

Reaction of VLCT Executive Director Ted Brady On Enactment of H.875

June 11, 2024



“VLCT supports establishing clear ethical standards of our public officials and holding them accountable. VLCT helps dozens of communities a year do exactly that through training, legal advice, and model policies. Unfortunately, this expertise was largely ignored, in favor of a state-knows-best approach that demonstrates a fundamental distrust of municipal government and burdens municipal officials with onerous training, reporting, and investigation requirements without a single new dollar to help them or the State Ethics Commission comply. Despite these concerns, VLCT stands ready to help municipalities meet these new obligations.”

BACKGROUND:

Since 2019, every Vermont city, town, and village has been required to have an ordinance or policy in place that defines a conflict of interest and outlines an enforcement policy (24 V.S.A.

§ 1984 and 24 V.S.A. § 2291). VLCT believes most municipalities have complied with this law and it has helped many come into compliance at no cost to the State of Vermont. H.875 repeals the local bodies' requirement to adopt these policies and largely voids those enacted in favor of a uniform code of municipal ethics.

The bill creates the first-ever training requirement for thousands of elected officials, and it tasks towns with maintaining training records. These new requirements only apply to town, city, and village municipal officials while exempting school board members and other municipal officials. The establishment of mandatory training runs counter to the democratic process where voters decide who will run their government, not a state litmus test of morality, character, or competence.

The bill requires cities, towns, and villages to investigate any ethics complaints and maintain records of the investigations. And the bill requires towns to report to the Ethics Commission a summary and outcome of every complaint that a municipality receives. These new responsibilities will be hoisted on municipal officials who are already overworked and under resourced, with no guarantee that the new work will serve Vermonters better than current law.

The State Ethics Commission will become responsible for training and interpreting the new uniform code of municipal ethics – without any new resources to do so. Given VLCT's familiarity with this topic and the work our cities and towns undertake to comply with this law, VLCT is skeptical that the Commission is prepared to handle this workload with its current staffing and resources. As a result, there will undoubtedly be future appropriations requests, and the state will be forced to grow bureaucracy at the State Ethics Commission instead of using those resources to support desperately needed capacity in local government.

VLCT is also concerned about the proposed changes to the composition of the State Ethics Commission. We support including a municipal voice on the Ethics Commission, but for the first time, this bill charges political entities to make appointments to the Commission. The Speaker of the House and the Senate Committee on Committees were given authority to appoint one former municipal official each to the Commission, with no input from VLCT or any other non-partisan entity.

The most effective way to cure unethical behavior is to remove an elected official from office. The only way to do that is to grant municipalities the authority to implement recall elections, something the State of Vermont has given to 14 cities and towns across Vermont but is not

addressed in H.875. The voters should be responsible for holding local elected leaders accountable.

Despite our objections to H.875, VLCT stands ready to work with municipalities and the State Ethics Commission to ensure that municipal officials hold themselves to the highest ethical standards.

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