

Legislative Alert: Municipal Ethics Bill Could Preempt Local Authority

February 23, 2024



The House Committee on Government Operations and Military Affairs is likely to send a bill to the full House soon that would create new statewide ethics standards and duties for municipal officials, preempting local authority for thousands of elected and appointed municipal officials in Vermont.

Scroll down for the list of committee members' names and the towns they represent. **If your town is included, VLCT suggests that you contact that representative and request they reconsider and allow more municipal voices to be heard.**

If your town is not represented by this committee, [please contact your representative](#) and ask for a solution that includes local solutions and not a Montpelier mandate. The preemption of local authority is a concern to all municipalities.

Provisions in the [most recent version of the bill](#) would:

- Wedge the state between elected municipal officials and voters, decreasing local control
- Establish the first-ever mandatory training for municipal officials – ethics training
- Establish prohibited conduct that may unintentionally impede the ability of our smallest towns to operate
- Require municipalities to appoint an ethics officer, investigate ethics complaints, keep records of complaints, and provide those complaints to the State Ethics Commission
- Give the State Ethics Commission the ability to issue opinions on municipal ethics inquiries

This is a “committee bill,” which is why it doesn’t have a bill number. Unlike traditional bills, which must be drafted by a certain deadline, committee bills receive special privilege and are especially unpredictable and difficult to follow.

VLCT has provided the committee with an alternative approach that recognizes local control but also codifies new municipal ethics requirements, including:

- Directing municipalities to adopt new ethics policies that meet state definitions to ensure municipal officials hold themselves and each other accountable
- Supporting VLCT’s work to train, create model policies, and answer municipal officials’ questions about ethics and conflicts of interest
- Giving voters the ability to recall elected officials to hold them accountable should they violate municipal ethics or conflict of interest policies

Please consider contacting your representative and members of the House Government Operations and Military Affairs Committee immediately.

The committee may plan to vote the bill out to the full House next week, despite having heard from only two municipal officials. **You may wish to include the following points:**

- Municipal legislative bodies should create and adopt their own ethics policies. VLCT has suggested a compromise that requires municipalities to adopt policies that comply with a set of state issued standards. This compromise respects local control while improving ethics compliance by making municipalities more aware of the law.

- The policy the committee is considering appears to have been modeled on the state's ethics code and the municipal ethics code of places like Rhode Island and Massachusetts. Vermont local government relies much more heavily on volunteer municipal officials and has smaller communities than Vermont's state government or municipal governments in Rhode Island or Massachusetts. A different approach is appropriate in Vermont so that you don't accidentally hamstring our smallest municipalities, which inherently have more conflicts of interest.
- VLCT does a very good job of providing training, model policies, and legal advice to municipalities as they implement and navigate ethics and conflicts of interest. The bill appears to ignore all of that – and would require a state government entity to extend its authority over municipalities. This seems wasteful and disregards the resources that municipalities have already created through VLCT.
- I'm very concerned that the state is going to require ethics training for every municipal official. What if someone refuses? Will the state remove them from their position? What are the consequences? And is it appropriate that the state would censure or remove a local official whom local voters elected?
- OPTIONAL: Say whether your town has adopted VLCT's model conflict of interest policy (<https://www.vlct.org/topics/ethics-and-conflicts-interest>) or a similar ethics policy. This is especially important given testimony the committee has heard that municipalities may not have such policies in place, and those that do have policies may not follow them.

Guidelines for when requesting consideration from a legislator

- Give credit and say thanks
- Be concise and offer solutions
- Make your conversation personal
- Give the local angle
- Be an *accurate* resource
- Don't be a stranger: cultivate the larger relationship of which this is only a part

Also, know that while email leaves a record that can be stored and referred to later, legislators receive so many emails every day that many go unread despite legislators' best efforts. So if you send an email, follow up with a phone call to remind the legislator of your message.

Members of the House Committee on Government Operations and Military Affairs

Committee Member	District	Towns	email
Rep. Michael McCarthy	Franklin-3	St. Albans	mmccarthy@leg.state.vt.us
Rep. Matthew Birong	Addison-3	Addison, Ferrisburgh, New Haven, Panton, Vergennes, Waltham	mbirong@leg.state.vt.us
Rep. Mark Higley	Orleans-Lamoille	Eden, Coventry, Irasburg, Jay, Lowell, Newport, Troy, Westfield	mhigley@leg.state.vt.us
Rep. Lucy Boyden	Lamoille-3	Cambridge, Waterville	lboyden@leg.state.vt.us
Rep. Seth Chase	Chittenden-20	Colchester	schase@leg.state.vt.us
Rep. Lisa Hango	Franklin-5	Berkshire, Franklin, Highgate, Richford	lhango@leg.state.vt.us
Rep. Philip Jay Hooper	Orange-Washington-Addison	Granville, Braintree, Brookfield, Randolph, Roxbury	phooper@leg.state.vt.us
Rep. Robert Hooper	Chittenden-18	Burlington	rhooper@leg.state.vt.us
Rep. Michael Morgan	Grand Isle-Chittenden	Alburgh, Grand Isle, Milton, North Hero, South Hero	mmorgan@leg.state.vt.us
Rep. Michael Mrowicki	Windham-4	Dummerston, Putney	mmrowicki@leg.state.vt.us
Rep. Kate Nugent	Chittenden-10	South Burlington	knugent@leg.state.vt.us
Rep. Chea Waters Evans	Chittenden-5	Charlotte, Hinesburg	cevans@leg.state.vt.us