

Testimony to Vermont Senate Government Operations Committee  
April 16, 2024

Hello. Thank you for the opportunity to speak today.

I'm Ken Fredette. I was raised in Rutland Town, and spent most of my younger days there, but have lived in Wallingford for the past 36 ½ years. I served as a member of school boards representing the students and citizens of Wallingford, and eventually other towns, for 20 years, including two years as president of the Vermont School Boards Association when Act 46 was being crafted. During those years I saw an extensive variety of behaviors, and unfortunately, misbehaviors of school directors, and other locally elected officials.

Not to start out as Mr. Gloom and Doom, those instances were the exception, not the norm. But still...

My primary concern with H.875 in its current version is that it excludes school directors, and does so in a way that is very intentional. I refer to page 39 of the "official" version of the bill as passed by the House – lines four and five read:

(10) "Municipality" has the same meaning as in 1 V.S.A. § 126 but does not include town or incorporated school districts.

School districts have long been considered municipalities in Vermont, as evidenced by 1 V.S.A. 126:

#### **§ 126. Municipality**

"Municipality" shall include a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units.

And rightly so, as school board members are elected by the people, the same as members of selectboards, or aldermen or city councilors. It is curious and concerning that H.875 includes this language.

As support for that position: In 2004, when I had been on the Wallingford Town School District Board for six years, I became frustrated when the town selectboard brushed off recommendations from us to fill vacancies on our boards – pursuant to then-applicable laws – and appointed their own choices. After some research, I learned that practice originated from the 1700-s, when school directors were simply sub-committees of selectboards, and that never got changed when school board members became duly elected by voters. Subsequently, the law regarding what body has the authority to fill vacancies of school boards went to the school boards themselves (Act 32 of 2005).

There is much more to that piece of history, but the main thrust is: School districts are their own entities, and as such should be included in any code of ethics applicable to municipalities. Another concern I have is that much of the language in the bill centers on improprieties around financial matters – using an elected position to influence personal monetary gains.

While that aspect is important, to be sure, I am greatly concerned with a more subtle abuse - that being promoting personal ideologies. I sent a piece I wrote last April I called “What should have happened” to the Committee Assistant that outlines an unfortunate sequence of events around a school board member who refused to step away after removing from Wallingford seven months after being elected to a three-year term to represent us in March of ’21. That turned out to be just the first half of the saga – it went on for nearly another agonizing year, finally ending with the voters speaking very decisively at Town Meeting last month.

In the meantime, though, some citizens were frustrated with having very limited legal recourse for complaints of violations of Vermont Open Meeting Laws and unethical behavior by several elected local officials.

I submit for your consideration that citizens who have complaints with municipal officials should not have to wait until the next election to hope voters will resolve the problem while a loose cannon rolls around the deck; in this case it was several loose cannons. When seeking help from the state level on the above issue, the recurring theme was: “No jurisdiction...that’s a local issue.” So, a complaint against the selectboard gets considered by the selectboard, the board of civil authority considers complaints about the board of civil authority, and so on.

We have a lot of good, clear laws on the books, but in many cases there are scant or no enforcement abilities, and there are those who take advantage of that. Without a conduit for citizens to register complaints to an entity that has some authority to remedy a situation, some statutes are rendered to just a lot of good intentions.

In closing, let me say that requiring training for elected officials is huge. Lately it’s been said that local officials are basically volunteers, and if there are too many restrictions in force then people won’t be so inclined to volunteer. While that has a lot of truth to it, the message I hear is: “Wait, what? I have to obey the law?! And I have to have at least a basic understanding of what the law says?! Well, never mind, then.” The trend that I have watched grow in recent times with great dismay is there seems to be an endless line of candidates for school boards and other elected positions that have been recruited with the knowledge that they really don’t have to do much beyond be disruptive. When I became a school director I immersed myself in trainings available in order to do a better job...and at the risk of sounding immodest I think I did a lot of good over the years because of that. So I say, if having to play by the rules means some people won’t want to play, good!

Thank you for your time and consideration; I will do my very best to answer any questions or provide clarifications.

Respectfully submitted,  
Ken Fredette