



House Government Operations Committee
H. 249, Councils of Government
Vermont League of Cities and Towns
Karen Horn, Director of Public Policy & Advocacy
January 13, 2016

Thank you for the opportunity to testify on H. 249. We did testify on this bill on May 6, 2015 and at that time we provided you with a report, dated November 3, 2009, entitled Vermont Governance for the 21st Century (both of which are on your committee website). We had a number of concerns with H. 249 as it was introduced and you asked us to meet with representatives of the regional commissions over the summer.

We did meet on at least three occasions with representatives of regional commissions. We also met with our member local officials from municipalities large and small, and discussed the proposal with our Board of Directors. We thought there was agreement to address the issues we raised. Several of our members have told us they need this legislation in order to address needs such as ambulance, dispatch, inter-municipal policing services and more. Many more members have never heard that this concept is being discussed. In order to assure that all municipalities are clear about the choices this legislation would provide them, we urge you to include our changes, which have not yet made it into this draft.

We believe that the concept of Councils of Regional Governments or Metropolitan Districts is sound. In fact, in the 2009 report one of our mid-term goals was to “Build financial incentives to neighboring towns that merge to expand efficiencies and effectiveness”. And a potential long term direction was identified, “ Regional collaboration around a range of service from schools to ambulance, solid waste and planning should be re-organized into “mulit-municipal” or “multi-school” collaborative regions. A new plan for regional governance should be development that coordinates services to achieve economy of scale but preserving and strengthening local participation in governance.” In 2009, we recommended that this take place in the context of a constitutional convention.

In the meantime, the legislature has approved numerous municipal charters and charters for the Central Vermont Public Safety Authority (M-17) and a Communications Union District as part of Act 41 (Section 20 and following), both in 2014.

Sharing services can be tremendously beneficial to the municipalities that *choose* to share services. However, the new draft of H. 249 does not reflect some very important attributes of Councils of Government as they are adopted and implemented around the country, not the least of which is the issue of choice.

The following platforms were adopted at the VLCT Annual Meeting in October in Killington.

“1.08 Municipal Authority

“A. Municipal charters and amendments thereto, properly adopted by cities, towns, and villages, should take effect one year after their approval without a vote by the legislature, unless both houses of the legislature vote by majority to take up the municipal charter or amendment for consideration. Upon enactment of this provision, the legislature could vote to take up the charter or amendment only if the proposal contains provisions never previously approved by the legislature.

“B. Any enabling authority to create new general purpose regionally based governmental entities must ensure that:

1. To be eligible to serve on the new regional governance entity’s governance board, a person must be elected to or appointed by the local legislative body.
2. The new regional governance entity is created by vote of municipalities who choose to be members, with the governance structures determined by those member municipalities.
3. Enabling authority is made part of the union municipal district statute (24 V.S.A. Chapter 121)”.

We believe that H. 249 proposes major changes in the governance structure of Vermont. We believe it would be bordering on irresponsible to make this kind of change authorizing the transfer of governance authority to regional commissions from municipalities without holding a legislative public hearing on the matter to hear from municipal officials. You might do this on February 10 at Local Government Day.

If the committee moves ahead with H. 249, we recommend the following amendments.

After Section 1 4948 (b)(3) add language to state, “Notwithstanding 24 V.S.A. section 4341, Creation of Regional Planning Commissions, upon creation of a Council Of Government pursuant to this chapter, any member municipality of the former regional planning commission may withdraw as a member”.

Delete Section 4948 (c). Replace with, “The local legislative bodies of member municipalities shall determine the governance structure and membership of the board of the council of government.”

At section 4949 (b) (2) add, upon an affirmative vote of member municipalities and with the exception of taxation, may exercise any power, privilege, or authority capable of exercise by a member municipality, ~~and not exercised by an existing union municipal district created pursuant to 24 V.S.A. Chapter 121 subchapter 2, and necessary or desirable~~ for dealing with problems of local or regional concern.

In order to clarify that municipalities may *also* use the union municipal district statute to create a council of governments, add a new section 2 and renumber the subsequent sections of the bill. The new section 2 would read:

Two or more municipalities may by agreement create a joint municipal survey committee to plan for the strengthening of local governments and promote plans for more efficient and economical operation of local government services within or by participating municipalities through a council of governments created and ratified pursuant to 24 V.S.A. Chapter 121, Intermunicipal Cooperation and Services.

We note that many of the issues that concern us are addressed in Title 24 Chapter 121, including a requirement for an election by Australian ballot in each of the municipalities which seek to be members of the union municipal district.

Thank you for the opportunity to testify on H. 249.

*Karen Horn, Director
Public Policy & Advocacy
Vermont League of Cities and Towns*