



# southburlington

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VERMONT

## House Committee on Government Operations and Military Affairs

### 24-0461 – An act relating to creating a uniform Municipal Code of Ethics

March 12, 2024

Jessie Baker, City Manager

Good afternoon, Chair McCarthy and the Committee. My name is Jessie Baker and I have the privilege of serving as the City Manager for the City of South Burlington.

I am honored to talk with you today about the Act relating to creating a uniform Municipal Code of Ethics. Ethics and good governance are critical to holding the trust of our communities. I'm pleased House Government Operations is taking up this important conversation.

For my 16 years in local government, I have worked to promote a foundation of ethics in local government. Operating ethically and transparently is the cornerstone of holding trust with the community and ensuring good governance. In South Burlington we annually adopt our own [conflicts of interest policy](#), we train our team to this, it's part of how I lead our staff, and I personally adhere to the [International City and County Management Association code of ethics](#).

I have significant concerns about dr req 24-0461's overreach into municipal operations, the role of the Ethics Commission in approving or providing training to thousands of elected, appointed and staff positions across the State, and the perceived inequity between these requirements and those for local education positions. I'm curious about the problem the Committee is trying to solve and if there is another path to doing so. While ethics is at the foundation of how we operate at the local level, I'd encourage the Committee to proceed intentionally and ensure trust is held.

**Local discussions on local ethics policies lead to more ethical behavior.** As you know, 24 V.S.A. § 1984 requires municipalities to adopt conflict of interest policies. This allows local elected and appointed officials to have intentional conversations about what the shared expectations are and how potential conflicts may be addressed. Ensuring that these conversations are happening regularly at select board and council tables across the State are exactly what will hold trust in communities. I'm concerned that a top-down approach will lead to just another State checkbox that we have to complete and will limit how we locally hold each other accountable. Certainly, State law could be strengthened to give municipalities more power to conduct recall elections or other such actions for local accountability.

**What is the problem the Committee is trying to address and is this the right mechanism?** As drafted, I believe this legislation would require training for about 325 Vermonters living and serving in South Burlington. If the problem the Committee is trying to solve are conflicts that are primarily financial in nature or relating to misuse use of positions or funds, I'd recommend this bill be targeted to those who have fiduciary roles in making decisions at the local level. Specifically, City Councils, Select Boards, and Town Managers have these responsibilities. The committee members of my bike and pedestrian committee do not. The recreational staff do not. The individual highway plow drivers, firefighters, and accountants do not. In the first year of operations, applying these new requirements only to the decisions makers would be a good incremental start.

**With a heightened focus on State defined local government ethics, the capacity of the State Ethics Commission will need to change.**

Again, as drafted, I believe this legislation would require training for about 325 Vermonters living and serving in South Burlington. I hope the Legislature is considering needed changes to the State Ethics Commission to accommodate this significant switch from State oversight to local government oversight. I hope staff are being added to review and provide training and to field complaints. And I hope that the composition of commissioners is realigned to reflect folks who have lived experience working and serving in local government. I'm sure there are many of us who would be willing to step up in such a way.

Finally, I may differ from my colleagues in talking about enforcement. I believe that if elected officials at the state or local level are going to ordain or pass laws, they need to include enforcement mechanisms in order to hold trust with those being legislated. If a member of my City Council or committees (we have about 125 volunteers who sit on appointed boards and committees) is unable to or refused to participate in a training, what is the requirement of the local Ethics Commission liaison? Can they maintain their appointments/seats? What if they become subject to a future investigation? How do we talk about this today so members don't come into new conflict or frustration with one another?

Thank you for tackling this issue, ethics, that is at the core of how we hold trust in communities. Please consider additional revisions and taking additional testimony. With all due respect to how much time the Committee has already put into this discussion, this bill is not yet ripe and will not truly hold the trust of the thousands of municipal professionals across the State and with Vermonters.

I sincerely appreciate the Committee's willingness to consider my testimony. I'm happy to answer any questions you may have. Thank you.

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