

VERMONT LEAGUE OF CITIES AND TOWNS (VLCT)
2021-2022 MUNICIPAL GUIDING PRINCIPLES AND MUNICIPAL POLICY
(adopted September 30, 2020)

MUNICIPAL GUIDING PRINCIPLES

VLCT supports:

1. a robust partnership between state and local governments;
2. self-governance including implementation of municipal charter provisions upon voters' adoption, the adoption of fees and taxes, and on all matters that solely affect the municipality;
3. authority to take meaningful action on racial justice and to eliminate racial disparities, affirming our commitment to equity, fairness, and systemic change;
4. administrative authority delegated from state agencies to municipalities that are able to implement programs;
5. local discretion in pursuing economic development, recovery, resiliency, and growth;
6. flexibility in implementing state regulatory and statutory requirements;
7. including local officials in determining changes in local response to emergency situations;
8. implementing local planning decisions and state-local collaboration to support policies that best meet the needs of cities and towns;
9. substantial deference to municipal planning, zoning, and siting decisions;
10. state collection of fees and taxes assessed to implement statewide goals;
11. locally initiated and approved regionalization of services;
12. inter-municipal cooperation to achieve cost savings, and elimination of statutes or rules that hinder such cooperation;
13. resources to provide sustainable public safety, fire protection, and emergency medical services; and
14. direct aid to municipalities to mitigate the effects of economic distress, increased expenditures, and reduced revenues due to emergencies and disasters, including COVID-19.

State Mandates. VLCT opposes all unfunded mandates, pre-emption of municipal action, regulatory overreach by state agencies not supported in statute, and cost shifts to local government. We support the completion of fiscal impact statements that itemize any potential shift in cost to local governments prior to action being taken by the legislature or administration.

State Funding Policy. VLCT supports using state funding efficiently, effectively, and fairly for the specific purposes for which it is appropriated. We oppose diverting those funds to other programs.

VLCT supports funding and incentives for all mandated programs and shifts of responsibility to local governments including:

2. all transportation and municipal highway programs;
3. programs to spur economic recovery, direct aid to help cities and towns recover from public health and safety emergencies, and deference to locally implemented tax stabilization agreements;
4. required stormwater and water quality management infrastructure;
5. cybersecurity training for local officials accessing state databases and internet sites;
6. Department of Corrections (DOC) programs to avoid adverse local government impacts resulting from criminal justice system decisions;
7. services and mobile crisis units to serve those with mental health or addiction needs; and
8. education and training of local officials who are responsible for fulfilling state-mandated functions.

MUNICIPAL POLICY

1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

1.01 K-12 EDUCATION

Policy.

VLCT supports:

1. a simple and transparent education finance system that reduces and reforms the property tax burden and more closely links voters' actions in approving budgets to the taxes they pay to fund their school districts;
2. reforming the education funding system so that the education property tax no longer constrains the funding of vital municipal services and priorities;
3. a legislative assessment of school district budgets, especially special education costs and their impact on small schools, and implementation of the December 2019 Pupil Weighting Factors Report to deliver educational quality in a post COVID-19 environment;
4. using Education Fund monies *only* for pre-K-12 education – that is, banning new obligations from being shifted to the Education Fund;
5. the local legislative body appointing a replacement member to a consolidated school board in the event of a vacancy until an election is held; and
6. directing the Vermont Department of Taxes to bill and collect education property taxes.

1.02 VERMONT TAX STRUCTURE OVERHAUL

Policy.

VLCT supports:

1. legislation to reform Vermont's income, sales, and property taxes to ensure sustainability, economic growth, simplicity, equity, and balance;
2. providing sufficient revenue for local government initiatives and reimbursing municipalities for all state-mandated property tax exemptions, or providing local voters with the authority to impose municipal service fees on such properties;
3. extending locally implemented tax stabilization agreements to education tax obligations to encourage and promote economic growth;
4. providing each municipality the authority to adopt local option taxes through a vote of the local voters; and
5. restoring the Current Use Program to agricultural and silvicultural preservation.

VLCT opposes any new state-imposed property taxes.

1.03 OPEN MEETING, PUBLIC RECORDS, AND ELECTIONS LAWS

Policy.

VLCT supports:

1. applying the Open Meeting Law and Public Records Act to the legislative and executive branches of state government;
2. changing statute to increase the requirement for posting minutes from five days to ten business days;
3. changing statute to provide transparency and flexibility in how non-statutory public bodies comply with the Open Meeting Law;
4. allowing municipalities to charge for the cost of staff time to comply with a request to inspect or copy public records and to require pre-payment for the cost of that staff time to ensure the availability and stewardship of public resources;

5. robust funding to comply with Open Meeting Law and Public Records Act mandates, including the hardware and software to ensure their availability to the public and long-term preservation;
6. amending the Public Records Act to allow individuals or entities the right to request the same materials no more than twice during a 12-month period, and allowing a five-day initial response time;
7. making permanent the option of posting legal notices on electronic news media to comply with requirements for open meeting, public records, and legal notices laws; and
8. allowing a gap day without early voting or new voter registrations on the day before an election.

1.04 PROTECTING AND ENHANCING MUNICIPAL FINANCE

Policy.

VLCT supports:

1. developing a partnership with the state, municipalities, and regional entities to implement an economic recovery and development strategy at all levels of government;
2. state payment of costs to defend the grand list and property tax collections – including appeals, attorneys’ fees, and abatements – in proportion to the state share of the overall property tax;
3. paying taxpayers directly for education property taxes and interest required to be reimbursed when a property value is adjusted due to an appeal beyond the board of civil authority;
4. requiring local legislative body approval of the county operating budget;
5. eliminating the mandate that local governments take over non-municipal cemeteries unless the state pays for those expenses
6. continued state funding of education for local officials whose responsibilities include complying with state performance standards;
7. A. allowing proceeds from the state’s portion of local options taxes to fund only PILOT for state-owned property specified in 32 V.S.A. § 3701(1), and
B. retaining all local option taxes in the state-owned property PILOT and using PILOT only to increase payments for those state-owned buildings specified in 32 V.S.A. § 3701(1) and, in the event of a surplus, for state-owned lands on which state buildings are located.

VLCT opposes any new or increased state agency fees assessed against municipalities unless the agency shows a comparable increase in costs, quality, or quantity of the services provided.

2.0 TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

Policy.

VLCT supports:

1. simplifying funding, permitting, and program administration to maximize all state and federal dollars and alleviate burdensome processes at both the state and local levels;
2. transparency and collaboration with municipalities when developing the transportation budget and allocations of funds to cities, towns, and villages;
3. increasing the gas tax and dedicating those new revenues to support municipal transportation obligations;
4. replacing federal funding of the Transportation Alternatives Program with only state money in order to reduce regulatory burdens imposed on the program;
5. applying Accelerated Bridge Construction (ABC) and design-bid-build process efficiencies to other programs and to all bridge projects unless there is a compelling reason to not use them;
6. encouraging adoption of the “Complete Streets” program and incorporating its principles into projects; and
7. policies that empower municipalities to reduce local emissions, increase resiliency to the effects of climate change, and participate in the transition to a cleaner energy economy.

VLCT opposes:

1. Shifting funding for local transportation programs to the Agency of Transportation (VTTrans) budget as a mechanism to fill shortfalls in the state budget;
2. using Transportation Fund money to pay for non-transportation purposes; and
3. using Transportation Fund money to pay for projects required by the Agency of Natural Resources such as stormwater mitigation projects mandated to comply with stormwater regulations.

2.02 ADDITIONAL FUNDING PRIORITIES

Policy.

VLCT supports:

1. ensuring that the level of funding for the Town Highway Emergency Fund is sufficient to cover municipal costs resulting from natural or manmade disasters, whether or not a federal disaster has been declared;
2. ensuring that funding for local transportation meets documented needs (In FY20, municipalities requested \$465,237,300 for local transportation projects but received only \$26,683,600 in transportation funding.);
3. dedicated state and federal funding for clean water initiatives so ongoing transportation programs don't subsidize those mandates; and
4. ensuring that town highways and bridges are adequately funded to achieve resiliency and stormwater standards throughout construction and upon completion.

2.03 STATE AND LOCAL COOPERATION

Policy.

VLCT supports:

1. sufficiently funding district transportation administrators and ensuring their flexibility and authority to work directly with local governments;
2. finalizing road design and traffic standards to better define approaches to downtown areas and enhance traffic and infrastructure needs for Vermont's villages and downtowns;
3. expanding VTTrans' painting operations to include all lines on paved Class 2 highways each year;
4. directing VTTrans to install rumble strips when requested on state highways and paved Class 2 highways;
5. providing increased incentives to municipalities to take over state highways that function as main streets; and
6. eliminating provisions in VTTrans' master license agreements that coerce municipalities to indemnify VTTrans or the railroads on activities related to municipal projects.

2.04 COMMERCIAL VEHICLES

Policy.

VLCT supports:

1. instituting a statewide process for permitting overweight or oversized vehicles on local roads; and
2. requiring commercial and agricultural custom service vehicles to comply with all motor vehicle laws when operating on state and local highways.

2.05 RAIL

Policy.

VLCT supports:

1. requiring all railroad-related projects to comply with environmental regulations, especially water quality requirements;
2. requiring rail companies to notify municipalities of hazardous materials they are transporting through or storing within a municipality;
3. restricting funds allocated for rail or related projects to those specific projects;
4. working with railroad companies to prohibit trains from speeding in downtown areas;
5. extending passenger rail service from Rutland to Burlington on the western side of the state and to Bennington as soon as practicable; and
6. authorizing municipalities to extend municipal amenities and infrastructure under or across railroad tracks to serve residents with no railroad imposed annual charge, ensuring access to maintain them, and protecting municipalities from liability for accidents caused by the railroad or VTTrans that affect those lines.

3.0 PUBLIC SAFETY

3.01 PRIORITY ISSUES FOR IMPLEMENTATION

Policy.

VLCT supports:

1. initiatives that address the statewide shortage of public safety personnel, and create new ways to recruit and retain them;
2. law enforcement implementing principles of procedural justice and continued efforts to supporting:
 - A. fair, equitable, and impartial law enforcement;
 - B. building trust and legitimacy in communities including minority groups;
 - C. creating sound policy and oversight mechanisms in accordance with the governance structure of the municipality;
 - D. best practices in the use of technology and social media;
 - E. embracing community policing principles that include crime reduction strategies;
 - F. providing ongoing training and education to employees;
 - G. emphasizing officer wellness, safety, mental health, and critical incident stress management; and
 - H. providing sufficient funding to attain these goals;
3. providing public safety officials with the technology, authority, information, training, funding, and revenue to ensure the above law enforcement services; and
4. providing statewide access to affordable state-of-the-art telecommunications services that benefit public safety and first responders and builds the economy.

3.02 CORRECTIONS, MENTAL HEALTH, AND ADDICTION

Policy.

VLCT supports:

1. developing collaborative solutions among all affected stakeholders to handle incapacitated persons;
2. the Department of Corrections (DOC) providing local officials notice of changes in offenders' status, particularly those at risk to re-offend, and collaborating with local officials in the placement of released persons;
3. ensuring that an offender housed in community settings receives reasonable DOC supervision and access to support services that ensures the safety of the community, victim, and the offender;

4. adhering to municipal zoning in approving housing for offenders, and locating adequate supervision and support services when offenders are lodged near the general population;
5. authorizing DOC officials to serve citations and domestic abuse orders to offenders in a correctional facility in lieu of municipal police officers serving them; and
6. notifying municipal officials when unhoused individuals are temporarily housed in a municipality to ensure necessary support services are provided.

3.03 PUBLIC SAFETY FUNDING

Policy.

VLCT supports:

1. funding to increase the availability of on-demand drug abuse and mental health treatment services;
2. authorizing local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, or testing requirement;
3. a moratorium on unfunded training requirements for first responders;
4. providing funding to municipalities to undertake drug investigations at the local level;
5. directing the state to increase the Medicaid reimbursement rates for Emergency Medical Services (EMS) to cover the actual cost of care;
6. providing funding to municipalities that explore, consolidate, integrate, or regionalize public safety services;
7. creating a systemic approach to financially support both call handling and dispatch emergency services; and
8. funding for wellness, safety, mental health, and critical incident stress management for first responders.

3.04 PUBLIC SAFETY TRAINING

Policy.

VLCT supports:

1. providing adequate funding and resources to the Vermont Fire Academy, Vermont Police Academy, and the Department of Health for certified training programs and activities for all emergency services personnel;
2. ensuring that current statutorily mandated training mandates and the associated impacts on public safety personnel and agencies are current, necessary, and appropriate to an officer's level of experience;
3. instituting flexible alternatives to the residential Vermont Police Academy training programs;
4. focusing Vermont Police Academy funding and training on core law enforcement responsibilities, including the VLCT Board adopted document entitled Perspectives on Police Reform;
5. providing adequate funding to ensure appropriate levels of staffing and training to each sector of the public safety community;
6. developing standards for providing reciprocity with other states' training programs; and
7. developing a Vermont-specific voluntary law enforcement accreditation program that is state funded, neutral, and fair.

3.05 SAFE DRIVING INITIATIVES

Policy.

VLCT supports:

1. directing resources to developing and implementing reliable roadside testing for law enforcement officials when enforcing incidents of drugged driving.

3.06 LAW ENFORCEMENT ISSUES

Policy.

VLCT supports:

1. providing for a Vermont law enforcement officer to make an arrest based on a warrant from another state;
2. addressing the impacts on cities, towns, and villages – including those on school populations, municipal first responders, municipal regulations, and municipal budgets – in any discussion of marijuana regulation; and
3. maintaining the independent status and function of the E-911 Board.

4.0 QUALITY OF LIFE AND ENVIRONMENT

4.01 JUST, EQUITABLE, AND INCLUSIVE COMMUNITIES

VLCT supports:

1. educating local officials to eliminate racial disparities, heal racial divisions, and build more equitable, just, and inclusive communities.

4.02 HOUSING

Policy.

VLCT supports:

1. directing incentives and programs to designated downtowns, village centers, new town centers, growth centers, and other areas designated in municipal plans; and
2. establishing and funding a professionally staffed statewide program to inspect rental housing, enforce rental housing codes, and delegate the program to municipalities which determine municipal administration and enforcement is optimal.

4.03 ACT 250 AND REGULATORY PROGRAMS

Policy.

VLCT supports:

1. delegating responsibility for Act 250 permitting for projects with local impacts to those municipalities with duly adopted local zoning and subdivision regulations that opt to administer Act 250 at the local level;
2. defining “regional impact” in Act 250 to mean a measurable impact on areas outside the borders of the city or town in which a project is proposed to be located;
3. assigning to district commissions review of only projects with regional impact and projects in municipalities that have adopted neither zoning nor subdivision bylaws;
4. retaining Act 250’s Criterion 10, conformance with a duly adopted local or regional plan or capital program adopted pursuant to 24 V.S.A. Chapter 117;
5. eliminating so-called “legacy only” Act 250 jurisdiction over properties that would not otherwise trigger current Act 250 jurisdiction; and
6. using an objective standard-based visual impact assessment in place of the Quechee Analysis to determine aesthetic value in municipal plans, Act 250 permits, and Section 248 certificates of public good.

4.04 GROWTH AND LOCAL LAND USE

Policy

VLCT supports:

1. basing development decisions upon adopted municipal plans and using adopted regional plans only as guidance documents; and
2. balancing the implementation of environmental standards that require the relocation of lightly contaminated urban soil with state policy to encourage economic development and housing projects.

4.05 TELECOMMUNICATIONS

Policy.

VLCT supports:

1. active participation by local governments in a transparent governance structure regulating development of telecommunications service and alternative connectivity solutions; and
2. establishing telecommunications service that
 - A. is complete, statewide, and affordable to municipalities and public safety first responders;
 - B. builds Vermont's economy;
 - C. makes Vermont hospitable and accessible to a remote workforce; and
 - D. ensures access to educational sources.

4.06 MATERIALS MANAGEMENT

Policy.

VLCT supports:

1. holding municipalities harmless from liability for any hazardous material incident at any facility or property that conforms with all state and federal permits and regulations;
2. regulating complete treatment processes for materials such as wastewater, solid waste, and recyclables through single permits that address the entire treatment cycle at a facility, and issuing permits for facilities based on the useful life or capacity of the facility; and
3. investing in infrastructure in downtowns, new town centers, villages, and any area in which state and local policies encourage economic development.

4.07 ENERGY AND ENVIRONMENT

Policy.

VLCT supports:

1. implementing policies that empower municipalities to reduce emissions, plan for and increase resiliency to the effects of climate change, and transition to communities powered and sustained by cleaner energy;
2. reducing the consumption of fossil fuels;
3. encouraging the use of renewable energy-efficient measures in buildings where appropriate, installing them without detracting from a building's structural or design integrity, and ensuring that such installations are subject to existing building and electrical codes and standards;
4. establishing mechanisms to ensure statewide compliance with Vermont's state building codes for energy efficiency without imposing further mandates on municipalities;
5. ensuring local input and control over siting and permitting of renewable energy projects; and
6. prioritizing renewable energy projects whose renewable energy credits remain in Vermont and that are built "close to load" (that is, close to where it is being used).

4.08 HEALTH CARE

Policy

VLCT supports:

1. pursuing universal health care coverage;
2. providing the authority, tools, and funding to local officials so they can mitigate the impact of COVID-19 on their residents and communities;
3. the “whole population” health care model, which engages diverse partners to improve the individual experience of care, reduce the per capita cost of care, and improve the health of the population;
4. refining the health care system to improve the health of Vermonters and manage costs that lead to lower health insurance premiums, allowing more Vermonters to afford health insurance;
5. the universal availability of opioid addiction treatment on demand and without delay and the identification of funding sources to provide such service;
6. empowering municipalities to respond to addiction-induced crises appropriately;
7. requiring medical providers to adhere to medical community-developed and evidence-based protocols and best practices for the prescription of opioids;
8. reducing cost shifts, such as from Medicaid; and
9. ensuring that community hospitals continue to offer medical and specialty care services.

5.0 WATER RESOURCES

5.01 DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) LEADERSHIP

Policy

VLCT supports:

1. ANR and DEC leadership securing the best outcomes for water quality benefits in each basin, and
2. ANR and DEC leadership resolving regulatory conflicts in favor of the programs or requirements that will produce the highest water quality benefits whenever compliance projects encounter conflicting requirements among programs.

5.02 VERMONT CLEAN WATER ACT FUNDING AND IMPLEMENTATION

Policy.

VLCT supports:

1. ensuring that grants pay for federal and Vermont Clean Water Acts’ priorities;
2. no-risk funding for early project development including research, planning, design, and scoping to ensure implementation of successful projects that will implement mandates such as Municipal Separate Storm Sewer System (MS4) General Permits, Vermont’s Stormwater Total Maximum Daily Loads (TMDLs), Combined Sewer Systems, and Municipal Road General Permits (MRGPs);
3. a statewide authority for the centralized collection of impervious surface or per parcel fees, development, and implementation of clean water projects; and
4. relief from permit compliance deadlines when corresponding funding is delayed or eliminated.

5.03 TOTAL MAXIMUM DAILY LOADS (TMDLs)

Policy.

VLCT supports:

1. directing the Agency of Natural Resources (ANR) to centrally track and publish data on the cost to construct TMDL-compliant projects to ensure consistency, transparency, and unified standards, and

allow permitted entities to pursue water quality gains elsewhere in their basin when the cost of treatment within regulatory boundaries reaches a threshold of cost;

2. fair, effective, and efficient spending of local, state and federal dollars to achieve TMDL goals;
3. subjecting potential mitigation efforts to a cost-effectiveness analysis and basing implementation on that analysis;
4. reducing runoff from non-point sources of pollution on all properties; and
5. timely responses from ANR at all levels and in all programs regarding conditions required in permits and permit renewals, and clear guidance for implementing those conditions.

VLCT opposes:

1. re-opening facility permits to amend them before their five-year terms expire; and
2. adjusting permit discharge limits to reflect their historical performance.

5.04 POTABLE WATER AND WASTEWATER SYSTEM PERMITTING

Policy.

VLCT supports:

1. requiring ANR to enforce the provisions of the Wastewater System and Potable Water Supplies Program, including repairing or replacing failed on-site septic systems;
2. sufficient grants or no risk funding to municipalities to protect public health by ensuring potable water supplies;
3. in-state solutions to handling wastewater residuals and bio-solids by providing for continued land application while preserving valuable and limited in-state landfill space;
4. regulating emerging contaminants at the source instead of the point of discharge;
5. redefining the term “waters of the state” to exclude constructed waterworks such as reservoirs, settling ponds, and any infrastructure related to water supplies;
6. managing and regulating drinking water treatment residuals separately from wastewater residuals;
7. addressing the regulation of emerging contaminants in a science-based and technically and economically feasible manner; and
8. eliminating duplicative state permitting of connections to water and wastewater utilities.

5.05 PRIORITIZING ENVIRONMENTAL PROJECTS

Policy.

VLCT supports:

1. implementing integrated planning so municipalities can prioritize municipal Clean Water Act responsibilities and investments in compliance activities according to greatest need;
2. requiring ANR to use a system similar to the Integrated Planning Approach Framework that allows municipalities to prioritize permitting requirements and schedule municipal investments to achieve compliance based on their financial ability, including relief from statutory deadlines;
3. limiting the right of third parties to appeal approved integrated planning and implementation schedules; and
4. new sources of adequate funding to help currently unserved or underserved municipalities provide wastewater and water supply facilities in designated areas that currently do not have those facilities.