

House Government Operations Committee

Testimony by Secretary of Transportation Chris Cole

H.249 - An act relating to intermunicipal services and the authority to create a regional council of governments

January 29, 2016

The Vermont Agency of Transportation (VTrans) has reviewed Draft 1.1 of H.249 dated December 28, 2015, which would allow Regional Planning Commissions to convert into a Regional Council of Governments, or COG. VTrans supports the concept of a COG and could support the bill if recommendations we feel would strengthen the bill were incorporated.

There is a need for Vermont municipalities to share services, both in our more urbanized areas and particularly for rural towns that have few staff, small populations and tight budgets supported by a limited and often stagnant property tax base.

It can be very challenging to create a new regional organization out of whole cloth and while state statutes provide for such arrangements at the municipal level, there have not been many examples of these types of arrangements. We believe it is easier to provide shared municipal services by building from existing regional structures. RPCs are well situated to provide for coordinated and shared services because they already work closely with their member towns.

VTrans has been working cooperatively with regional planning commissions for more than twenty years through the Transportation Planning Initiative (TPI). RPCs have demonstrated an ability to effectively serve their municipalities in the areas of planning, technical assistance, emergency management, grant management, and managing projects. Based on this experience, we are confident RPCs whose municipalities chose to form a Regional COG would continue to provide effective services.

My staff reviewed the original version of the bill as introduced during the 2015 session. We met with representatives of the Vermont Association of Planning and Development Agencies (VAPDA) this last summer to provide our comments, many of which have been addressed in the current draft of the bill. We recommend that the Committee consider making the following changes to the draft:

§ 4948. CREATION OF A REGIONAL COUNCIL OF GOVERNMENTS.

To establish a COG, this section requires an affirmative vote by 60% of the municipalities that are members of an RPC and by 60% of the RPC's board of commissioners. We recommend striking the requirement for a 60% vote of the board of commissioners. This requirement appears to be unnecessary because the commissioners should be representing the position of the municipality they represent.

This section of the bill should also establish the procedure and voting requirements for dissolving a COG and re-establishing an RPC. To be consistent, it would be reasonable to require an affirmative vote by 60% of a COG's membership to dissolve a COG. The procedure to dissolve a COG should also consider the time necessary and other implications of terminating any service agreements that may be in place.

Paragraph (a) of 24 VSA § 4341 – Creation of Regional Planning Commission, states that “All municipalities within a designated region shall be considered members of the regional planning commission.” Similar language should be included in H.249 under § 4948 that also states that any

municipalities within a regional planning commission that has been converted to a COG will be members of the COG.

Paragraph (b) of 24 VSA § 4341 states that “A municipality may move from one regional planning commission to another regional planning commission on terms and conditions approved by the Secretary of Commerce and Community Development.” Similar language should be included in H.249 under § 4948 to allow a municipality to move from a COG to another COG or regional planning commission.

§ 4949. POWERS AND DUTIES

We recommend modifying paragraph (b)(2) with the *italicized text* as follows:

(b) A regional council of governments may:

(2) exercise any power, privilege, or authority capable of exercise by a member municipality and necessary or desirable for dealing with problems of local or regional concern *as defined within a service agreement with one or more municipalities.*

As currently written, paragraph (b)(2) grants a COG all of the same powers, privileges and authority as a municipality regardless of whether or not there is a service agreement in place and could result in overlapping jurisdiction and potential confusion over any number of issues. The additional text ensures that a COG’s powers, privileges and authority are clearly defined and related only to the needs of a particular service agreement for which a municipality is seeking assistance. The suggested text ensures that a municipality is making an intentional decision about the powers, privileges and authority it is handing over to a COG.

Paragraph (c) Of § 4949 provides an explicit list of powers that a COG shall not have, including “essential legislative powers”. The term “essential legislative powers” does not appear to be defined anywhere in state statutes. We recommend a definition be provided in this bill.