VERMONT LEAGUE OF CITIES & TOWNS

Serving and Strengthening Vermont Local Governments

Proposed 2015 VLCT Municipal Policy

PREAMBLE

Vermont today faces challenges that range from a declining fiscal health and shrinking economy to the need for sustainable infrastructure improvement, economic development and smart growth prospects, environmental resource and emergency management, energy resources, corrections and public safety strategy, and affordable health care. In all of these areas the state, federal, and local governments must work together to proactively take advantage of opportunities and address challenges.

Neither Vermont nor any other state can rely on the federal government to uphold its obligations to fund programs it has mandated to states and local governments. *The state should refuse to follow in those footsteps and fund all those mandates it imposes on local governments.*

In addition, Vermont has:

- limited taxing capacity and income;
- a small population that is not growing;
- a generally rural and aging population; and
- a government and revenue raising structure that was largely developed to meet the demands envisioned and resources available a half century ago.~~;~~

Therefore, Vermont must find ways to deliver government services to its citizens through the most efficient means available. Shifting costs and obligations from state to local governments is not sustainable or acceptable. The state should solicit the opinions and utilize the expertise of the citizens who are being served and who pay for government. Given the extended recession and never-ending pressures on both municipal and state finances, municipal officials must be included in any discussion that ~~re~~assesses the functions of government and seeks innovative ways for Vermont to generate revenues, deliver services, and reduce the cost of delivering them.

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

20154 VLCT Municipal Policy [Proposed]

1.0 FINANCE, ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS (FAIR)

1.01 EDUCATION FUNDING

The current Vermont education funding system has significantly diminished municipal tax capacity for non-education expenditures. With each passing year, the education funding structure makes it harder for municipalities to craft municipal budgets and then have the voters approve them. It is especially difficult to fund expensive and needed municipal improvements. Municipal officials who have to administer the billion-dollar-plus property tax system and who provide essential services and infrastructure are compelled to rely overwhelmingly on property taxes. Unless changes are made to Act 60 and Act 68, the continuing pressure that led to the large increases in 2013 and 2014 state property tax rates will only be the ~~first~~ beginning of ~~many~~ significant and unsustainable ~~property tax~~ increases in the coming years, and the act of rejecting ~~thirty-five~~ school budgets ~~rejected~~ on Town Meeting Day, which occurred in 35 municipalities in 2014, will be repeated. Increases in education property taxes are unsustainable.

Many aspects of education finance are controlled by the state. Each year, it has raided the Education Fund by failing to restrict the uses of the Education Fund to those specified in Act 60 and failing to fully fund the General Fund support of education originally specified in Act 68. Local officials, meanwhile, spend a good deal of time trying to understand and implement the always morphing complexities of the education finance system. Therefore, municipal and school officials, the state administration, and the legislature should begin immediately, as equal partners, to accurately analyze the issues within Acts 60/68 (including ways in which they do not meet the *Brigham* decision) and then create a new education finance system that reduces and reforms the property tax burden. Until then, Education Fund monies should *only* be used for functions listed in 16 V.S.A. § 4025(b). Further, the billing and collection of the state education property tax should remain at the local level.

1.02 VERMONT TAX STRUCTURE OVERHAUL

The legislature should act to ensure that all three main components of Vermont's tax structure—income, sales, and property—are thoroughly analyzed and reformed to be simpler, sustainable, equitable, balanced, and that make Vermont more economically competitive. Municipal officials should be fully involved in such an analysis and reform process. Vermont's reformed tax structure should also include sufficient revenues to pay for initiatives that local governments need but cannot afford. Since the state education property tax continues to be controversial, no new state property taxes should be imposed until a reformed tax structure is adopted. Additionally, until such reform is adopted, the state should either reimburse municipalities for all state-mandated property tax exemptions or give voters the authority to impose municipal service fees on those properties exempted by the state.

1.03- OPEN MEETING LAW CHANGES

Several changes to the 2014 amendments to the Open Meeting Law must be made to make the law workable for municipal government:

- Require a roll call vote for anyone participating in a meeting telephonically only if the voice vote is not unanimous;
- Increase the five-day requirement for posting minutes to ten business days;
- Limit mandatory application of the 2014 amendment's posting and penalty requirements to statutory- and charter-required public bodies;- make other municipal public bodies, including committees and subcommittees of public bodies, comply with the law as it existed before July 1, 2014;
- Postpone web posting requirements and all consequences for non-compliance until July 1, 2015;

- Have the state provide and maintain a website and staff to post all meeting agenda and minutes of municipal government public bodies; and
- Have the state provide sustainable funding for an educational program to acquaint municipal officials with the Open Meeting Law requirements.

1.~~02~~04 STATE PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

The state should fully fund all state Payment In Lieu Of Taxes (PILOT) programs (including for state buildings, Agency of Natural Resources land, capital city, and Department of Corrections facilities) on an ongoing basis. The state must expand PILOT to include all state lands and must value state buildings at full fair market value and all state land in accordance with local land schedules for PILOT purposes. Until proceeds from the local option taxes fully fund the state buildings PILOT, the state General Fund must fund any remaining balance and all other PILOT payments.

1.~~03~~05 LOCAL OPTION TAXES

The legislature should enable all cities, towns, and villages to adopt consumption taxes.

1.~~05~~06 UNFUNDED MANDATES

The state should provide reimbursement for state mandates on or cost shifts to local governments. The Joint Fiscal Office must prepare and make public a fiscal impact statement showing the administrative, implementation, and service costs imposed on local governments before any state legislative or administrative action affecting them can be approved.

1.~~06~~07 PROTECTING AND ENHANCING MUNICIPAL FINANCES

A. Require the House Ways and Means and Senate Finance committees to review and adjust all local fees set in statute on a three-year cycle. Include significant local input.

B. Ensure 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.

C. Provide ways for~~that~~ the state to~~can~~ help municipalities get the highest interest income on their cash investments while ensuring low risk of loss.

D. Adopt a state economic development strategy, clearly communicate that strategy to municipalities and regional entities, and then help them implement that strategy on the local, regional, and state levels.

E. Require the state to pay its portion of costs associated with defending the grand list and property tax collections, including appeals and abatements. The state should also pay the taxpayer directly for any education property taxes and interest required to be reimbursed due to a property valuation adjustment resulting from an appeal beyond the board of civil authority.

F. The state should reimburse municipalities for any local costs for implementation of any state election law changes or reapportionment (including voter and election official education), as well as subsequent administrative or technological costs. The implementation of any election law changes must also satisfy the requirements of local election officials to have an election system that functions smoothly and effectively on Election Day.

G. Make statutory changes that enable cities and towns to manage end-stage blighted properties and tax sale transactions.

1.0708 MUNICIPAL AUTHORITY

Vermont should join 44 other states by 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."

1.0809 PUBLIC RECORDS IMPACT ON MUNICIPALITIES

A. Make any non-profit organization that receives ~~any~~ government financial support, subsidy, or exemption from federal, state, or local taxation—except those exempted based on a constitutionally-protected religious purpose—subject to the state Open Meeting and Public Records laws.

B. Clarify that the Public Records Law allows municipalities to charge for and collect the actual ~~costs~~ of staff time associated with complying with a request to inspect or copy public records. Allow a public agency to require pre-payment for the cost of staff time involved in producing documents for inspection.

C. Make property tax bills with homestead property tax adjustments public documents.

~~[D. For public records requests estimated to cost $100 or more, allow public agencies to require that 50 percent of the estimate be paid before the agency is required to produce the documents.]~~

~~E~~D. Allow individuals to request the same materials no more than twice during a 12-month period.

1.0910 OTHER PRIORITIES

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

A. Require municipal ratification of the county budget.

B. As VLCT and the legislature profess a belief in the principle of local control, allow local voters to determine all issues pertaining to the collection of delinquent property taxes, including the decision whether or not to assess the delinquent property tax penalty to each late installment.

C. Require that all state rules, regulations, criteria and other administrative actions that impact the operations of local government be implemented only after 30 days have passed following a publicly noticed hearing.

~~[D. Allow towns to retain the authority to determine which generally accepted appraisal method to apply to owner-occupied residences subject to a housing subsidy covenant for municipal taxation purposes.]~~

~~E~~D. Eliminate the mandate that local governments take over any non-municipal cemeteries.

~~F~~E. Continue to implement mechanisms to exempt resident property [~~tax~~] owners with high unearned income or assets from receiving a property tax adjustment.

~~G~~F. Prevent abuse of the current use program by restoring it to an agricultural and silvicultural preservation program and not the tax avoidance mechanism it has become for many.

~~H~~G. Encourage municipal efforts to achieve cost savings and efficiencies through cooperative activities and eliminate any current statute or rule that prohibits or hinders that cooperation.

~~I~~H. After June 30, the state Department of Taxes must be responsible for any changes to education tax property parcel classification or homestead property tax adjustment amounts and must deal directly with the taxpayer.

~~J~~I. On all bills dealing with employment and employee relations issues, VLCT shall advocate on behalf of municipalities as employers.

J. Give town voters the authority to choose to appoint town clerks and treasurers instead of electing them.

2.0 TRANSPORTATION

2.01 PRIORITY ISSUES FOR IMPLEMENTATION

A. ~~Continue to prevent any cuts and advocate for increases~~ Substantially increase funding to Town Highway Aid programs ~~payments~~, Class 1 local highways, Class 2 Paving and Town Highway Structures grant programs, and the Town Highway Bridge Program in order to enable municipalities to comply with mandates to implement water quality improvement and protection projects.

B. Continue to prevent the transfer of money that is not specific to transportation matters from the Transportation Fund.

C. Continue the cooperation and collaboration with the Agency of Transportation (VTrans) and among all state agencies and local government that resulted from recent weather-related recovery efforts. Ensure communication among all VTrans divisions and state agencies to eliminate redundant and contradictory oversight of municipal projects, to expedite the permitting process, and to tailor project review to the size and impact of a proposal.

D. ~~Index taxes and fees for inflation~~. Increase motor vehicle and truck fees and other revenue sources in order to sustain Transportation Fund revenues in the future.

E. ~~Develop alternative funding sources, including local option taxes with revenue sharing provisions, user fees, and revenue from General Fund sources.~~ Implement additional recommendations of the 2013 Vermont Transportation Funding Options Section 40 Report that was completed in compliance with Act 153 of 2012.

F. Continue the use of bonding as an option for funding long-term capital improvements.

G. Commit the funding necessary to maintain, repair, or replace Vermont's structurally deficient bridges.

H. ~~Develop a block grant-style program in place of~~ Streamline the planning~~,~~ and approval process for the Local Transportation Facilities (LTF) program to utilize federal and state funding of local projects most efficiently in terms of project cost, time, and value. ~~Such~~LTF projects ~~-~~should be managed by local government, which ~~would~~ should have the responsibility to see the project through to completion. Provide for a final~~-~~ audit of any LTF project ~~funded through the program-, but~~ and eliminate other levels of detailed and redundant review prior to or during project construction. ~~Fund applicable pilot projects.~~

I. Provide~~Make~~ more opportunities ~~available~~ to municipalities for utilizing a design-build process on projects that involve state and federal funding in lieu of the current design-bid-build process. Apply efficiencies from the Accelerated Bridge Construction (ABC) process to other programs and ensure that the ~~ABC~~ process is applied to all bridge projects unless there is a compelling reason to not use it.

2.02 FUNDING PRIORITIES

~~A. Increase funding for the Class 2 Roadway Program, which allows for the greatest local management of projects.~~

~~B. Increase state funding and expand eligibility for the Town Highway Bridge Program.~~

A~~C~~. 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, regardless of whether or not a federal disaster declaration has been made.

~~D. Increase state funding for Class 1 local highway rehabilitation or construction.~~

B. Ensure that funding that was~~-~~in past years dedicated to the Vermont Local Roads and Better Backroads programs continues to be allocated in at least an equal dollar amount~~,~~ for training and assistance to municipalities~~-~~.

E. Reimburse ~~A~~any project using federal dollars ~~should be reimbursed~~ at the federally allowed rate if it~~the project~~ includes undergrounding of utilities or moving water, sewer, and similar infrastructure. If VTrans mandates moving water and sewer infrastructure for transportation projects, the agency must reimburse municipalities for those costs.

F. Instruct VTrans to partner with municipalities and other agencies to enhance the asset management/project priority program to ~~i~~ensure the importance of local and regional priorities and the participation of local officials in selecting projects. Modify the project prioritization system to account ~~include weight~~ for the economic development impacts of a project including job creation, increase in tax revenues, and increase in gross state product.

G. Increase state funding for public transit providers.

H. Continue to provide more "park and ride" lots, subject to local regulation, and ~~continue~~ to ~~-~~upgrade existing lots while providing for long-term maintenance.

I. The state should ~~I~~install and maintain traffic signs and signals on Class 1 town highways.

J. Fully fund any upgrades to a municipal post-disaster recovery project, such as upsizing culverts and bridges, that are mandated by a state agency but are not ~~paid for~~eligible for funding from~~by~~ FEMA or other federal sources~~federal funding.agencies~~.

K. Promote through all means available—including a new funding program—the improvement of town highways and bridges so they are properly engineered to mitigate the impacts of weather-related disasters.

L. ~~Provide additional funding assistance to town highways that serve state facilities and lands.~~

2.03 STATE AND LOCAL COOPERATION

A. Permanently expand the District Transportation Administrators' (DTAs') flexibility and authority to work with local governments to ensure technical assistance and efficiency in implementing transportation projects.

B. Eliminate Act 250 review of town highway maintenance and reconstruction projects; nullify existing Act 250 permits for maintenance and reconstruction projects.

C. Revise existing road design and traffic standards to better define village areas and respect the complex traffic and infrastructure needs of Vermont's villages and downtowns.

D. Share VTrans' facilities and other resources (such as purchasing contracts) with municipalities.

E. Expand the state's 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 should pay the cost of painting those lines.

F. Modify the billboard law so that municipalities may hang temporary banners within the state highway right-of-way advertising events and activities.

G Establish fines and penalties for illegally possessing municipal road signs <u>including Vermont E-911 signs</u>, signals, or markings.

H. <u>Do not allow</u> ~~T~~<u>t</u>he state <u>to</u>~~shall not~~ force municipalities to be co-applicants~~,~~ <u>to</u> sign management or maintenance agreements~~,~~ or accept responsibility for the~~ir~~ state<u>'s</u> stormwater infrastructure.

I. Any additions to the VTrans Town Road and Bridge Standards should not result in undue increased maintenance and construction costs to municipalities.

<u>J. VT</u>~~t~~<u>rans and the Agency of Natural Resources, in collaboration with municipalities, should develop and implement a plan to remove any trees</u> ~~damaged by invasive species such as the emerald ash borer.~~

<u>K. Before installing rumble strips in the center stripe, bike lane, or highway shoulder, VTrans must consult with the municipality to determine its appropriateness.</u>

<u>L. The state should develop a policy on the seasonal use of studded snow tires.</u>

2.04 COMMERCIAL VEHICLES

A. Municipalities must retain their authority to issue permits to and impose fees on all overweight vehicle traffic on local roads. Authorize municipalities to fine owners of locally permitted vehicles who violate any such permit.

B. Require commercial and agricultural custom service vehicles to comply with all motor vehicle laws in order to operate on state and local highways, thereby- eliminating highway erosion caused by their operation.

2.05 MULTI-MODAL TRANSPORTATION

A. Spend funds allocated for rail or related projects solely on those projects. Maintenance of private rail crossings must not be made a municipal obligation.

B. Encourage the state to coordinate with municipalities on state-managed projects regarding appropriate siting of transportation infrastructure, including roundabouts, bike and pedestrian measures, and the relocation of rail yards.

C. Encourage intermodal facilities that provide all combinations of transit suited to a municipality so as to accommodate economic development.

D. Rail networks need to accommodate double-stack trains. Intermodal freight transfer centers must be established at entry points to the state.

E. When selecting and developing transportation projects, the state must address access to commercial airports.

F. 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 and recreation paths. Provide access to these dollars to fund "Complete Street" portions of paving and rehabilitation projects that may have other partial funding sources.

~~G. Liberalize a municipality's ability to use the revenues derived from its parking meters.~~
G. Ensure that all state--owned bridges over railroads are properly maintained to prevent safety-hazards.

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 following legislative action:

A. Because drug-related crime in Vermont is a continuing and significant threat to the state's quality of life, provide public safety officials the tools and funding to combat, in a coordinated fashion, the ~~statewide and~~ growing drug culture throughout the state.

B. Any state-sponsored programs or initiatives intended to address quality of life crimes associated with opiate addiction must be supported by evidence-based scientific models.

~~B~~C. Prohibit public safety-related cost shifts and mandates to municipalities unless the state provides full reimbursement.

~~C~~D. Adequately fund Department of Corrections (DOC) programs and initiatives so criminal justice system decisions will not adversely impact local government. Local governments should not need to address problems that arise locally as the result of those decisions.

~~DC. Require the state to provide the best training programs, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services (EMS).~~

E. Monitor Act 76, Vermont's 2013 law addressing the possession of small quantities of marijuana, to ensure that it doesn't adversely impact the ability of law enforcement to address drug-related crime. Do not expand exemptions to the law. Oppose the legalization of marijuana.

F. Maintain the independent status and function of the E-911 and Vermont Communications boards.

3.02 CORRECTIONS COMMUNITY

A. DOC must provide open channels of communication so municipal officials are aware of any changes in the status of offenders in their municipalities and can notify DOC of impacts to the community. DOC must inform local officials of the circumstances of an incarcerated individual's release. Base sentencing for non-violent misdemeanors on the seriousness of the offense, risk, and the probability of recidivism.

B. Provide funding to ensure that offenders housed in community settings—including juveniles and individuals with drug or alcohol dependencies—receive adequate supervision by DOC personnel and adequate access to support services.

C. Because many individuals with mental illness do not receive sufficient care, make additional funding available for their support services before they become a threat to themselves or others. Make mobile crisis units available to support the work of law enforcement and emergency services in crisis situations.

D. Include the local public safety community in proposed host municipalities in decisions about where to place individuals under DOC supervision. DOC must respect municipal zoning in approval of housing for offenders, especially as it pertains to motels. DOC should use public databases, such as court records, to screen potential recipients of housing vouchers. Locate adequate supervision and wrap-around support services where offenders are lodged in close proximity to one another and the general population.

E. Monitor the release of offenders so there is no undue adverse burden on any individual municipality.

~~F. Ensure meaningful and swift sanctions for individuals who violate pre-trial conditions of release as well as conditions of probation, parole, and furlough. Implement and fund a program for DOC to monitor and supervise persons in violation of pre-trial conditions. This state obligation must not be shifted to municipalities.~~

~~G~~F. Update 18 V.S.A. § 7505, the statute for a law enforcement official or town service officer to secure an immediate evaluation of a person who might pose a threat to him or herself or others.

3.03 PUBLIC SAFETY FUNDING

A. Authorize ~~municipal~~ local emergency service agencies to recover all costs associated with complying with any federal, state, or court-ordered licensing, registration, and testing requirement.

B. Identify and fund the housing and transportation needs of all persons who present a danger to themselves or the public, such as mentally ill individuals or public inebriates.

C. Reimburse municipalities for uninsured costs of providing emergency medical services for all persons lodged in state-owned or funded facilities, including those who are incapacitated.

D. Extend the availability of state funding for the operation of public safety answering points (PSAPs) to municipal PSAPs in an amount proportional to the volume of E-911 calls processed by each PSAP.

E. Restore adequate funding for the Community Drug Interdiction Program (CDIP) and the state drug task force that helps pay law enforcement expenses incurred in drug enforcement. Support implementation of Act 195, the rapid arraignment -law of 2014.

F. Grant municipalities authority to enact ordinances that compel motor vehicle insurers to pay claims filed by fire and rescue personnel responding to incidents involving vehicles.

3.04 PUBLIC SAFETY TRAINING

A. Provide the Vermont Fire Academy adequate funding for certified training programs for all full-time, part-time, and volunteer firefighters, as well as sufficient resources (manpower, equipment, etc.) to support the certified training activities. Address the particular needs and constraints of volunteer firefighters.

B. Provide sufficient funding to the Criminal Justice Training Academy to stimulate participation in in-service training programs sponsored by the Criminal Justice Training Council, including supervisory training.

C. Reimburse municipalities for their costs of training law enforcement officers who are then hired by the state police.

D. Provide appropriate, affordable, and flexible training for all public safety personnel. Pay for any training requirements mandated for local first responders. Regionalize and diversify the delivery system for the continuing education of public safety personnel.

E. Provide tuition credits to municipalities that ~~-~~send students to the Criminal Justice Training Academy for training if those municipalities also contribute employees who~~to~~ provide instruction or act as training assistants there~~at the Criminal Justice Training Academy~~.

F. Include all users of the Criminal Justice Training Academy in any efforts to review and reorganize the structure and funding for local first responder provider training.

G. Amend 20 V.S.A. Chapter 151 to provide more municipal representation on the Criminal Justice Training Council.

H. Require the state to provide the best training programs possible, at an affordable rate, for all levels of public safety personnel, including police, constables, fire, search and rescue, and emergency medical services .

I. The state should assume workers' compensation liability when an officer is injured at the Police Academy in the course of training.

3.05 PUBLIC SAFETY EMERGENCY RESPONSE

As has been amply demonstrated in recent weather-related disasters, municipalities are on the front lines of response to calamities, particularly in their immediate aftermath. The state must partner with municipal officials in planning and executing responses to disasters, both those that merit a national response and those that are localized in scale.

A. Include local personnel in discussions about changes in laws or regulations governing how local public safety and emergency management personnel respond to emergency incidents, particularly those involving hazardous materials.

B. Consult with municipal officials to ~~support and~~ fund ~~development~~ effective implementation of ~~an~~the Vermont State Alert Information Center~~early warning system~~ (VTalert.gov) for hazards, pandemics, and public safety emergencies as well as deployment of communications systems and~~,~~ protocols.

C. Develop an emergency response fund to cover non-transportation-related disaster recovery costs incurred by local governments that do not meet Federal Emergency Management Agency (FEMA) thresholds.

D. Establish a~~n~~ two-~~-~~way electronic data system to provide public safety and emergency management personnel on the scene of a public safety incident and those with the resources to provide assistance with accurate and timely information.

E. Support the continued development and sustainability of an interoperable communications system that allows all emergency service agencies and personnel to communicate with one another in emergency situations. Develop the system in an efficient and cost-effective manner, not as the result of an unfunded mandate.

F. Provide seed funding or other incentives to create a program for municipally run regional public safety services.

G. The state should help with the administrative costs and burdens of securing funds to help with municipal emergency response and long-term recovery efforts from weather-related disasters.

~~H. Authorize municipal fire departments to mount a blue signal lamp on the rear of a municipal fire department vehicle so as to be visible from behind the vehicle.~~

~~I. The state should provide local emergency responders with clear authority, resources, and training to initiate search and rescue operations when called upon, and to be partners in any coordinated operations undertaken with state, county, and other municipal agencies.~~

~~J~~H. Recognizing (a) the value to the state of voluntary fire departments, (b) the potential endangerment to the travelling public, and (c) the likelihood that other laws might be broken in seeking to comply, no law mandating response time for fire departments or EMTs should be enacted.

~~K~~I. The state should not mandate that municipalities must prepare emergency medical services plans or provide emergency management services, without adequate state funding and technical support.

3.06 SAFE DRIVING INITIATIVES

~~A. Extend the ban on voice communication with hand-held electronic devices (e.g., cell phones) while operating a motor vehicle to all drivers. Make violations of the prohibition a primary offense.~~

~~B~~A. Enact primary enforcement of the seat belt law.

~~C~~B. Strengthen graduated driver license requirements by providing that sanctions levied upon a driver under 18 who has been charged with a motor vehicle violation should continue past the driver's 18th birthday until the case is adjudicated.

3.07 LAW ENFORCEMENT ISSUES

A. Vermont's "Fugitive from Justice" (persons with outstanding warrants for arrest in other states) procedures are complicated, time-consuming, and redundant. Allow a law enforcement officer to make an arrest based on a warrant from another state.

B. Develop innovative and cost-effective models for collaboration among state police officers, sheriffs, and municipalities.

~~C. Establish determinate sentencing for persons who deal drugs or import them to Vermont and those who use a weapon in the commission of a crime. Expand statewide the model rapid intervention and arraignment programs currently being used in Chittenden County.~~

~~D~~C. Enact a law prohibiting a felon from possessing a firearm so that such an offense may be prosecuted under state law in addition to federal law.

~~E~~D. Indemnify any law enforcement agency providing field training to a constable.

~~F. Law enforcement agencies must be involved in developing policies, standards, and training for deploying and using Tasers and other electronic control devices. The use of Tasers or other electronic control devices shall not be considered deadly force.~~

F. Accurately assess the number of beds required to accommodate those in need of long-term mental health care. Fund that number of beds as well as others needed for temporarily lodging individuals whose severe mental health care needs are short term and who should not be kept in hospital emergency rooms or other similar places.

4.0 QUALITY OF LIFE AND ENVIRONMENT

4.01 HOUSING

A. All Vermonters must have access to safe, quality, ADA-compliant, and affordable housing. Incentives and programs should be directed to state designated downtowns, village centers, new town centers, growth centers, and other areas designated in the adopted municipal plan for growth and development that are near jobs, services, and amenities. Incentives and programs should encourage housing that is designed and built to minimize impacts on natural resources and that takes advantage of public

investment in infrastructure and technology that supports sustainable growth and economic development.

B. The legislature should allocate property transfer tax funds to the Housing and Conservation Trust Fund at the rate established in Act 200.

C. The legislature and Department of Health should integrate federal regulations relating to lead paint safety in buildings into state regulations so that there is one clear standard for lead paint safety in buildings, ~~and for training in Vermont~~ to which local and state officials are trained.

D. ~~The state must continue to support Property Assessed Clean Energy (PACE) programs, all fuel utilities, and establish mechanisms at the state level to ensure compliance with the state's energy efficient building codes.~~ The state should ~~establish methods that~~ provide for ~~statewide~~ implementation of Property Assessed Clean Energy (PACE) programs across Vermont without imposing further mandates on municipalities.

~~D~~E.– Include the public safety and human resources community of host municipalities in decisions about where to provide temporary housing. Respect municipal zoning in approving temporary housing, especially as it pertains to motels and the potential for co-location with individuals under the supervision of the Department of Corrections. The state should use public databases, such as court records, to screen and appropriately place potential housing voucher-recipients.

4.02 ACT 250 AND STATE PERMITS

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

A. Further ~~C~~consolidate, coordinate, and expedite all state permit processes required for all 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. Define "local impact" and "regional impact" for development projects in Act 250. Then comprehensively examine Act 250 jurisdiction over projects with local and regional impacts. This evaluation should include recommendations for jurisdictional thresholds and levels of review that are commensurate with the potential impact of a project.

1. Eliminate Act 250 review of projects with local impact in municipalities that have in place duly adopted municipal plans approved by the regional commission and zoning and subdivision regulations, if the local legislative body votes to eliminate such review.

2. Assign review of projects that have regional impact and that are expected to affect regional interests to district commissions.

D. The Natural Resources Board should ~~C~~consult with district commissioners when hiring or evaluating district environmental coordinators.

4.03 GROWTH AND LOCAL LAND USE

The state must provide local governments the authority to manage growth and land use in their municipalities.

A. Allocate property transfer tax revenue to cities and towns for municipal planning purposes at the rate established in Act 200.

B. Provide incentives to spur development in locally planned growth centers as well as designated downtowns, new town centers, or village centers. Facilitate development that revitalizes traditional downtowns, promotes smart growth, and mitigates damage caused by natural or manmade disasters.

C. Enable municipalities to regulate the siting and location of agricultural and silvicultural facilities (24 V.S.A. § 4413 (d))—including the construction and use of farm structures—through zoning bylaws.

D. Any facility that is owned or leased by a federal or state governmental entity must comply with the municipality's approved plan and zoning bylaws. The governmental entity must advise the municipality of any change it wants to make to a facility before it does so. The state should provide to the municipality a master management plan for all structures it owns or leases.

E. Enable municipalities to establish incentives and requirements to develop housing and encourage economic development that allows people to stay in Vermont.

F. Continue to support and maintain the Tax Increment Financing (TIF) program. Eliminate the limitation on new TIF districts.

G. -Establish ~~A~~additional state programs that are easy to implement, provide incentives to municipalities and fund municipal infrastructure necessary to support real estate based economic development ~~must be established~~.

4.04 ~~SOLID~~ WASTE MANAGEMENT AND WASTEWATER

A. Hold municipalities harmless from liability for any hazardous materials incident at their facilities ~~that~~when those facilities are in conformance with all state and federal permits and regulations.

B. Ensure that the State of Vermont's rules, regulations, and guidelines are flexible enough to enable local governments to determine the most appropriate collection, storage, and treatment methods for sewage, solid waste, wastewater, and recyclables.

C. ~~Immediately issue all outstanding solid waste, water supply, wastewater, and stormwater facility permits and certifications, and thereafter issue such permits in a timely manner.~~ Regulate ~~the entire~~ complete treatment processes for materials such as wastewater, solid waste, and recyclables ~~in~~ through ~~a~~ single permits that address the entire treatment cycle at a facility. Issue permits for facilities based on the useful life or capacity of the facility, not in five-year increments.

D. The Agency of Natural Resources (ANR) must establish consistent standards for allocating water and wastewater capacity to projects.

E. The departments of Health and Environmental Conservation must coordinate regulations regarding safe management and disposal of lead paint that is removed from buildings.

~~F. Do not amend the statutes regulating disconnection of water and sewer service, which protect the interests of municipalities, tenants, and landlords.~~

~~G~~F. ~~Implementation of~~ Act 148 (the universal recycling law passed in 2012), should be implemented only upon ensuring ~~must ensure~~ that new requirements are feasible, available, and affordable for municipalities and their residents. Give municipalities the maximum flexibility to implement the ~~requirements of~~ Act ~~148~~.

G. Vermont's regulation of environmentally-impacted urban soils is a potentially serious and wasteful impediment to downtown investments ~~across the state~~ and a barrier to following the state's land use policies. The legislature should adopt procedures to relocate mildly contaminated urban soil that protects the public and the environment and also- enable~~s~~ needed investment in downtowns throughout Vermont. The legislature should also direct ANR to adopt rules and procedures similar to those in neighboring states that distinguish between naturally and non-naturally occurring contaminants ~~types~~ and other urban soil practices, along with consideration of background contamination levels in the area. In parts of the state, background levels for arsenic may exceed allowable amounts and be present in surface water, drinking water, and groundwater that make its way to municipal wastewater treatment facilities. State policy should recognize this fact and not hold certification holders responsible for reducing any analyte or Total Maximum Daily Load (TMDL) below background levels found in the environment.

4.05 WATER RESOURCES

A. ~~Success in r~~Restoring and improving clean water for future generations depends on controlling non-point sources, avoiding water quality degradation, and continuing to provide wastewater treatment in a cost-effective manner. The state ~~should~~must provide financial and technical support to municipalities in order to implement the Clean Water Act and its associated TMDLs through locally appropriate watershed plans and ~~stormwater~~ water management provisions that promote the health of the economy and the environment.

B. All Vermont municipalities benefit from clean lakes and rivers. Implementation of TMDLs for waters of the state, including Lake Champlain, must ensure that public dollars are spent in the most fair, effective, and efficient manner to mitigate phosphorus and other TMDL regulated discharges. Vermont must achieve tangibl progress in reducing phosphorus and other TMDL regulated discharges. All potential mitigation efforts should undergo a cost-effective analysis, and implementation should be prioritized based on that analysis.

~~B~~C. The legislature must direct ANR to work closely with the Environmental Protection Agency (EPA) to develop a reasonable ~~Total Maximum Daily Load (~~TMDL~~)~~ standard for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape, and a healthy economy. State policy must not require municipalities to construct treatment plants that meet the highest available technical standards for discharges to impaired waters, regardless of cost, because doing so won't measurably improve the health of those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a disproportionate share of costs. Instead, state and local governments, developers, farmers, and other stakeholders must reduce ~~stormwater~~ runoff from non-point sources.

~~C~~D. ANR must enforce the provisions of the Wastewater System and Potable Water Supply Program, including requirements to repair or replace failed systems.

~~D. Shoreland zoning ordinances enacted at the municipal level with threshold standards of protection should regulate land uses in those protected areas. The state should be sensitive to municipal functions within shoreland areas such as downtowns that border lakeshores.~~

E. ANR must work with municipalities and the EPA to implement the "Integrated Planning Approach Framework" that provides for municipalities to prioritize Clean Water Act responsibilities and necessary investments in compliance, according to greatest need.

~~F. Success in restoring and improving clean water for future generations depends on controlling non-point sources, avoiding water quality degradation, and continuing to provide wastewater treatment in a cost-effective manner. The enforcement and implementation of the TMDL for phosphorus in Lake Champlain should ensure that all public dollars are spent to improve the water quality of the lake in the most effective and efficient manner, recognizing that expensive improvements to wastewater treatment processes for phosphorus treatment often make minimal impact on the water quality of the lake.~~

~~G~~F. Initiatives to monitor and reduce nitrogen discharges from wastewater treatment systems discharging to the Connecticut River should not result in re-opening permits before their five-year terms are up, which ~~therefore~~ may ~~have the effect of~~ prohibit~~ing~~ growth in locally or state designated growth areas, and should include non-point discharges as part of the implementation plan for reducing nitrogen contributions to the Long Island Sound TMDL.

4.06 AIR QUALITY AND ENERGY

A. Governments at all levels must implement policies, programs, and projects that conserve energy—while ensuring the supply remains reliable—and minimize our carbon footprint by reducing our consumption of fossil fuels and promoting the use of local clean ~~renewable~~ energy resources.

B. Encourage solar panels and other renewable or energy efficiency measures on all buildings where appropriate, and install them so as to not detract from a building's integrity. Such renewable or efficiency measures should be subject to existing local building, plumbing and electrical codes and standards.

C. Expand the ~~Property Assessed Clean Energy (PACE) programs PACE Program~~ to commercial properties. The Clean Energy Development Fund should provide funding for renewable and energy efficiency improvements to municipal buildings and projects.

D. The Public Service Department and legislature must establish mechanisms at the state level to ensure statewide compliance with the Vermont energy efficient building codes without imposing further mandates on municipalities.

~~D~~E. Accord automatic party status to host municipalities in Section 248 proceedings. In the Certificate of Public Good (CPG) process, the Public Service Board (PSB) should give "substantial consideration" to municipal concerns and determinations by holding hearings in any municipality potentially affected by a proposed project. The PSB should include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.

F. When considering a CPG application- pursuant to 30 V.S.A. Section 248, the PSB should find that a clean energy project is needed to ensure a reliable energy supply in order for the CPG-application to overcome any municipal finding that the project does not conform to the municipal plan.

4.07 PUBLIC HEALTH

A. Reinstate the Department of Health's program to support town health officers in their broad range of statutory responsibilities. Alternatively~~If the department does not reinstate that support~~, amend Title 18 Chapter 11 to provide for the local legislative body to directly appoint a town health officer.

B. Ensure that resources are available to the commissioner of the Department for Children and Families to provide services for persons in need of general or emergency assistance upon the referral of the town service officer; inform town service officers of those services. Establish Department for Children and Families support for town service officers.

C. Authorize the municipal inspection of solar panel installations in communities that have electrical inspection requirements.

4.08 HEALTH CARE

In 2011, the legislature passed ~~H.202 (~~Act 48~~),~~ "An Act Relating to a Universal and Unified Health System." The Act created a single-payer health system called "Green Mountain Care" t~~hat will~~ provide *"comprehensive, affordable, high-quality, publicly financed health care coverage for all Vermont residents in a seamless manner regardless of income, assets, health status, or availability of other health coverage."* The legislation intended to achieve this reform through *"the coordinated efforts of an independent board, state government, and the citizens of Vermont, with input from health care professionals, businesses, and members of the public."*

Green Mountain Care needs to be of high quality, affordable, accountable, and accessible. In providing universal coverage, it must contain medical costs and reduce administrative costs and burdens. Implementation of Green Mountain Care and any system developed at the federal level must be measured against the following criteria:

A. Avoid and reduce cost shift from Medicaid and Medicare.

B. Provide a comprehensive, equitable health care system that ensures the same benefits for all. Avoid provisions that allow for additional levels of benefit for only some.

C. The system must assign financing, responsibility, and accountability to one place.

D. All legislatively established health care mandates must be treated as public health issues with public funding and accessibility for all.

E. Ensure that there are checks and balances in the new health care system. Establish a grievance process that is outside the Green Mountain Care Board.

VERMONT LEAGUE OF CITIES AND TOWNS

LEGISLATIVE PROPOSAL FORM

FOR ADDITION OR AMENDMENT TO PROPOSED 2015 VLCT MUNICIPAL POLICY

Topic/Issue/VLCT Municipal Policy Section

Title and Section of Statute (if known)

Name

Title

Town or City

Please email (khorn@vlct.org), fax (802-229-2211), or surface-mail this completed form to Karen Horn, Director of Public Policy and Advocacy, VLCT, 89 Main Street, Suite 4, Montpelier, Vermont 05602, **by Friday, October 3, 2014**.