

Testimony Regarding Uniform Municipal Code of Ethics

March 14, 2024



Testimony of the Vermont League of Cities and Towns

Ted Brady, Executive Director

House Committee on Government Operations and Military Affairs

Regarding 24-0461 (Uniform Municipal Code of Ethics)

March 12, 2024

My name is Ted Brady, and I am the Executive Director of the Vermont League of Cities and Towns, which represents all 247 cities and towns in Vermont.

I appreciate the committee's efforts to establish a standard code of ethics for municipalities. And I want to begin by thanking the committee for making several changes to the municipal code of ethics bill that VLCT asked for. Should you decide to advance the bill as written, these changes will make operationalizing the bill a little more realistic for the thousands of municipal officials it will impact. However, these changes have not addressed some of the foundational concerns VLCT has about the bill, and the latest draft of the bill fails to address issues I've

raised before. As such, VLCT does not support the bill.

We remain committed to helping municipalities conduct themselves with the highest levels of integrity and transparency. We look forward to seeing how this bill plays out in the legislative process, will work with the legislature to operationalize whatever passes, and will be at the table as a willing partner in future years to make the necessary tweaks and changes necessary to make it work.

For the record, here are VLCT's remaining concerns on this legislation:

The bill should focus on requiring municipalities to adopt ethics policiesbecause local discussions lead to more ethical behavior. The first thing this bill does is repeal 24 V.S.A. § 1984 – which requires municipalities to adopt conflict of interest policies. The bill should expand this section of Vermont law to require municipalities to adopt more robust conflict of interest policies and ethics policies, not throw this provision out and create a whole new approach. These provisions were only enacted in 2019 – and we had a pandemic that distracted many of us.

The bill should invest in expanding training opportunities, not mandate a training that doesn't exist. As drafted, this legislation would require ethics training for more than 9,000 municipal employees, appointees, elected officials and volunteers every three years. The Ethics Commission hasn't created this training yet and has no experience training municipal officials. Before mandating tens of thousands of hours of training, doesn't it make sense to see what the training looks like? In addition, what ramifications are there for failing to complete the training requirement? We also feel there is clearly a difference in the training that would be required for a member of selectboard compared to a seasonal landscaper – and this bill doesn't recognize that.

The bill's authorization for the Ethics Commission to issue guidance and advisory opinions is too broad. Provisions in the bill would enable “any individual” to contact the State Ethics Commission and ask for guidance or a written advisory opinion about a municipal officer's duties. As an organization that has issued a lot of guidance and advice to municipal officials on conflict of interest issues, we understand that municipal officials need this support, and we don't object to the commission providing this support. However, this bill appears to open this service to the general public. It also allows the commission to investigate complaints / requests for guidance by explicitly giving them the authority to ask questions of the

municipality and “seek comment from persons interested in the subject...” We’d recommend that the committee consider a staged approach, and provide this service only to municipal officials to start, and consider opening it up to the general public after evaluating how the service works.

The bill has onerous records and reporting requirements in it. The bill requires towns appoint an “senior-level” employee as a liaison to the Ethics Commission, appoint an employee to hear ethics complaints, to maintain training records, to investigate complaints, to maintain records of complaints for five years, and provide those complaints to the State Ethics Commission upon request – all without a single dollar of state funding to help them do this work. This will mean dozens of hours of work for our smallest towns, and hundreds of hours of work for our larger towns.

The new right of civil action against municipalities related to whistleblower protections needs more vetting. The language in the bill creating new whistleblower protections and a new civil action for whistleblowers may have unintentional consequences that cost taxpayers legal fees and undefined “compensatory damages”. This provision should receive additional review from the Judiciary Committee and municipal HR professionals. While I’m not opposed to new whistleblower protections – the committee needs to hear more on this provision before approving it.

The State Ethics Commission needs more municipal voices on it. Should the bill advance, the Ethics Commission’s primary “oversight” role will be over municipal officials – which we believe outnumber state employees and elected officials. I understand a companion bill includes adding an additional seat to the Ethics Commission representing local government. The Commission should be made up of commissioners with lived experience in both ethics and municipal service – and additional seats should be given to municipal officials.

The bill should include authorization for municipalities to implement recall elections to hold unethical elected officials accountable. As drafted, the bill has no accountability measures for anyone committing unethical behavior. The most effective way to hold an elected leader accountable is for voters to throw them out of office. The Legislature has given more than a dozen municipalities this authority – and it makes sense to give all municipalities this authority.

Thank you for the opportunity to testify. While VLCT has concerns with how the committee proposes to address municipal ethics concerns, we do appreciate your attention to municipal governance and hope we can work together to make local government stronger, accountable and transparent.

Attachments

[Testimony to House Gov Ops REgarding 24-0461](#)