

Testimony re: H. 875 (Municipal Ethics Legislation)

To: Senate Government Operations

From: Jeffrey Johnson, Chair, Selectboard of Windsor, Vermont

I am writing to represent the Windsor, VT Selectboard regarding the significant impact of this legislation on the ability of municipal officials and volunteers to do their jobs.

Firstly, I want to support establishing ethical standards, education about standards, and holding people accountable to ethical conduction of business. And I appreciate the inclusion of appointing a VLCT seat to the State Ethics Commission.

My concern with the bill as written is the additional bureaucracy and unfunded mandates at a time when there are acknowledged constraints on municipalities. As written, this bill will place an additional burden of record keeping, thus taking unfunded time and resources. It will require towns to appoint a “senior level “employee as liaison to the Commission, an employee to hear ethics complaints, to maintain training records, investigate complaints and keep those records for five years, as well as report complaints to the State Ethics Commission. I know of no town employees in our locale with the extra time in their schedule to accomplish these added functions in the workplace, and I’m sure most town are in similar situations.

I would suggest a proposal that supports and respects more local decision-making authority re: ethics and the practices surrounding the issue. For example, a bill that requires municipalities locally to adopt ethics policies would promote more “buy-in” as well as some helpful thought processes that will need to be hashed out at the local level.

I think the role of voter recall at elections would be a powerful tool to hold officials accountable. My understanding is that not all towns have that authority. That is the most effective way to hold an elected leader accountable for anyone committing unethical behavior.

A few other questions that I don’t see addressed:

Does this proposed training exist at this time?

Does the nature of the training differentiate based on the nature of the trainees’ job?

Who pays for the training?

Are school boards included in this mandate?

Thank you for your attention to municipal governance, and I look forward to seeing local government becoming increasingly stronger and accountable.

Addendum re: H.875:

After further communication with our town manager, I would like to add that most local governments already have rules and regulations in place. Our charter specifies purchasing policies, conflict of interest definitions and consequences for violating them.

Ours policies were updated in 2021 to meet the mandated requirements of governments receiving federal funds. Since most municipalities accept federal funds, they would have similar policies.

Another way to approach this issue is to ask towns to demonstrate the existence of such policies. If there is a lack of such policies, legislation could provide a provision for additional training and state oversight.

Jeffrey Johnson, Chair of Windsor Selectboard