

Dear Chair Representative Hanzas, Vice Chair Representative Gannon, Ranking Member Representative LaClair, and the full House Committee on Government Operations;

My name is Andrew Brown and I am the President of the Board of Trustees for the Village of Essex Junction. Essex Junction is an incorporated Village within the boundaries of the Town of Essex, meaning Village residents are residents of both the Village of Essex Junction and the Town of Essex. We are home to the Essex High School, Center for Technology Essex, Champlain Valley Exposition, Global Foundries (the state's largest private employer), the state's largest Amtrak stop for ridership, and much more.

Before I can talk about H.95 I need to go through a very brief history of the "intricate" relationship between the Village of Essex Junction and Town of Essex municipalities. In March of 1999, the Village voted to separate from the Town of Essex and form an independent City of Essex Junction, which passed in the Village with 56% of Village voters in favor of an independent City. In November of 1999, the Town of Essex had a vote to merge the Village and Town municipalities which passed - though when reviewing the vote count for Village voters, this merger proposal failed with 59.5% of Villagers voting against merger. In 2000, both charters went to the House Local Government Committee, predecessor to the current House Government Operations Committee. Mediation was required of both parties - the Village and the Town. By March 5, 2001 the Town and Village posted a job opening for a mediator. By early April a mediator was selected. By mid-May of 2001, the mediator closed the talks, having reached an impasse. The parties were unable to agree. Representatives of both the Town and the Village voted to discontinue the talks with the mediator.

In 2006 the Town and Village created a charter for a new municipality, the Town of Essex Junction, which would merge the two existing municipalities. This merger proposal passed with just over 51% of all voters. In the Village, it passed with nearly 73% of voters in favor of merger, though it failed decisively among non-Village residents with only 34% voting for merger. Due to a petition to reconsider this vote, signed by more than 5% of registered voters, a vote in 2007 was held which resulted in just over 51% of voters voting against merger – thus merger failed. It should be noted that turnout for this reconsideration vote was less than two-thirds of the original merger vote.

In 2012 the Town Selectboard and Village Trustees began meeting jointly to explore ways to work together. With the departure of the Village Manager the two boards signed an employment subcontracting agreement which appointed the Town Manager as both the Town and Village Manager with both municipalities sharing in the cost. Since 2012, the Town and Village have consolidated various municipal functions (Finance Department, Clerk, Stormwater, and Public Works) which has resulted in residents of both the Village and Town paying the same tax rate for these functions. Prior to this, the Village and Town each had their own department providing these services so those of us in the Village were paying for both Village services and Town services – as again, Village residents are Town residents too. During these consolidations it should be noted that from 2012 up to 2019 the Town Selectboard had a majority of members who lived outside of the Village. These consolidations were approved of during the budget approval process both at the Town Selectboard and Village Trustee levels as well as by voters through passing the budgets.

Fast forward to November 2020 when the Village approved of a plan of merger, which had a governance model similar to H.95 except that in addition to the six members with three from the Village and three

from outside of the Village there would be one member who would be elected at-large. This proposal passed the Village with 74% of Villagers agreeing to merge.

In March of 2021 the Town, including Village residents, voted on the Town's plan of merger which included the H.95 governance model. This plan failed by 19 votes with 81% of Villagers voting for merger but less than 28% of non-Village residents for merger. In April of 2021, a reconsideration vote upheld merger's failure by 25 votes. The vote breakdown was very similar to March with nearly 81% of Villagers voting for merger and only 28% of non-Village residents voting for merger.

During the April 2021 merger vote, Village residents also voted on a non-binding resolution which would direct the Village Trustees to draft a charter to create the Independent City of Essex Junction for consideration by the Village in November 2021, should efforts seeking a vote for reconsideration on the issue of merger fail. This passed with 79% of Villagers voting in favor. With the failed merger reconsideration vote and the overwhelming support of the separation resolution, the Village Trustees have begun exploring separation, and this Tuesday, unanimously voted to have separation (or Essex Junction Independence as we refer to it) be our top priority and set November 2<sup>nd</sup>, 2021 as the target date for a Village vote.

Now that you are caught up in the history I will directly address H.95. As we have seen, issues of governance between the Village of Essex Junction and the Town of Essex are contentious. While the vote on this charter change did pass the entire Town with just over 60% of all Town residents voting in favor, this measure failed when you look at Village voters with over 52% of Villagers voting against this charter proposal. Villagers do not want to be a part of this governance model and so I am here to ask you to not approve of H.95 on behalf of the Village of Essex Junction voters. We approved of H.95 when it was a part of the plan of merger but without merger we do not want H.95.

Just as important as the Village not voting in favor of this charter change is the reality that we in the Village are heading towards a vote on creating an independent City of Essex Junction. Should this pass the Village in November, you can anticipate seeing a bill in January. At this point, we would no longer be residents of the Town of Essex and would this governance model would be a moot point.

In the event these points haven't convinced you to not pass H.95 I'd like to address some of the issues with H.95 and the narrative of its supporters. H.95 has no redistricting provision. The proposed districts within H.95 currently have a similar population but the Town outside of the Village has seen grand list growth greater than the Village. As such, there will be a time when districts will need to be adjusted and with the 2020 Census data unavailable to the local level we don't know if that time is already upon us. We also don't know how the community would want to handle redistricting as this was not asked of them.

Another issue is with the narrative of "lopsided representation" which is how supporters of H.95 categorized the merger discussions and formulation of the plan of merger. Supporters of H.95 used this narrative many times to say that it was unfair during joint Town Selectboard and Village Trustee meetings that there were so many Village residents at the table. It is true that there were more Village residents than non-Village residents on the boards because of the fact that Village residents are Town residents. You cannot have a collaborative merger process without including both the Town municipality and Village municipality, as such, there will always be five Village residents at the table who are Village Trustees – not to mention the fact that these five Village Trustees are also residents of the Town. Lastly,

with “lopsided representation” during the merger discussion, if H.95 were approved a Town Selectboard with three members from the Village and three members from outside the Village would have resulted in eight Village residents and three non-Village residents discussing merger at joint meetings. H.95 does nothing but perpetuate this dynamic, it doesn’t fix it.

Furthermore, the recommendation to pursue merger was developed from a subcommittee of two members of the Village Trustees and two members of the Town Selectboard. The members of the Trustees lived within the Village and the members of the Selectboard lived outside the Village. This committee ranked over a dozen governance scenarios against a rubric and determined that merger was the best path forward. As noted earlier, all of the earlier consolidation efforts were developed and approved of by a Town Selectboard which had more members residing outside of the Village.

If the concern is about lopsided representation then the way to fix this is not with H.95 but with separating the Village of Essex Junction from the Town of Essex. At this point, there will be two distinct and separate municipalities. Village residents would no longer be eligible to be Town Selectboard members. Only with two separate municipalities can there be true fair and equitable representation. Again, I ask you to not approve of H.95.

Thank you,

A handwritten signature in black ink, appearing to read 'Andrew Brown', with a stylized, cursive script.

Andrew Brown

President of the Board of Trustees for the Village of Essex Junction

[abrown@essexjunction.org](mailto:abrown@essexjunction.org)