schedule, but it is not her role as facilitator to set dates. Many people have raised concerns about the May 22 date and the Committee may wish to remove that date. Mr. Holway agreed that they should strike that date.

Councilor Bushor inquired what the public will have to comment on at the next meeting. Ms. Cook stated public involvement works best if people are asked for their opinions in the beginning. People will be able to tell the Committee that they want to keep neighborhoods intact or to respect communities that do not have a strong voice. Councilor Bushor stated people on the Committee have been engaged and they should capture people who are just starting to get involved. She inquired how others will be given background information. Ms. Cook stated she hopes they can get to the essence of what redistricting is, why it is happening, and how it is done.

Mr. Montroll stated one of the most important things to consider is how many wards and councilors there will be. It will be much easier to draw maps when that information is known. Most people will say that they want to keep neighborhoods intact.

Councilor Siegel stated it would be helpful to get information out to people before they come to the meeting. She is unsure if that would be the responsibility of Committee Members or staff people. Mr. Appleton stated some information is on the website. Ms. Cook stated she has been working to get information out to the larger public. She hopes the press will do a substantive

article to capture people's attention. Councilor Siegel inquired if they can put something on Front Porch Forum and suggested that this be a stand-alone item.

Councilor Decelles inquired if they could put information into a utility bill or passed out in the schools. Those are good resources to utilize.

Councilor Bushor stated they could create posters to post in local stores to advertise the meeting and desire for information. It must be a multimedia approach. They want people to know about this. Ms. Cook inquired if anyone has the resources to do that. Councilor Bushor stated she is willing to fund it through her Council funds.

City Council President Shannon stated it would be helpful to have something for Front Porch Forum that would be readable. It would mean more coming from a committee member.

Ms. Cook stated the City is currently concerned that the deviation is currently not in sync and want to move quickly. However, there is not a hard and fast timeline. Assistant City Attorney Bergman stated his office has said this should be done as soon as possible because of the legal exposure. Addressing it before March of 2014 would require a special election. The decision as to whether to do that is ultimately up to the Council and the Mayor. Ms. Cook stated the Committee will make recommendations, the City Council will take the recommendations and put something before the voters. Technically, a citizen could put a proposal on the ballot through a petition, but likely the City Council will do this. If the voters approve it, it will be sent to the State Legislature. It is not put into place until the Legislature approves the Charter Change. That will take some time.

Mr. Holway stated that one challenge with the previous Committee was that there was a date that they wanted the City Council to adopt a plan. As they got closer to that date, they tried to squeeze more in and public input was lacking. He hopes that they are doing right by the City and do not try to fit this in before a certain date.

## **7. Approval of the Redistricting Committee Minutes**

### **a. December 11, 2012**

### **b. January 8, 2013**

Councilors Bushor and Decelles made a motion to adopt the minutes as presented. The motion passed unanimously.

Councilor Siegel inquired who will be taking notes and when they will be getting them. Ms. Cook stated that a staff person from the Clerk's Office will be drafting the minutes from the recording. She will ensure that they are accurate and hit the key points before circulating them in draft form. They will then be reviewed at the next meeting. Councilor Siegel inquired how quickly they will be turned around. Ms. Cook stated she cannot speak to that.

City Council President Shannon stated the minutes are very labor intensive because the staff person has to relive the meeting and it takes time. The law only requires that they record actions

taken. She inquired if a staff person in the room could record that information and have it immediately available. Assistant City Attorney Bergman stated he cannot take on that responsibility, but can guide someone else. Basically, they just need to ensure that they note who made motions, how people voted, and what the general topics being discussed are. Ms. Cook stated she can turn something around within 24 hours.

Councilor Bushor stated that she sees great value in detailed minutes. She is hearing that they would have something that would be brief. She inquired if the more complete minutes will still be done. Mr. Holway stated he would support having a combination. Ms. Cook stated she will do a facilitator summary and they will still receive complete minutes.

### **Other Business**

Ms. Cook stated that the City Council will be taking up the composition of the Committee. There has also been discussion about the role of the alternates. Some alternates inquired if they would have the rights and responsibilities of full committee members. The Council had a reason for some to be alternates and others to be representatives. She has taken a hybrid approach to allow alternates to be involved but only have representatives cast votes.

Mr. L'Ecuyer stated there was discussion about involving the people and letting them be heard. These are people who want to be heard and he would like to allow them to do that. Alternates are here for a reason even if they do not get votes. He would like to engage them as much as possible.

A member of the audience inquired if alternates are allowed to sit in the representative's chair if they cannot make it to the meeting. Ms. Cook stated that the resolution states that the alternates vote if an NPA representative resigns. Councilor Siegel stated that they wrote a resolution to try to allow alternates to vote if someone were absent. It was amended on the floor to read that if someone resigns their alternate would take their seat. To her, that meant nothing because that is what would happen on any standing committee. City Council President Shannon stated when the original Committee came up with the idea to expand the Committee, the idea was that there would be one NPA member from each ward. There was no consideration of alternates. The NPAs came up with the idea of alternates. The Council was left to clarify the role of alternates and considered the idea of having alternates fill in if the representative cannot make it. Some NPAs have asked their alternates to attend every meeting. The original intention was to have one member from each ward appointed by the NPAs. Councilor Siegel stated they could take it up again with the newly formed Council if this Committee would like them to.

Councilor Bushor stated there was a request to add two additional representatives from Wards 2 and 4 because they do not have a Councilor on the Committee. This would allow for an equal number of representatives from each ward. It would be helpful to get consensus from this group if they support that idea.

Councilor Bushor and Mr. Holway made a motion to allow alternates from Wards 2 and 4 to have voting rights on the Committee.

City Council President Shannon stated the reason they are redistricting is because Ward 4 has 40% more representation than Ward 1. The idea was that the Committee would have representation from a broad range of geographic and political perspectives. The NPAs would then each bring in one representative from each ward. She is concerned about going forward being so married to the existing wards while they are trying to change the Wards.

Councilor Decelles stated he would like to hear what non-Council members think about this subject.

Mr. Holway stated that they are looking towards a solution of equity but are not there yet. The committee should recognize the disparity now and understand that later on it will be different.

Mayor Weinberger stated he is uncomfortable with the suggestion that he is a Ward 6 representative. Although he lives in Ward 6, his participation is not about representing them. He would be fine if his ward were to shift and he represents the whole City.

Mr. Els stated as someone from Ward 2, he is interested in having equal representation. In an ideal world, everyone would come to the table with a clean slate, but this is the real world. Having reps from each ward speaks to having equal representation in the process. If there is going to be equal representation, the numbers should reflect that. Mayor Weinberger stated the NPA representatives were identified as representing existing districts. The assignment of the Councilors and the Mayor was not an attempt to get a ward by ward representation, but to balance a number of competing interests. Some people are assigned to represent wards and others who represent political values. Mr. Els inquired what the downside would be to having equal representation.

Mr. Holway stated he recognizes that the Mayor is here to represent the whole. The concern about equity is that they are trying to create a fair and balanced City with what seems to be an unfair and unbalanced Committee. He would like to add members from wards 2, 4, and 6.

Mr. Montroll stated the Mayor and Councilors on the Committee are to represent the City. Though they may have their ward in mind, they do look at the whole City. He is ambivalent about having more members. The main reason he would support additional people is for perception. He asked that if they are going to increase representation, he would like to consider whether the Mayor is representing the Ward or the City as a whole.

Mr. Els stated he is trying to think about traps that might come back to bite them after this is done. A year from now, someone could look back and think that the process was unfair. It will not be him answering those questions, but those who are public officials. It could create political challenges in the future.

Councilor Bushor stated she appreciates that the Mayor represents the whole City, but he does live in Ward 6 and they have representation.

Mr. Montroll and City Council President Shannon made a motion to amend the motion to allow the addition of a member to Ward 6.



Councilor Bushor stated that Mr. Montroll brought up the point of perception. She was originally in favor of moving forward with the recommendation that was sent to them because it could be a stumbling block along the way. That was the motivation behind her motion. She will not support the amendment because it has been agreed that Councilors are representing the City and not their ward. If they begin to start splicing hairs, the number of members will become very challenging.

Mr. Montroll stated his motion to amend is not to add an extra Ward 6 representative, but to allow the Council to consider whether or not it is appropriate to have a Ward 6 member in light of the Mayor's comments.

Councilor Bushor stated she will support the amendment.

Councilor Siegel stated if they are going to bring a recommendation to the Council, they will need to have a clear resolution. If they do want to add people to the Committee, they need to be clear about what they are recommending. Mr. Montroll stated the Mayor will want to weigh in on whether or not he is representing Ward 6. Councilor Siegel stated she would prefer to discuss Ward 6 representation at this meeting. Mr. Montroll stated they can discuss it, but it is ultimately a question for the Council. While they are deliberating whether to add members for Wards 2 and 4, they should also consider Ward 6 based on the Mayor's comments. He thinks that in one sense they are in the same position as 2 and 4, but in another sense they are not. It is a good discussion to have at the Council level.

Mr. L'Ecuyer stated he agrees with Councilors Bushor and Siegel.

A member of the audience, Phil Lavigne, inquired how this Committee can function without having equal representation itself.

Mr. Holway stated he agrees with the original proposal and it is a good question to answer tonight. He will support the original motion but not the amendment.

Councilor Siegel stated if they want to be informal, they could conduct a straw poll.

Councilor Bushor stated there are five elected officials. One is the Mayor and the others are City Councilors. All are elected and represent distinct wards. The Mayor certainly represents the whole City, but he also lives in Ward 6. This makes them somewhat equal.

The motion to amend the motion to add a representative for Ward 6 failed by a vote of 6-6.

The motion to add representatives for Wards 2 and 3 passed unanimously.

Ms. Cook distributed the proposed ground rules. She feels that starting and ending on time are the most important.

## **8. Adjourn**

Ms. Cook adjourned the Redistricting Committee meeting at 8:45pm.