

**Testimony of Ted Brady
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County and Regional Governance Study Committee
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The Vermont League of Cities and Towns supports the idea of evaluating how to make collaboration at the municipal level easier. And we appreciate the modifications of this committee's charge made during the last legislative session – to focus on improving coordination and communication between the State and Vermont's municipalities.

What's the problem we need to solve? Capacity. The state and federal governments have put more responsibility on towns without corresponding authority or resources. Too often our discussions about capacity suggest towns can't do something because they don't know how to or don't have people. That's a misunderstanding of capacity – and ignores the most important definition of capacity...money.

The state could also do a much better job providing technical assistance to our municipalities. There are incredible examples of the state doing this well:

- The Agency of Transportation's local aid programs, their Local Roads Program, and the coordination and partnership of VTRANS district garage staff;
- The Department of Taxes PVR district advisory programs for listers and assessors;
- The Department of Housing and Community Development Community Planning and Revitalization office;
- Vermont Emergency Management's local programs, including their Disaster Preparedness conference going on today;
- The Agency of Natural Resources Department of Environmental Conservation wastewater and water programs staff; and
- The Agency of Natural Resources Municipal Day.

However, municipal technical assistance programs are scattered across state government – making them inaccessible to many, especially those without professional staff. And there are tremendous gaps in support, including financial management.

Municipalities have difficulty cooperating to overcome these systems and capacity challenges because the structures we've created for them to do so fail to provide a sustainable funding model or governance model.

Being a Dillon's Rule State – cities and towns can only do what the legislature tells them they

can do. Currently, the legislature has really only authorized three distinct ways for a towns to provide a shared service:

- Intermunicipal Agreements / Interlocal Contracts (This is how St. Albans Town and City are sharing police services)
- Union Municipal Districts (This was how the Chittenden County towns were attempting to do regional dispatching and what the Solid Waste Districts or Communication Union Districts are)
- RPC Shared Services Model (This is how some RPCs are offering shared zoning administrators to towns)

There are actually quite a few of these intermunicipal agreements in place across the state – and I hope the County and Regional Governance study focuses on which ones are working and why, and which ones aren't and why.

The solution:

Candidly, I don't know, and it's why VLCT supports your work, and largely supported the creation of this committee...with a few caveats.

Our current system results in some towns being able to afford the capacity to take advantage of state and federal opportunities, and others being unable to. It also has the effect of encouraging the creation of redundant services in close proximity. For example...does every town need a vacuum truck? Does every town need a road grader? Does every town need a ladder truck? Does every town need a police department or dispatch?

On October 6th, the VLCT membership will meet to consider adopting a new municipal policy for the next biennium, including a guiding principle that says VLCT "...supports intermunicipal collaboration to develop regional governance structures that provide the technical, administrative, and financial scale necessary to tackle multi-jurisdictional issues without dismantling local control."

I'm also pleased that the draft policy our membership will vote on next month also includes a whole new section entitled "Intermunicipal Cooperation and the Regionalization of Public Services". It proposes that VLCT:

1. Assure that intermunicipal agreements and regional efforts that provide for delivering services at a scale of two or more municipalities are optional and self-directed;
2. Promote intermunicipal efforts by funding and supporting the necessary technical assistance, legal guidance, and local capacity necessary to implement new intermunicipal authorities;

3. Maintain authority and oversight for intermunicipal services at the municipal legislative body, or to an authority appointed by the legislative body;
4. Allow municipalities and other subdivisions of state government to jointly exercise shared authorities similar to the Minnesota Joint Powers Act; and
5. Authorize collaborative procurement between municipalities and other subdivisions of state government.

A few ideas:

- Towns should be given new authorities to enter into intermunicipal agreements with less red tape. Creating a union municipal district isn't easy, and it takes a vote of the whole town and approval of the Attorney General.
- Towns shouldn't be "assigned" to a regional government or geopolitical boundary created by the state or that was created 200 years ago and has no relevance to Vermonters today. I think about the Mad River Valley Planning District as an example of a regional governance model that has relevance to the people it governs. They selected their region – and have a shared vision for their community.
- The Committee has heard from several people about the concept of "councils of government". These bodies derive their power from the elected officials of each town - who serve on a council of government. These might be good government structures to build regional services from. However, as I always tell selectboard members - no one selectboard member has any power - so I struggle to understand how a council of governments derives power by having a single selectboard member from a community serving on it.
- Bolstering the resources of our Regional Planning Commissions: The 11 regional planning commissions have historically been a lifeline for municipal governments. But unfortunately, they are underfunded and overly directed by state contracts. The regional planning commissions should see their towns as their primary customer. But too often, the grant manager at a state agency dictates what an RPC will work on. The make up of RPC boards also creates concerns for me – as many include non-municipal officials. VLCT also encourages every town to take who they appoint to the RPC board very seriously. They should be in lock step with the appointee, know what they are voting on and be aware of what the RPC is up to. Most importantly, this will ensure the town is taking advantage of the services every RPC offers, but also, it's just good governance. Are RPC's the right place for more regional collaboration? Maybe? But I believe a governance change would be needed to make them more accountable to their members.
- The state may wish to consider how it could consolidate municipal support services into one agency, creating something like an Agency of Municipal Support.

VLCT work to help:

VLCT is happy to participate County and Regional Governance Study Technical Advisory Group – should it continue to exist. And VLCT is committed to bringing forward ideas that would make regional solutions easier to implement.

In addition, right now, VLCT has partnered with USDA Rural Development to launch our municipal operations assistance team – aimed at helping with finance, administration and operations skills at the local level. We’re combining that grant with a state investment in the Municipal Technical Assistance Program to help our smallest towns access federal funding. I’d encourage the state to invest in more of these types of activities to build the capacity in our towns. And the director of that program, Katie Buckley, is available to this committee to share her experiences.

Current Challenges

I also encourage the committee to review the regionalization efforts currently underway, including regional dispatch efforts, the regional policing pilot in Southeastern Vermont, discussions about river corridor management happening at ANR, the efforts of fire and emergency medical services to provide regional models like Rescue Inc, and discussions about which unit of government should manage stormwater utilities.

Concerns with County Government:

I don’t believe Vermont needs another layer of government, or needs to create a new taxing authority at a level between the state and local governments. Vermont has the population of a mid-size county in other states.

Connecticut abolished county government in the sixties. Massachusetts closed down more than half of its counties in the nineties. And New Hampshire’s county government largely exists to run its nursing homes and prisons.

County government is especially strong in areas of the west and midwest where there are a lot of unincorporated areas. Only 63 percent of Americans live in incorporated areas (cities and towns). County government provides basic services to the other 37 percent across America. Vermont is different – as a tiny portion of our state is unincorporated – places like Grants and Gore...Buel Gore...or unincorporated towns like Somerset and Glastenbury. I think the population of our unincorporated areas is less than 100 statewide.

The problems with counties today:

Municipalities have very little say on how they are funded and how much they are funded. As an

example, counties give their budgets to towns...and towns have no option but to fund them. Very little democratic process in creating a county budget.

- Irrelevant geopolitical boundaries.

Major obstacles to more regional service deliver:

- Poor governance models available to towns
- Poor funding models available to towns
- Limited if any regional taxation authority

Are we missing out on federal funding by not having county government?

I served in Senator Leahy's office for more than 13 years doing community and economic development work, I served as a federal grant administrator in the Obama administration, and I served as the Deputy Secretary of the Agency of Commerce in the Scott Administration, and not once did a local, state or federal official tell me that our lack of county government prohibited towns from receiving funding. In fact, it was more often that Vermont received more federal funding per capita than most other states. The largest reason Vermont municipalities aren't getting federal money is because they don't have projects or the people to write grant applications and administer them.

Thank you for inviting me to testify. VLCT is an eager partner in your work.