

# 2008 MUNICIPAL POLICY

## PREAMBLE

Federal, state and local government must work in partnership. Local government activities can no longer be sustained fiscally or administratively without intergovernmental cooperation and mutual respect.

Intergovernmental partnership requires that local government retain sufficient resources and authority to contribute to the maintenance of a reasonable quality of life for all Vermonters. Federal and state legislators must:

- fund mandates;
- rescind mandates if implementation funds are not forthcoming;
- reverse the trend of pre-empting local government opportunities for action;
- assure that local government is enabled to enact innovative legislative measures without the requirement to seek approval from the state legislature;
- halt the shift of non-discretionary and burdensome requirements to the local level as a result of changing federal and state priorities and budgets; and
- provide all municipalities the opportunity to raise revenues from sources other than property tax.

Local government gets the job done, whether it be construction and maintenance of transportation infrastructure, police and fire protection, wastewater treatment and water supply, emergency management, recreation facilities or assessment of real property. We can do the job much better when state and federal governments enable the implementation of laws, policies and programs determined at the local level to be effective in solving local problems and meeting local needs.

We who administer, legislate and raise revenues at the local level believe that our service to the citizenry is most in tune with the needs of the community because of our accessibility. However, we ask that the Vermont Legislature and state government, as well as the Vermont Congressional delegation, join with Vermont League of Cities and Towns to strengthen and streamline the administrative, fiscal and policy relationship among the three levels of government.

Where this Municipal Policy is silent on a public policy issue affecting municipal government, it shall be the general position of the Vermont League of Cities and Towns to support provision of authority, autonomy and resources to cities and towns.

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# 1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

### 1.01 EDUCATION GOVERNANCE REFORM

Eleven years of continuous legislative tinkering with Vermont's education finance system is enough. Since originally opposing the imposition of a state property tax, the Vermont League of Cities and Towns has consistently supported legislative efforts to fix Act 60, to no avail. Act 60 and the trail of related legislation enacted since 1997 has left a Hydra-headed system of school governance with everyone and yet no one in charge; costs escalating at an unsustainable rate; and a finance system so incomprehensible to the taxpayers and voters that they have forsaken understanding it or participating in decisions affecting our schools. The 2007 legislative attempts to exert cost controls at the state level show it is no better situated to do so under the current bifurcated system than the voters or school boards are able to do locally.

It is time for all interested parties to agree that all present and future attempts to make the current system work have and will fail. The only way to re-establish clarity, comprehension and accountability to our education system is choose either to return to a system that is governed, managed and, to the extent allowed by our constitution, funded locally, or to complete the conversion to a fully state-run and financed system.

VLCT calls upon our state leaders to engage all Vermonters in an open, honest and thorough discussion and debate about which of these two paths we should follow and develop a list of the benefits and disadvantages of either path. The Legislature and Administration must select and then effect the selected plan by implementing constitutionally correct changes found to be in the best interest of Vermont.

### 1.02 INTERIM EDUCATION FINANCE AND ADMINISTRATION REFORM STEPS

While this debate is being conducted and our path chosen, VLCT calls for the following intermediary steps be taken:

#### ***A) Reduce our heavy reliance on property taxes***

- Repeal the homestead education property tax and income sensitivity system and replace it with a resident education income tax with a rate that varies in proportion to per-pupil spending in each school district.
- Retain the uniform nonresidential education property tax with its rate set annually to generate approximately 38% of Education Fund revenues.
- Assure that renters are not subject to paying both the nonresident property tax (through their rent) and the resident education income tax.
- Design the resident education income tax such that its impact on the highest income Vermonters does not create "tax flight."
- Changing the revenue source for funding education cannot be an excuse to ignore addressing the cost side of the education finance equation.

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- Limit the use of the Education Fund to local school expenses and cap the statewide education property tax rates.

### ***B) Control education spending without interfering with local decision-making***

- Provide significant financial incentives to school districts that consolidate governance structures and school facilities and services that can be shown through an economic impact study to reduce costs and enhance educational opportunity. Examples could include lowered base education tax rates, state assumption of capital debt, state purchase of excess school buildings for renovation and reuse. Such incentives would be available only for school district consolidation initiatives for facilities and/or district governance that can be shown to save taxpayer money. Revenue for such incentives could come from reserving some of the additional Education Fund revenues generated from rising property values for such purposes instead of using it all to lower state property tax rates.
- Require state Education Fund fiscal impact notes on any state legislative or administrative mandates. Require that any state legislative or administrative action that mandates local compliance expense also require the state to provide an equal amount of non-property tax state revenues to offset impact on property taxes.
- Sunset Act 82 of 2007 in 2010 to evaluate several of its features including the “Think-twice” school budget approval process and the “taxpayer information notice” required to be inserted in the property tax bills.

### ***C) Provide our schools with the resources they need to educate our children***

- Clearly delineate what core education expenses the state must provide through the Education Fund, what additional education services local voters could decide to provide at local expense and what the General Fund should support as human service programs.

### ***D) Fairly distribute resources and tax burdens throughout our state***

- Reduce the number and types of real and personal properties exempted from state education property tax.
- Until income is used to a greater degree to tax residents for their contribution to fund education, the “income sensitivity” base tax rate should be returned to and remain at 2%. The reduction in state education tax rates has been made possible only through the significant increase in the taxable value of property, so only the property tax base rates should be able to fluctuate.
- Reduce the use of the “current use” program as an opportunity to avoid taxes rather than to preserve agricultural and forestry lands.
- Include all forms of household income in determining state education property tax adjustments.

VLCT also believes that the 2008 legislature should focus on the following immediate issues:

- E) Assure that all Education Fund revenues be used only for payments to school districts and supervisory unions for expenses approved by the voters, short-term borrowing to meet Education Fund cash flow requirements, homestead tax relief payments and reappraisal and grand list assistance payments to towns. Use revenue generated from grand list growth only for education purposes or property tax rate reduction and not to lower the General Fund

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commitment to funding education, or to lower the homestead property tax income sensitivity adjustment. Redirection of current non-property tax Education Fund revenues must be replaced dollar for dollar from a state source other than the property tax.

- F) Continue to contain school costs by reducing state and federal mandates and providing local school boards and voters incentives to find ways to reduce costs at the local level.
- G) Correct the statewide equalization process in order to achieve fairness and equity across all municipalities prescribed in the superior court decision, *In re: Town of Killington*, regardless of the Supreme Court decision that reversed it. Mandate a period for public comment and review prior to implementation.
- H) Continue to be responsive to the needs of local officials and make changes necessary to assure the efficient implementation of Act 68 and Act 76. Specifically, make the following changes to simplify the process for taxpayers and municipal officials:
  - 1) If Vermont continues to have a statewide education property tax, the state should bill and collect that tax. If towns are required to bill and collect the statewide education property tax, the state should send any property tax adjustments directly to the taxpayer. However, if the towns are required to bill and collect the statewide education property tax and the property tax adjustments are sent to the town, then any data or documents associated with that process should be public.
  - 2) The state must notify towns of school tax rates much earlier than current practice.
  - 3) Correct the problems with school property account numbers (SPANs) for multiple contiguous parcels.
  - 4) The state must do a better job of informing taxpayers of their responsibility to provide the necessary information for correct and timely education tax billing and the consequence for failing to do so. Fully reimburse towns for the extra work involved in dealing with late-filed HS-122 forms. Directly incorporate the information necessary for resident school tax status into the state income tax form.
  - 5) Provide additional resources to the Division of Property Valuation and Review to improve service and support to local listers.
  - 6) The state should appraise and set the fair market value of all utility property for tax assessment purposes in an equitable manner that results in no net loss statewide of municipal taxes.
- I) Expand the renter rebate program by increasing the rebate and/or the household income threshold that qualifies renters for this program.

### 1.03 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

One of VLCT's highest priorities for the 2008 legislative session is to have the state fully fund all state payments in lieu of taxes (PILOT) programs (including for state buildings, Agency of Natural Resources land, capital city and Corrections Department facilities) on an ongoing basis. The state must expand PILOT to include all state lands. Value state buildings at full fair market value and all state land in accordance with local land schedules for PILOT purposes. Until

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proceeds from the local option taxes fully fund the state buildings PILOT, the state General Fund must fund any remaining balance.

### **1.04 LOCAL OPTION TAXES**

The legislature should enable all cities, towns and villages to adopt consumption taxes, sharing a portion of the proceeds with other municipalities.

### **1.05 UNFUNDED MANDATES**

The legislature should provide reimbursement for state mandates on local governments. When a change in state statute will produce a significant impact on local governments, the Joint Fiscal Office must prepare and make public a fiscal impact statement showing the administrative and implementation as well as service costs imposed on local governments by the particular piece of legislation before any state legislative or administrative action affecting them can be approved.

### **1.06 MUNICIPAL AUTHORITY**

Despite Vermont's small size and population, we are a state of vastly differing communities. These differences should be celebrated and encouraged. Therefore, VLCT strongly endorses Vermont joining 42 other states in enacting a constitutional "home rule" amendment as follows: "A city, town or village shall have the power, through approval by a majority of its voters, to adopt, amend, and repeal a charter of incorporation. A charter may authorize the municipality to exercise any legislative power or perform any function not specifically prohibited by the Vermont Constitution or general law. The powers and functions granted to cities, towns and villages under this section shall be liberally construed."

### **1.07 RECORD RETENTION**

With significant input from local officials, the legislature must compare all of Vermont statutes, records, and timelines with other states and upon completing a comprehensive review, propose any changes that will better balance the public need to know with the municipalities' ability to store, process and provide records.

### **1.08 OTHER PRIORITIES**

In addition to the six priority issues listed above, VLCT also supports legislation that would accomplish the following:

- A) Allow local voters to decide all property tax exemptions for municipal taxes, including those for business, personal, railroad and telephone property. Alternatively, the state may reimburse municipalities for all state-mandated property tax exemptions. Voters should have the authority to impose municipal service fees on those properties exempted by the state. Local voters should determine property tax exemptions for the education property tax without having to impose additional tax rates on the remaining grand list to replace lost taxes.

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- B) Establish an Advisory Commission on Intergovernmental Relations with authority to draft and recommend legislation designed to remediate intergovernmental problems.
- C) Amend the Public Records Law as follows:
  - 1) The fees for providing copies of the grand list, listers assessing records and zoning permits should be the same as for uncertified copies of records and documents on file or recorded.
  - 2) The fees for providing copies of public records must include the cost of all municipal staff time (including the first 30 minutes).
  - 3) If a board or commission is the custodian of a requested record, the two-business-day limit to respond to the request for a document should begin running from the time the board or commission meets and receives the request.
- D) Enable cities and towns to adopt ordinances that deny local permits and licenses to applicants who are in violation of specified city and town ordinances.
- E) Remove the Vermont Municipal Employee Retirement System (VMERS) from the state Treasurer's Office and allow the VMERS Board to determine the delivery of administrative services.
- F) Require municipal ratification of the county budget.
- G) Allow local voters to tax different classifications of property at different levels (e.g., tax classification).
- H) Allow local voters to apply the delinquent property tax penalty to late installments.
- I) Allow local liquor/tobacco and domestic pet license fees to be set and retained locally. Until then, the legislature should increase local liquor/tobacco fees to reflect inflation.
- J) Allow municipalities to charge "rights of way" fees for the use of public property.
- K) Require that all state rules, regulations, criteria and other administrative actions that have an impact on the operations of local government be implemented only after public notice and hearing.
- L) Define the residency of prisoners as their last legal address prior to incarceration.
- M) Make any statutory language specific to incorporated cities and villages apply to towns as well.
- N) Clarify the tax status of cable television personal property and designate cable company lines, poles and associated structures as real property for purposes of property tax assessment.

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- O) Require the state to notify listers of all businesses being conducted in town for education grand list maintenance.
- P) Authorize local liquor control commissions to revoke or suspend liquor licenses, and give licensees the right to appeal such decisions to the state liquor control board. The appeal should be on the record.
- Q) Assure that the state should not attach to locally collected fees (e.g., marriage or fishing licenses, public records requests) surcharges that must be turned over to the state.
- R) Expand the state sales tax to service transactions currently exempt from the tax.
- S) Enable the voters to recall elected officers who are convicted of a job-related crime while in office and allow them to establish a process to petition a town meeting vote to effect such removal. Upon its own motion, enable a local legislative body to temporarily relieve an elected officer of his or her duties for any period of time during which he or she is under indictment for a job-related crime. Upon petition and vote of the voters, a local legislative body shall temporarily relieve an elected officer of his or her duties for the period of time during which an elected officer is under indictment for a job-related crime.
- T) Grant all municipalities the right to adopt exemptions or expansions of general law granted to individual charter municipalities, except those that relate to taxation.
- U) Enable the voters to eliminate the positions of fence viewers, inspectors of lumber and weighers of coal.
- V) Assure that the legislature increases existing or imposes new state agency fees assessed against municipalities only when the agency can show a comparable increase in the costs, quality or quantity of the services provided.
- W) Develop a uniform definition of residency for all state and local government purposes.
- X) The legislature and the Tax Department must continue to refine the income approach of appraisal value used on subsidized rental housing projects to assure fairness for all property taxpayers. Additionally, the legislature and the Tax Department must work with local government assessors and local legislative bodies to determine an equally fair method of determining listed value of owner occupied homes subject to perpetual resale restrictions designed to assure perpetual affordability.
- Y) If the legislature implements instant runoff voting (IRV) for any of the six statewide offices and/or for federal elections, the legislature must provide state funding for any implementation costs (including voter and election official education) at the local level, as well as subsequent administrative or technological costs associated with IRV. The implementation of IRV must also satisfy the requirements of town clerks to have an election system that functions smoothly and effectively on election day.

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- Z) The legislature should not enact same day voter registration in the 2008 legislative session, choosing instead to focus the state's efforts on increasing one of the nation's highest voter participation rates on educational campaigns, voter registration drives, and the continued increased use of the absentee ballot/early voting system. The implementation of same day voter registration less than one year after the shortening of the voter registration deadline by two days will only serve to confuse voters and election officials alike.
- AA) With the substantial guidance of local officials, the legislature should undertake a comprehensive rewrite of municipal financial management statutes, primarily 24 V.S.A. chapters 51 and 53, which in many instances, have not been updated for decades if not centuries.
- BB) The Vermont Supreme Court decision in *Clift v. City of South Burlington*, 917 A.2d 483, 2007 VT 3 (2007) affirming municipalities discretion in presenting advisory articles to the voters, should not be overturned by the Vermont legislature.
- CC) The legislature should pass legislation establishing that municipal acceptance of state grant or loan funds does not obligate the receiving municipality to indemnify the state for actions taken pursuant to the grant or loan.
- DD) VLCT supports the creation of a local government investment pool.
- EE) Towns should not be forced to take over any non-municipal cemeteries.
- FF) The legislature should terminate the existing Municipal Land Records commission originally established in 2004 and extend all authority granted unto the Commission to the Vermont Municipal Clerks and Treasurers Association (VMCTA). VMCTA, through its membership of trained professionals is in a better position to improve the management and accessibility of land records through the use of emerging technologies.

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### **2.0 TRANSPORTATION**

#### **2.01 PRIORITY ISSUES FOR IMPLEMENTATION**

Because of the declining state of our existing transportation infrastructure, increasing citizen expectations, the expanding number and size of new transportation projects needing to be built, a decline in revenue from existing sources, the passage of SAFETEA-LU (the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users), and the increasing cost of construction, the state must immediately increase funding to meet our transportation needs and match available federal funding by:

- A) Continuing to reduce the percentage of and capping the actual number of dollars of non-transportation-related expenditures from the Transportation Fund, with the aim of determining the Transportation Fund's responsibility to pay for public safety on Vermont's transportation network and then eliminating the further transfer of Transportation Fund revenue to the General Fund.
- B) Increasing state Transportation Fund tax rates and/or fees, including gas and diesel taxes, motor vehicle and truck fees, and other revenue sources.
- C) Developing alternative and/or innovative funding sources, including local option taxes with revenue sharing provisions, general obligation bonds, revenue from General Fund sources (if the Transportation Fund revenue transfer is not eliminated), revenue bonds and Federal Highway Grant Anticipation Revenue Vehicles (GARVEE) bonds in order to meet the needs of Vermont's transportation infrastructure.
- D) Along with the federal government, committing the funding necessary in the coming fiscal years for the maintenance, repair, and replacement of the hundreds of structurally deficient bridges throughout the state to ensure that a tragedy similar to the one in Minnesota never happens in Vermont.

#### **2.02 FUNDING PRIORITIES**

- A) The legislature should direct the Agency of Transportation (VTrans) to institute a 5-year funding plan outlining how the state intends to compensate for the continual underperformance of Transportation Fund revenue sources in order to meet Vermont's transportation infrastructure needs and match all federal dollars made available by SAFETEA-LU. The additional burden must not be shifted to municipalities by increasing local match requirements or continuing to underfund infrastructure needs.
- B) Increase funding for the Class 2 Roadway Program to reflect the heavy municipal use of this program and the fact that road construction costs have risen sharply in recent years. Revise Class 2 program rules so that district transportation administrators (DTAs) can assure predictability and flexibility, enabling municipalities to complete projects in a timely and efficient manner. To achieve this, VTrans should allow for local management of projects whenever possible.

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- C) Continue to aggressively seek out and utilize the most efficient and effective transportation solutions that focus on total life-cycle cost analysis and simplifying implementation of projects. Apply this approach to the full implementation of the Vermont Design Standards as well as to project oversight and management, alternative funding, bidding and contracting methods.
- D) Increase state funding for the Town Highway Bridge Program.
- E) Ensure that the level of funding for the Town Highway Emergency Fund is sufficient to cover costs incurred by municipalities as the result of natural or manmade disasters.
- F) Prioritize improvements to those roads that constitute the state truck network for over-dimension trucks as well as U.S. Route 4 from the New Hampshire state line to the junction of VT 100 South.
- G) Make available state funding for all Class 1 local paving projects. Increase state funding for Class 1 local highway rehabilitation or construction.
- H) State aid for Class 2 town highways should account for “lane miles.”
- I) VTrans must partner with municipalities and other agencies to enhance and improve the recently created asset management/project priority program to ensure that local and regional priorities and the participation of local officials are as important as any other criteria in selecting projects. In determining where federal funds should be allocated, transportation spending decisions should address priorities, such as east-west and north-south corridors, with an eye towards system preservation, as determined through the regional planning process.
- J) Amend state statutes to reflect federal reimbursement levels for placing aerial utilities underground when working on major reconstruction projects in historic districts, downtowns and designated scenic byways.
- K) The state must reimburse municipalities for the cost of moving water and sewer infrastructure for projects mandated and/or managed by the state.
- L) Municipal membership in Regional Public Transportation Districts (RPTDs) must be pursuant to a municipal vote to join or leave, and RPTDs should not be authorized to levy any taxes on municipalities. Regional planning commissions or metropolitan planning commissions may not compel municipalities to require membership in RPTDs as part of local transportation or master plans.
- M) In light of rising fuel prices throughout Vermont and the nation, the legislature should increase state funding for public transit providers to improve Vermont’s public transportation network and access to it. The state should provide more “park and ride” lots, subject to local regulation, continue to upgrade existing lots while providing for long-term maintenance.

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- N) The state should install traffic signs and signals on Class 1 town highways.
- O) Restrict the Enhancement Program to projects that are more closely tied to the actual transportation of people and goods.
- P) Comprehensive engineering assessments of reasonably designed and priced alternative solutions to stop signs and traffic lights that address pedestrian and bicycle needs and safety, such as roundabouts, must become standard practice for management of traffic.

### 2.03 STATE AND LOCAL COOPERATION

- A) Expand the Local Transportation Facilities Division (LTF) within VTrans to allow more projects to be managed at the local level, thereby enabling local governments to complete projects in a timely and efficient manner. The legislature should also direct VTrans to fully implement the use of the Vermont Design Standards for LTF projects.
- B) Expand the District Transportation Administrators' (DTAs') flexibility and authority to work with local governments to provide technical assistance in implementing transportation projects. The DTA technician positions are an important and cost-effective resource for municipalities, especially smaller, rural communities. In areas where DTA positions have been reduced or eliminated the state should reverse its course and reestablish them.
- C) Increase coordination and communication among all planning divisions at VTrans.
- D) VTrans should continue to work with the various state permitting agencies, especially the Agency of Natural Resources, to expedite the permitting process and to implement local transportation projects.
- E) State and federal transportation officials should evaluate the regulations and standards pertaining to the design, construction and maintenance of transportation infrastructure, focusing on ways to allow more flexibility and greater local control and involvement.
- F) Eliminate Act 250 review of town highway maintenance and reconstruction projects, and nullify existing Act 250 permits for maintenance and reconstruction projects.
- G) The state should coordinate access management matters on state highways with local authorities and incorporate access management provisions that are delineated in municipal plans.
- H) Revise existing road design and traffic standards to better define village areas and better respect the complex traffic and infrastructure needs of Vermont's villages and downtowns.
- I) The state should promote efforts to share VTrans facilities with municipal highway departments in order to reduce costs.

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- J) The state should establish mutual aid agreements with municipalities that would provide for sharing of resources.
- K) The legislature should direct VTrans to re-examine the selection process for consultants in order to enhance the participation of qualified professionals, which in turn would help shorten the timeframe for construction projects. Where possible, qualified local consultants should be used.
- L) The state should expand its line painting operations on Class 2 highways to include the painting of all other lines upon the request of a municipality when center and lane lines are being painted. Those lines should be painted annually. Municipalities that request that service will reimburse the cost of painting those lines.
- M) Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.

### **2.04 COMMERCIAL VEHICLES**

- A) Municipalities must retain their permit issuance authority over all overweight vehicle traffic on local roads and authority to set fees for such. The state must subject commercial agricultural vehicles and custom agricultural service vehicles to local overweight permitting regulations.
- B) The state should establish a permanent fund for the repair of town roads damaged by agricultural service vehicles, which are exempt from having to obtain local overweight permits. If agricultural service vehicles are locally permitted, municipalities should be authorized to fine vehicle owners for violation of those permits.
- C) Allow overlength truck travel only through single-trip permits.
- D) The legislature should instruct VTrans to work with the federal government to set weight limits on interstate highways consistent with existing state highway weight limits in order to reduce the impact of overweight vehicles that are forced onto local roads.

### **2.05 ALTERNATIVE TRANSPORTATION AND RAILROADS**

- A) The state should encourage recreation path and bicycle lane development and other non-motorized modes of transportation. In doing so, the legislature should reverse the Agency's decision to gradually phase out the Bike and Pedestrian Facilities grant program. The state should advocate revising and relaxing federal standards for bicycle path and sidewalk construction for projects funded primarily with federal dollars. To avoid additional cost and time, the state should fund such projects without federal funds.
- B) Spend funds allocated for rail or related projects (such as the western rail corridor) solely on those projects.

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- C) The state should revitalize interstate and intrastate freight and passenger rail service and encourage appropriate siting and relocation of rail yards. This effort should be comprehensive and systematic and give preference to preserving and enhancing existing railroad corridors and infrastructure. The “existing corridor” definition should include contiguous or reasonably accessible sites necessary to accommodate technical improvements.
- D) Encourage intermodal rail facilities, which remove heavy commercial vehicle traffic from Vermont’s highways and rural roads.
- E) Rail networks need to accommodate double-stack trains. Intermodal freight transfer centers must be established at entry points to the state.
- F) Easy access to commercial airports should be an important consideration of the state in selecting and developing transportation projects.
- G) The legislature should establish a state funding source, such as a revolving loan fund or grant program similar to the Class 2 Paving and Rehabilitation program, for the construction and repair of municipal sidewalks.

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### **3.0 PUBLIC SAFETY**

#### **3.01 PRIORITY ISSUES FOR IMPLEMENTATION**

Vermont's local public safety officials join with all municipal officials in calling for the legislature to:

- A) Require the state to provide the very best training programs, at an affordable rate, for all levels of public safety personnel.
- B) Prohibit cost shifts and mandates to municipalities for providing any public safety service without full state reimbursement.

#### **3.02 PUBLIC SAFETY FUNDING**

- A) Provide municipal law enforcement agencies authority to recover any costs associated with complying with any federal, state or court-ordered licensing, registration and testing requirement.
- B) Fully fund and identify the transportation and housing needs of all prisoners, including those juveniles or individuals who are mentally ill or drug and/or alcohol impaired and who present a danger to themselves or the public.
- C) Reimburse municipalities on a sliding scale (e.g. 100 percent if hired within one year of graduation from the Academy, 75 percent for two years, 50 percent for three years) for the costs of training public safety officers who are hired by the state police.
- D) The state should reimburse municipalities for costs of providing emergency medical services for all persons lodged in state-owned facilities including those who are incapacitated.

#### **3.03 PUBLIC SAFETY TRAINING**

- A) Provide the Fire Academy with adequate and stable funding for certified training programs for all full-time, part-time and volunteer firefighters. The state must also provide adequate resources (manpower, equipment, etc.) to support the certified training activities.
- B) Adequately fund the Criminal Justice Training Academy (the Academy), so that local law enforcement can be assured that police officers are trained and "on the street" in a timely manner. Provide funding to stimulate participation in council-sponsored in-service training programs, including supervisory training.
- C) Increase the portion of civil fines that are deposited in the Criminal Justice Training Council Special Fund.

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- D) Provide appropriate, affordable training for all public safety personnel and provide implementation funds for any training requirements mandated for local first responders.
- E) Provide tuition credits to municipalities that contribute employees to instruct and/or act as training assistants at the Academy.
- F) Include all users of the Academy in any efforts to review and/or reorganize the structure and funding for local first responder provider training.
- G) Municipalities use the Fire and Police Academies more than other entities. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training Council that reflects the significant majority usage of the Academy by local governments.
- H) Enable the Criminal Justice Training Council to decertify law enforcement officers who are dismissed for cause.

### **3.04 PUBLIC SAFETY EMERGENCY RESPONSE**

- A) Volunteers who give their time and energy for the good of their communities are an essential part of Vermont's public emergency response system. New regulations should balance the benefits to the community with the limited time available to volunteers.
- B) Involve relevant local personnel in discussions about any changes in laws or regulations governing how local public safety personnel respond to emergency incidents, particularly those involving hazardous materials.
- C) Allow a test for pathogens for persons treated by or taken into custody by emergency responders when there is reasonable belief that exposure to a blood borne pathogen has occurred.
- D) Support and adequately fund development (with municipal participation) of an early warning system for hazards, pandemics and public safety emergencies.
- E) Develop an emergency response fund to cover non-transportation related disaster recovery costs incurred by local governments that do not meet the Federal Emergency Management Agency (FEMA) thresholds.
- F) Establish an electronic information system that will provide public safety and emergency management personnel the correct information at the right time for the right purpose.
- G) Develop a contingency fund to provide the state match required to requisition FEMA disaster funds.
- H) Support the continued development and sustainability of an interoperable communications system that allows all emergency service agencies and personnel to communicate with one

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another in emergency situations. The system should continue to be developed in an efficient and cost-effective manner, and not as the result of an unfunded mandate.

- I) Provide seed funding to create a model program for regional dispatch services.

### **3.05 YOUTH**

- A) Develop and adequately fund a coordinated and comprehensive approach to address the needs of youth under the age of 21 to give all young Vermonters a chance to succeed.
- B) Increase state resources for intervention, prevention and recovery programs for youth.
- C) Traffic crashes are the leading cause of teen fatalities, accounting for 44% of teen deaths in the U.S. One out of every five 16-year olds will be in a car crash. The legislature should strengthen graduated driving license requirements and assist with meaningful parent/guardian involvement in driver education. The legislature should also provide that the sanctions levied upon a driver under 18 who has been charged with a motor vehicle violation should continue past the driver's 18<sup>th</sup> birthday until the case is adjudicated. Support graduated driving license enhancements, including but not limited to primary enforcement of seat belts and measures to reduce highway deaths.

### **3.06 CORRECTIONS COMMUNITY**

- A) Channels of communication need to be open to ensure that municipal officials have information necessary to address both needs of offenders and needs of their communities as well as to provide feedback to the Department of Corrections (DOC) regarding impacts to the community.
- B) Establish regulations that require the DOC to provide adequate supervision for inmates housed in community settings.
- C) The DOC must provide municipal officials with the opportunity to participate in decisions concerning the number and type of offenders supervised in a community.
- D) Provide funding to ensure that offenders housed in community settings receive adequate supervision by DOC personnel and adequate support services. This must include juveniles and individuals with mental illness or drug or alcohol dependencies. Substituting electronic monitoring for field supervision officers does not constitute adequate supervision.
- E) Include the local public safety community in decisions about placing individuals under the supervision of the DOC in proposed host municipalities. The DOC must respect municipal zoning in approval of housing for offenders, especially as it pertains to use of motels.

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### **3.07 ASSISTANCE TO THE PUBLIC SAFETY COMMUNITY**

The following legislation and administrative actions would provide much needed assistance to the public safety community:

- A) Revise the Vermont motor vehicle fine revenue system to include payment of all Title 23 fines to any municipality that enforces a state law.
- B) Create a comprehensive criminal code.
- C) Authorize municipalities to retain the criminal fines generated as a result of municipal action.
- D) Expand the real estate forfeiture law by dedicating all forfeiture proceeds to the apprehending agency. If the apprehending agency is a municipal department or contracted by a municipality, the forfeitures must be returned to the municipality. The state forfeiture law should be aligned with federal law.
- E) Establish on-site state inspection of amusement rides and a certification program for amusement ride operators and circus facilities.
- F) Establish regulations regarding the housing of mental health clients in community settings that address the needs and circumstances of the potential host municipality.
- G) The state should prohibit the possession of firearms and other weapons within municipal buildings as is the case in court houses, schools and state buildings.
- H) The state should study how to assist municipalities to retain and recruit volunteers in the public safety community.

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### 4.0 QUALITY OF LIFE AND ENVIRONMENT

The following items are the priority issues of the Quality of Life and Environmental Committee in 2008.

#### 4.01 HEALTH CARE

All state health care laws, rules and policies must help achieve the following goals:

- A) Before creating any new, or expanding existing state health care programs, fix Medicaid. Catamount Health will begin to address the cost shift associated with the uninsured. However in Vermont, private insurance is paying \$90 million in “surcharges” this year to make up the difference for hospitals from Medicaid underpayment. The state’s budget for Medicaid, \$114 million this year, does not adequately address that cost shift.
- B) Assure that an appropriate number of health care providers and services are available to meet the needs of all Vermonters. Encourage adequate numbers of individuals to seek training and employment in health care fields. Encourage the development of new technologies and treatments for improving health.
- C) Educate consumers about the benefits of both healthy lifestyles and preventive health care, and provide incentives to live healthy lives, therefore reducing health care costs.
- D) Contain the escalating costs of the entire health care system over the long term by improving efficiency in delivery of health care services.. Reforms and programs, including Catamount Health, that are already in statute need to be implemented, fully funded and found to be effective before the legislature enacts further reforms or expansions. None of the reforms being implemented will fully succeed if costs are not controlled.
- E) All stakeholders in the system need to be involved in developing a workable health system. Specifically, the state needs to include employers in the discussion.
- F) Recognize that Vermont is one of many states which are also in the process of enacting and implementing health system reforms. Take advantage of insurance companies’ offerings and innovation driven by competition.
- G) Ensure that health care consumers have available and take advantage of disease management and case management services. Health system change goals must include preventing chronic diseases from developing or worsening in individuals. Prevention efforts must work to keep healthy people healthy and help at risk individuals reduce or eliminate their risk factors. Individuals with chronic disease must receive treatment and assistance designed to control their disease.
- H) At a minimum, assure that health care consumers receive the level and quality of care needed. Changes in the medical provider system that focus on treatment and management of chronic disease need to be tied to measurable and demonstrated results. It is not enough to

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provide additional compensation to providers who agree to participate in this process. This approach needs to show results based on best practices and to demonstrate that providers interventions are resulting in better quality health care, better value, and better quality of life for consumers.

- I) Distribute the costs of health care services fairly and transparently.

In addition, any health care system used must:

- J) Provide a universal patient data system available to all health care providers; data on quality of providers of health care; data on the true cost of services, prescription drugs, and durable medical equipment; and information on medical best practices, all of which provide transparency and efficiency in the system.
- K) Provide effective oversight of hospital capital budgets.
- L) Align medical malpractice law with the goals of health system reform, including a reduction in the practice of “defensive medicine” (the prescribing of tests and procedures to cover the provider’s potential liability).

### 4.02 HOUSING

- A) Individuals at all income levels must have adequate housing available to them. Affordable neighborhood programs should be enacted so as to encourage the development of mixed income housing in areas and at densities designated by a municipality as appropriate, including but not limited to designated downtowns, village centers, new town centers or growth centers.
- B) The state and federal government should increase funding for all forms of affordable housing.
- C) The state should provide incentives for the construction of housing in areas accessible to jobs, transportation and locally designated growth centers, new town centers, historic villages and designated downtowns. State regulations affecting land use should balance the need for housing with needs to protect the environment in which such housing may be built.
- D) Municipalities should be enabled to establish incentives and requirements for developing housing affordable to all buyers and renters that allow individuals and families to stay in Vermont and that encourage economic development. For instance, statutes enabling density bonuses in zoning bylaws should be strengthened.

### 4.03 ACT 250 AND STATE PERMITS

Vermont municipalities support efforts to make the permit process more efficient. The following principles should guide those reform efforts:

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- A) Consolidate and expedite all state permit processes required for municipal projects.
- B) If a local or state permit decision is made subsequent to appropriate hearing and review, issues addressed in that decision should not be revisited in another forum such as Act 250.
- C) Municipalities should not be penalized when local officials discover problems, disclose them to proper agencies, and comply voluntarily.
- D) Eliminate Act 250 review of projects in municipalities that have duly adopted municipal plans approved by the regional commission and zoning and subdivision regulations in place, if the local legislative body votes to eliminate such review.
- E) Any survey or study completed by a municipality that complies with Act 250 standards should satisfy any subsequent Act 250 requirements or proceedings.
- F) The legislature should restructure the Agency of Natural Resources as an effective, efficient agency with adequate resources to implement permit processes in a timely manner.

### **4.04 GROWTH AND LOCAL LAND USE**

The state must provide local governments authority as well as financial and technical resources to manage growth and land use in their municipalities. All state programs must provide strong incentives and regulatory relief to encourage growth in tax increment financing districts (TIFs), designated downtowns, new town centers, village centers, growth centers and where and when appropriate, on remediated brownfield sites.

- A) Allocate one-half of all property transfer tax revenue in excess of that generated by a tax rate of one-half percent to cities and towns for municipal planning purposes, as stipulated in Act 200.
- B) Clarify the definition of “scattered development” to ensure that development in locally planned growth centers and designated downtowns, new town centers or village centers is permitted pursuant to the same standards as development in an existing settlement.
- C) Municipalities must be allowed to determine the size and location of commercial developments within their communities.
- D) The legislature must enable municipalities that provide for the location of state or community owned and operated institutions and facilities, to regulate their development in those specified locations.
- E) Provide strong incentives, including streamlined permitting, for locating development in locally designated downtowns, existing downtowns and village centers, and new town centers.

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- F) Enact into law the practice of appropriating at least 50 percent of any funds received by the state from the federal Land and Water Conservation Fund or similar funds to support local conservation and recreation projects.
- G) Federal and state governments must work with local governments to assure the appropriate location of facilities they own or lease in downtowns.
- H) Eligibility for municipal planning grants should not be conditioned on approval of the municipal plan by the regional commission.
- I) Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities, (24 V.S.A. § 4413 (d)) including construction and use of farm structures, through zoning bylaws.
- J) Strengthen municipal authority to regulate junkyards and junk motor vehicles through permitting and ordinances. Move state jurisdiction over junk motor vehicles and junkyards from the Agency of Transportation to the Agency of Natural Resources and provide for strengthened enforcement at the state level.
- K) Applications for land use permits when local land use regulations are being amended or proposed shall be reviewed pursuant to the bylaws in effect at the time a complete application is submitted. Amend Title 24 § 4449(d) to establish this practice.
- L) Municipalities must retain local permitting authority over cell towers and broadband/wireless facilities.
- M) Apply the requirement that a municipal decision be rendered in 45 days or the permit is deemed approved to all other permitting processes, including those of the state.
- N) The state should provide a master management plan for all structures it owns or leases. The plan should conform to duly adopted municipal plans and should be reviewed and updated periodically.

### **4.05 SOLID WASTE AND WASTEWATER**

Legislation regarding solid waste and wastewater disposal, handling or processing should recognize the important role played by municipalities in assuring environmentally sound and cost-effective processes.

- A) Limit municipal liability for hazardous materials incidents at permitted facilities that conform to all state and federal regulations.
- B) The State of Vermont Solid Waste Management Plan should be flexible, and truly enable local governments to determine the most appropriate collection, storage and treatment methods for sewage, solid waste, wastewater and recyclables.

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- C) Allow alternative or innovative processing technologies for septage, biosolids and special waste based on documented scientific research.
- D) Issue facility permits and certifications in a timely manner and regulate the entire treatment process in a single permit. Issue permits for facilities based on the useful life or capacity of the facility.
- E) The legislature should amend the beverage container law to include additional types of beverage containers. The deposit should be increased and a portion of revenues designated for compliance and enforcement of the statute.
- F) Eliminate any additional permitting of sludge storage facilities attached to wastewater treatment facilities.
- G) Revise the criteria for being included on the Agency of Natural Resources' priority list for funding of wastewater treatment and stormwater projects.
- H) Continue to fully fund the state wastewater revolving loan fund so that all available federal funds are utilized.
- I) The Agency of Natural Resources should relinquish all involvement in permitting or allocating municipal water or wastewater resources, including charging of permit fees.

### **4.06 WATER RESOURCES**

State and federal government should seek to protect our significant water resources when promulgating and implementing water and wetlands laws.

- A) The state should provide financial and technical support to municipalities in order to implement the Clean Water Act through locally appropriate watershed plans and stormwater management provisions that will promote the health of both the economy and environment.
- B) Clarify that the highest priority use of Vermont water resources is to provide clean and sufficient supplies of public drinking water.
- C) Make Homeland Security funds available to protect water supplies and public infrastructure from terrorist attack.
- D) Allow municipalities to regulate the application of herbicides and pesticides through ordinances that are at least as stringent as state standards.
- E) Develop more specific and consistent Vermont wastewater and water supply allocation standards that reflect current technology.
- F) The state must assure that adopted total maximum daily loads (TMDL) and the associated regulations to implement them are not changed to the disadvantage of municipalities who are

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undertaking the work in good faith and at enormous expense. Agency of Natural Resources and state efforts should be concentrated on reducing stormwater runoff from non-point sources. According to the *2006 Clean and Clear Action Plan* (p. 36), nonpoint sources account for more than 90 percent of stormwater discharges.

### 4.07 AIR QUALITY AND ENERGY CONSERVATION

The state and federal governments need to work with local governments to assure them the financial capacity, flexibility and broad statutory authority to implement energy conservation policies and alternative energy strategies, particularly innovative projects that will save money at the local level and reduce greenhouse gas emissions.

A) The Vermont Legislature should:

- 1) encourage recreation path, sidewalk and bicycle lane development and specifically direct VTrans to streamline programs to make it easier and cheaper to build pedestrian and bicycle paths;
- 2) provide ongoing support to municipal efforts to reduce reliance on fossil fuel in both transportation and heating arenas, including alternative fuel vehicle fleets and public transit;
- 3) provide ongoing and significant support for smart growth development;
- 4) enable municipalities to purchase streetlights;
- 5) simplify the permitting process for very small hydroelectric projects;
- 6) enable municipalities to take advantage of micro-grid, net metering or other opportunities for generating power locally from renewable sources that would be available to public and private facilities;
- 7) encourage integration of transportation demand management into local land use plans (Transportation demand management refers to various strategies to change travel behavior in order to increase transport system efficiency.)

B) The federal government should work with local governments to develop and implement a reliable, equitable, renewable and environmentally responsible energy policy.

C) The state and federal governments should not force municipalities to remedy air quality problems produced outside their borders.

### 4.08 PUBLIC HEALTH

Local officials were notified in June that due to budget cuts at the Vermont Department of Health, the program to support Town Health Officers has been eliminated. That program should be reinstated. Under current law, Town Health Officers must be recommended for appointment to the commissioner of the Department of Health who approves those appointments. If the Department's final decision is to abandon the Town Health Officer program, Title 18 chapter 11 should be amended to enable local legislative bodies to directly appoint a Town Health Officer if they find that office to be necessary, and to establish the responsibilities of that office.

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### **4.09 ENCOURAGING AND SUPPORTING MUNICIPAL ACTION**

VLCT supports legislation that would accomplish the following:

- A) Strengthen municipal authority to regulate sexually oriented businesses consistent with the United States Constitution and current case law interpretation.
- B) Require the U.S. government to abide by Vermont state statute that requires consent of the local legislative body prior to acquiring land for the Green Mountain National Forest or under provisions of the Northern Forest Lands legislation.
- C) When municipalities acquire sites at tax sale or when they act as a lien holder of a site that is known to be contaminated, they shall not be held civilly or criminally liable for hazardous contamination at the site at time of acquisition.