

Op-Ed: Municipal Officials Weather a Tough and Busy Legislative Session

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2024 Legislative Session Op-Ed by Ted Brady, Executive Director, VLCT

I have always taken the same approach to dealing with the legislature as I do to dealing with Vermont's weather: if you don't like it, just wait a few minutes, it'll change. Seems fitting to use that analogy after a session marked by a huge incoming freshman class of legislators. But I'm also referring to the attitude of the legislature, especially when it comes to their appreciation and support of Vermont's municipal officials.

The sunniest days of the 2024 session were in the early days when legislators quickly passed generous flood relief for our most-impacted towns. There was consensus on the need for funding for climate change resiliency infrastructure. And the legislature began a march toward deferring development review to local land use decisions by exempting from Act 250 communities with robust planning in historically settled areas.

VLCT backed changes to Act 250 in [H.687](#), which passed both bodies of the legislature in the final hours of the session. If the bill becomes law – a big if given the governor’s threatened veto – some municipalities will be allowed to opt out of Act 250 jurisdiction, while others will have new tools to protect the most environmentally sensitive areas of their community. Unfortunately, that same bill includes new municipal pre-emptions that are sure to irritate some VLCT members, including a new permitted right for quadplexes anywhere there is water and sewer and less input into the conversion of motels into permanent housing. One provision will also set a more aggressive timeline for municipal development review panels to meet after receiving an application (120 days).

Another brief stretch of great weather showed up in the final days of the session, when, after several decades of advocacy, the legislature finally greenlighted giving municipalities the ability to adopt local option taxes by vote at an annual meeting or special meeting ([H.546](#)). The Senate Finance Committee, under the leadership of Senator Ann Cummings (Washington County), brought the issue to the House again this year (which we believe was the fifth time in as many bienniums). The House Ways and Means Committee – and their conferees, Representatives Emilie Kornheiser, Carl Demrow, and Julia Andrews – responded to VLCT’s testimony and an accommodating Department of Taxes by striking a deal that allows up to five municipalities a year to adopt the tax without the need to seek further legislative approval.

Remember that line of thought about changing attitudes? Here it comes. Both the Senate and the House passed the first-ever training requirements for city, town, and village municipal officials. The House Government Operations Committee created the monster that is a new mandatory ethics training. The Senate Government Operations Committee created an Open Meeting Law training requirement. VLCT opposed these requirements, in part because creating an unenforceable law is just bad policy. Those advocating for the new requirements were quick to dismiss the new unfunded mandates as "no big deal", "in your best interest", and "absolutely necessary". As the state's leading provider of ethics and Open Meeting Law training to municipal officials, VLCT had hoped our expertise would be listened to.

The ethics training was included in a bill we flagged for members multiple times, [H.875](#). The bill discards a five-year-old law that centered ethics rules and enforcement at the local level

and replaces it with a uniform code of ethics, training requirements, investigative requirements, reporting requirements, and new whistleblower protections for municipal employees. The bill was worse when the House passed it, including language that allowed anyone to take legal action against any municipality or municipal officer suspected of an ethics violation – a risk no state employee, officer, or legislator would have been exposed to. While the bill leaves investigation and enforcement at the local level currently, multiple legislators charged the Ethics Commission with evaluating what centralizing investigations and enforcement at the state level might look like. Fortunately, that wasn't codified in this bill, but stay tuned.

On the final day of the legislative session, the two bodies also came to agreement on a bill that makes the largest permanent overhaul to Vermont's Open Meeting Law in recent memory. VLCT successfully advocated to retain the ability of some municipal bodies to continue meeting remotely, while other bodies will need to return to pre-COVID Open Meeting Law with a few new caveats. The bill is far from perfect, and we imagine it will be the source of several legislative fixes as the years go on.

VLCT will provide a full Legislative Wrap-Up after the likely veto session anticipated in mid-June

Expect updates on legislative action related to:

- education property tax increases
- municipal tax sales
- retail and property theft
- emergency medical services
- animal welfare
- banning firearms at polling places
- regional governance
- new municipal cannabis regulatory authority
- property valuation reform
- emergency management
- and more

To help you be prepared for any imminent changes to the law affecting municipal officials, VLCT has prepared a quick overview of [the bills we were watching on the last day of the](#)

session and a post-session update with three bills to be aware of.

Until mid-June, I would encourage all municipal officials to carry an umbrella. It won't keep you safe from the impacts of the legislature, but at least you'll be dry when you read about them.